



Protecting Mongolia's Wildlife through Wildlife Trade Law Enforcement



FINAL REPORT

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&
The NEMO II Project Coordination Office**

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Consultant:
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TABLE OF CONTENTS:

	Page No.
LIST OF ABBREVIATIONS	3
EXECUTIVE SUMMARY	4
ACTIVITY REPORTS	
Activity 1: Improving the Legal Environment for Wildlife Trade Law Enforcement	5
Activity 2: Wildlife Trade Law Enforcement Staff Training & Capacity Building	6
Activity 3: Wildlife Trade Law Enforcement Final Report	24
APPENDICES	
Appendix 1: NEMO II Agreement between the Wildlife Conservation Society and the Mongolian Ministry of Nature, Tourism and the Environment	26
Appendix 2: A Summary/Partial Report on Strategies of Wildlife Trade Law Enforcement in Ulaanbaatar Container Markets	41
Appendix 3: Executive summary and suggested draft amendments to the Mongolian Law on Hunting	58
Appendix 4: A Summary Report on Ulaanbaatar Wildlife Trade Market Surveys 2007-2008	89
Appendix 5: Letter from Mongolian Ministry of Foreign Affairs and Trade to Lao PDR Ministry of Foreign Affairs	101
Appendix 6: List of Mongolian Study Tour Participants	103
Appendix 7: Criteria for Participation in Wildlife Trade Law Enforcement Study Tour	104
Appendix 8: Wildlife Trade Law Enforcement Study Tour Agenda	105
Appendix 9: Wildlife Trade Law Enforcement Study Tour Guidelines and Rules for Visiting WCS Sites	106
Appendix 10: Contact List of Lao PDR Officials and Organizations	109

Appendix 11: Wildlife Trade Law Enforcement Study Tour Evaluation Results	111
Appendix 12: WTCU November 2008 Organizational Meeting	117
Appendix 13A: Official Letter from the State Specialize Inspection Agency Authorizing the Multi-Agency WTCU Pilot Patrols	120
Appendix 13B: List of Participants in Multi-Agency WTCU Pilot Patrols	121
Appendix 13C: Schedule of Multi-Agency WTCU Pilot Patrols	122
Appendix 13D: Sample Data Form Used by Multi-Agency WTCU Pilot Patrol Teams and One Example	125
Appendix 14: Example Incident Reports from Multi-Agency WTCU Pilot Patrols	127
Appendix 15A: Members of the 2008/2009 Student-Led Observational Wildlife Trade Market Survey Teams	132
Appendix 15B: Schedule for the 2008/2009 Student-Led Observational Wildlife Trade Market Surveys	133
Appendix 15C: One Summary Report from a Student-Led Wildlife Trade Market Survey	136
Appendix 15D: An Example of a Data Sheet from a Student-Led Wildlife Trade Market Survey	137
Appendix 16: Presentation Summarizing the Main Activities of the WCS NEMO II 2008 Project "Protecting Mongolia's Wildlife through Wildlife Trade Law Enforcement"	138

LIST OF ABBREVIATIONS

MNET	Ministry of Nature, Environment & Tourism
Municipal SIA	Municipal Specialized Inspection Agency
NGO	Non-Governmental Organization
SSIA	State Specialized Inspection Agency
WCS	Wildlife Conservation Society
WWF-MPO	World Wide Fund for Nature – Mongolia Programme Office

EXECUTIVE SUMMARY

The first year of the project entitled “Protecting Mongolia’s Wildlife through Wildlife Trade Law Enforcement,” implemented by the Wildlife Conservation Society (WCS) in cooperation with the Mongolian Ministry of Nature, Environment and Tourism (MNET) under the Netherlands-Mongolian Trust Fund for Environmental Reform (NEMO) Phase II program, was successfully completed in January 2009. The geographic focus of the first year of the project (2008) was the greater Ulaanbaatar area, Mongolia’s national capital and surrounding market/trade points. The two primary activities included an examination of the current and potential strategies for enforcing wildlife trade law in Ulaanbaatar and the formation of a multi-agency wildlife trade crime unit or team who were provided training and opportunities to examine wildlife law enforcement approaches across Asia. The multi-agency wildlife trade crime unit/team was tasked with improving the strategies and practice of enforcing wildlife trade law in Ulaanbaatar markets and trade points around the city. The overall goal of the project is to decrease the volume and scale of illegal wildlife trade in Mongolia, thereby reducing the impact the trade has on a wide range of wildlife species threatened by over hunting for commercial trade.

Project accomplishments in 2008 include the formation of a multi-agency wildlife trade crime unit made up of representatives from the MNET (CITES National Authority and Policy Implementation and Strategic Planning Department), State Specialized Inspection Agency (SSIA), Municipal Specialized Inspection Agency (Municipal SIA), National Police (Wildlife Crime and Patrolling & Protection Units), Ulaanbaatar Airport Customs (Veterinary Inspection Unit) and the “IRBIS” “Environmental Crime” Emergency Response Unit. The team was formed in August 2008, and participated in all aspects of the project activities described in this report including the pilot Ulaanbaatar-area marmot anti-poaching initiatives in September 2008, and pilot market patrols December 2008, through January 2009. The team concluded 2008 activities with a wildlife trade law enforcement study tour to Lao PDR.

Throughout 2008, wildlife trade crime unit team members and project consultants reviewed reports and materials related to the regulation and the current legal framework for wildlife trade law enforcement in Mongolia. Strategies developed to improve wildlife trade law enforcement were designed based on reviews of these legal analyses and tested through the pilot multi-agency anti-poaching activities and market patrols. Mongolian National University students, supervised by WCS project consultants, continued observational surveys of markets in and around Ulaanbaatar and media outlets (newspaper and TV advertisements) to record and track wildlife trade activities.

Delays in the finalization of the project agreement (**Appendix 1**), which was signed by both parties in June 2008, resulted in the need to compress the scheduled activities outlined in the original agreement into a shorter time frame. The 2008 project activities were completed by the end of January 2009, and an extension for submission of the final report until March, 2009, was requested. Resources to support WCS wildlife trade work in Mongolia and across Asia were used to support the implementation of this project and the delivery of outputs. Consultants hired for the project included Ms. N. Odonchimeg, Wildlife Trade Specialist and Mr. D. Tuvshinjargal, Wildlife Trade Fellow. Mr. Kh. Badam, retired Senior Environmental Inspector, provided the project with advice and the overall project implementation was overseen by Dr. Amanda Fine, WCS Country Program Director.

ACTIVITY REPORTS

Activity 1: Improving the Legal Environment for Wildlife Trade Law Enforcement

Sub-Activity 1.1: Identification and Assessment of Approaches Feasible Under the Current Law

The national, provincial and municipal laws and regulations pertaining to wildlife and wildlife trade in Mongolia have been reviewed throughout the course of this project. These laws and regulations were assessed to identify legal strategies for wildlife trade enforcement, with an examination of both “wildlife protection” laws and those laws which govern trade, hygiene or transport of commercial products that can be used to control the trade of wildlife. The information compiled was used to identify mechanisms for wildlife trade law enforcement under current laws and regulations and piloted by the multi-agency wildlife trade crime unit patrol/inspection teams as described below under Activity 2. Key components of the legal review and strategies identified are provided in **Appendix 2**. Appendix 2 is a summary of a full report entitled “*Strategies for enforcement of wildlife trade regulations in the raw materials markets of Ulaanbaatar, Mongolia*” first drafted in 2007, in preparation for the implementation of this 2008 WCS NEMOII project. A follow-up report, which will include an assessment of the success of the application of these strategies for wildlife trade law enforcement, is planned for 2009. The follow-up report will review the activities and actions taken by the wildlife trade crime unit team and provide a summary analysis of each enforcement action or case study recorded. This formal assessment will guide the future activities and strategies of the wildlife crime prevention team and will be a critical piece of background material for the development of a long-term strategy for addressing illegal wildlife trade in Mongolia.

Sub-Activity 1.2: Recommendations for Changes and Improvement of Wildlife Trade Laws and Regulations in Ulaanbaatar, Mongolia

Improvement of the legislation governing wildlife trade is continually cited as a critical need in meeting our collective objective of protecting Mongolian wildlife through wildlife trade law enforcement. Members of the multi-agency wildlife trade crime unit team have agreed to play the role of a “task force” to work together on the legal aspects of wildlife trade enforcement by advising on the opportunities for amending the current legislation regulating wildlife protection and trade and participating in the legislative review and amendment process.

A critical piece of legislation in need of revision is the Mongolian Law on Hunting. A resolution of the Mongolian Parliament Standing Committee on Nature Conservation called for the creation of a Hunting Law working group which was established by the Minister of Nature and Environment by special order # 99 in March 2007. According to order # 99, the working group was tasked with drafting amendments to the Hunting Law and submitting the amendments to the Ministry of Justice by 15 April 2007. The Ministry of Nature and Environment submitted the working group’s draft amendments to the Ministry of Justice and they were forwarded for review by Parliament. Due to the fact that the draft amendments document represented very few changes to the original Hunting Law it was rejected and sent back to the Ministry of Nature and Environment to revise and resubmit.

A Law on Hunting working group with 10 representatives remains officially active under MNET as outlined in the original order # 99. Members of the multi-agency Wildlife Trade Crime Unit team, including WCS Wildlife Trade Specialist, Ms. N. Odonchimeg, have been selected as official members of the current Hunting Law working group. WCS has provided copies of the “Improving Wildlife Trade and Hunting Legislation” study, a legislative gap analysis which was funded under NEMO I in 2006/2007, as resource material for the working group. The executive summary from the report and suggested draft amendments to the Mongolian Law on Hunting, which were incorporated into the full report, are provided in **Appendix 3**.

Due to the fact that the time frame for legislative change is long, and the fact that there is clear evidence of illegal and unsustainable trade of Mongolia’s wildlife occurring in Ulaanbaatar and area markets at the present time, the multi-agency wildlife trade crime unit has focused on taking action to control wildlife trade under the current legal framework. The World Bank’s Forest Law Enforcement and Governance (FLEG) program supported a series of wildlife trade market surveys and the piloting of multi-agency (Municipal SIA and Police) enforcement efforts in 2007/2008. The report from these activities was reviewed during the course of this project and specific recommendations on the practicality of implementing wildlife trade law and the additional support necessary for enforcement were gathered from practitioners in the field. A summary of the wildlife trade market survey report and the recommendations made by wildlife law enforcement practitioners and experts is provided in **Appendix 4**.

Activity 2: Wildlife Trade Law Enforcement Staff Training & Capacity Building

Sub-Activity 2.1: Introductory Workshop—Multi-Agency Wildlife Trade Crime Unit Team (Legal Task Force and Patrol/Inspection Teams)

WCS held an introductory workshop on August 20, 2008, at the Ministry of Nature, Environment and Tourism to introduce the project, clarify objectives and coordinate plans with the agencies involved in wildlife trade law enforcement in Ulaanbaatar. A full summary of the workshop was provided previously in a “Mid-Term Report: Protecting Mongolia’s Wildlife through Wildlife Trade Law Enforcement” submitted in September, 2008. The report included the agenda from the meeting, the list of workshop participants, copies of the presentations delivered and a summary of the meeting proceedings including notes on the discussion sections and conclusions made by participants.

The August 20, 2008, meeting marked the official formation of the multi-agency wildlife trade crime unit team. In the month leading up to the meeting (after the signature of the WCS NEMO II agreement) WCS staff members held individual meetings with the different agencies invited to participate in or advise the multi-agency wildlife trade crime unit team. At the August 20th meeting it was agreed that representatives of the agencies and NGOs assembled would be the main participants in the multi-agency wildlife trade crime team and recipients of the training and capacity building activities supported by the WCS NEMO II 2008 project. Official declarations of commitment from each of the agencies identifying the individuals nominated to participate in the multi-agency wildlife trade crime unit team were collected following the August 20, 2008, meeting. Photographs of the August 20, 2008 meeting are provided below in **Figure 1**.



Figure 1: Initial meeting of the Wildlife Trade Crime Unit team at the Ministry of Nature and Environment, August 20, 2008.

Sub-Activity 2.2: Wildlife Trade Law Enforcement Training Program Development

Wildlife Trade Law Enforcement Study Tour to Lao PDR

The primary training and capacity building component of the WCS NEMO II 2008 project was the organization and delivery of a ten-day Wildlife Trade Law Enforcement Study Tour to Lao PDR. The study tour was designed to provide the new Mongolian multi-agency wildlife trade crime unit team with the opportunity to learn from the experiences of the Vientiane Capital City Wildlife Trade Prevention Project, a multi-agency approach to wildlife trade prevention in Lao PDR with a focus on Vientiane Capital City, which has been underway since 2003. There was broad support among the members of the Mongolian multi-agency wildlife trade crime unit team for this “active learning” and study tour approach to training and capacity building in the first year of the WCS NEMO II (2008) project. In a series of meetings, small conferences and field trips the study tour participants met their counterparts in the multiple agencies that are responsible for wildlife trade law enforcement in Lao PDR and gained first hand knowledge of the ways in which another Asian capital city region and an Asian country is working to combat illegal wildlife trade.

Arrangements for the Wildlife Trade Law Enforcement Study Tour to Lao PDR were facilitated by the WCS Mongolia and WCS Laos Country Programs. The Mongolian Ministry of Foreign Affairs and Trade requested official support from the Lao PDR Ministry of Foreign Affairs for the study tour and the Embassy of Mongolia in Vientiane, Laos, provided essential Lao-Mongolian language translation support. A copy of the letter from the Mongolian Ministry of Foreign Affairs and Trade to the Lao PDR Ministry of Foreign Affairs is provided in **Appendix 5**. Individual letters were also sent by the WCS Mongolia program office to representatives of each of the government departments that the Mongolian delegation was interested in meeting with during the study tour. The Mongolian Delegation was officially hosted by the Lao PDR Department of Forestry, Ministry of Agriculture and Forestry, the newly formed Department of Forestry Inspection, the Department of Forestry and Agriculture of Vientiane Capital City and the Provincial Agricultural and Forestry Department of Bolikhamxay.

Mongolian Delegation

The Mongolian study tour participants included representatives from MNET (CITES National Authority and Policy Implementation and Strategic Planning Department), State Specialized Inspection Agency (SSIA), Municipal Specialized Inspection Agency (Municipal SIA), National Police (Wildlife Crime and Patrolling & Protection Units), Ulaanbaatar Airport Customs (Veterinary Inspection Unit), the “IRBIS” Ulaanbaatar-based Environmental Crime Emergency Response Unit and WWF/SSIA “IRBIS” Anti-Poaching Units from western Mongolia. A full list of participants is provided in **Appendix 6**. The individuals who participated in the study tour were selected based on criteria which included experience in the wildlife or environmental law enforcement sector and a job position which includes overseeing or actively participating in wildlife trade law enforcement, monitoring and management. The full list of criteria used to select study tour participants is provided in **Appendix 7**.

Study Tour Agenda and Activities

A summary of the Wildlife Trade Law Enforcement Study Tour activities and the highlights from meetings, conferences and field trips is provided below. The study tour was originally scheduled for November 2008, but due to initial delays in funding

the study tour was postponed until January 2009. A copy of the study tour agenda is provided in **Appendix 8**. Photographs from the study tour are provided below the description of the study tour agenda and activities in **Figure 2**.

January 7, 2009: Pre-Trip Meeting, Ulaanbaatar

WCS staff held a pre-trip meeting to go over the final arrangements for the study tour which was attended by all study tour participants. Information on logistical issues including flight itineraries, airport transfers, hotel accommodation, travel insurance and the distribution of per diem was provided. A visitor's guide to Laos, compiled by the WCS Laos Country Program staff, was distributed and discussed. Study tour participants also were provided with a document outlining guidelines and expectations for participation in the study tour as well as rules for visiting WCS projects and sites. All study tour participants signed a waiver agreeing to abide by the study tour guidelines, fully participating in all study tour activities and following the rules of visiting WCS projects and sites. A copy of the study tour guidelines and rule for visiting WCS projects and sites is provided in **Appendix 9**.

January 9, 2009: Depart Ulaanbaatar

All study tour participants departed Mongolia together on the MIAT Mongolian Airlines flight from Ulaanbaatar to Beijing, China. The delegation spent the night in a hotel near the airport and prepared for an early morning departure from Beijing, China, on January 10th.

January 10, 2009: Travel to Laos PDR via Kunming, China

Study tour participants traveled together by air from Beijing, China to Vientiane, Laos, via Kunming, China. The Mongolian delegation was met at the airport by Mongolian Ambassador to Laos, Mr. Batbaatar, Mongolian Embassy official translator, Mr. Kamsai Sisabat and WCS Laos Program staff. The Mongolian delegation was transported to the WCS Laos Program Office where they were provided an introductory briefing which included a presentation on wildlife conservation in Laos and the WCS Laos program by WCS Laos Country Program Co-Director, Dr. Mike Hedemark, and a presentation on the WCS wildlife trade program by WCS Laos Assistant Country Director, Mr. Troy Hansel.

January 11, 2009: Travel to Vangvieng (unmonitored markets and wildlife trade)

On the morning of January 11th the study tour participants traveled north of Vientiane to Vangvieng Province. The purpose of this part of the study tour was to view and assess the trade in wildlife in markets in a region of Laos where market monitoring and enforcement of wildlife trade laws by multi-agency teams is not occurring. It is not a region of the country where WCS or other conservation groups have been active. The Vangvieng region provided the Mongolian study tour participants with an understanding of the size and nature of the illegal wildlife trade problem in Laos. Three types of markets were visited including a roadside restaurant market, a central town market and a market on a major highway specializing in wildlife meat (live and processed) as well as wildlife-based medicinal products. The group visited the major Vangvieng town market in the late afternoon and then again in the early morning of the next day (January 12th) and found much more fresh wildlife on sale in the early morning indicating variance in the amount and types of wildlife on sale throughout a typical day. All sale of wildlife in markets in Laos is illegal. The species of wildlife on sale ranged from common squirrels and bats to protected species like the Giant Muntjac and Saola.

January 12, 2009: Vangvieng to Vientiane (market visits and WCS presentations)

The morning of January 12th was spent continuing visits to un-monitored markets where wildlife was on sale to further investigate the volume and nature of wildlife trade in Laos. The study tour group then returned to Vientiane for an afternoon of presentations and discussions. The WCS Wildlife Trade Project staff presented data on the trends of wildlife trade in monitored markets in the Vientiane Capital City area over the five years that the multi-agency efforts to reduce and eliminate wildlife trade in Vientiane Capital City have been in place. Over the course of the 5-year project, in addition to market monitoring and patrols, there have been a number of public awareness campaigns discouraging the public from engaging wildlife trade as either suppliers or consumers. There have also been a number of legislative changes that have made the sale of wildlife in markets illegal. The data collected by independent and student monitoring of the Vientiane Capital City markets over the 5 year time period indicate that the number of markets selling wildlife has decreased but the reduction in the volume and species of wildlife on sale varies from market to market with data from some markets indicating an increase and others indicating a decrease. The presentation included information about the market patrol schedules, the database designed to record and store information from market patrols and observational studies and the data analysis to date.

A second presentation was provided by Dr. Anthony Lynam, WCS Asia Program wildlife law enforcement training specialist. The presentation highlighted the wildlife trade crisis across Asia, with a focus on the trends in tropical forests as the trade in wildlife is the cause of declines and the decimation of many species. Dr. Lynam emphasized that the fact that many countries in Asia are moving towards a total ban on wildlife trade because of the difficulty of enforcing quota systems.

The afternoon activities were concluded with a discussion of the wildlife trade observed during the Vangvieng field trip, the implications for the wildlife management and conservation (abundant or protected species) and the similarities and differences to the kind of wildlife trade seen in Mongolia.

January 13, 2009: Official Meetings and Professional Exchange

Official meetings were arranged in a small conference format for the Mongolian delegation to interact with their professional peers in Laos. On January 13th meetings in the morning were hosted by the Department of Forestry in the Ministry of Agriculture and Forestry and in the afternoon meetings were hosted with the newly formed Department of Forest Inspection. Presentations were given by both the Mongolian and Lao officials about biodiversity, wildlife management and conservation efforts in their respective countries with a focus on the characteristics of the trade in wildlife, the impact of wildlife trade on biodiversity and wildlife trade law enforcement efforts. Copies of Lao PDR legislation related to wildlife trade law enforcement were shared with the Mongolian delegation, primarily the Wildlife and Aquatic Life Law, signed in December 2007, and the Agreement on the Organization and Role of the Department of Forest Inspection, signed in March 2008. Question and answer periods and a full discussion followed each presentation. The government officials participating in the meetings and small conferences are listed in the wildlife trade law enforcement study tour contact list in **Appendix 10**.

January 14, 2009: Vientiane Capital City Multi-Agency Steering Committee on Illegal Wildlife Trade

The Mongolian delegation spent the full day on January 14th with the Vientiane Capital City Multi-Agency Steering Committee on Illegal Wildlife Trade. The steering committee was first formed 5 years ago to address wildlife trade in Vientiane Capital City markets with the goal of effectively eliminating wildlife trade for the Capital City. The morning meetings were held at the Vientiane Capital City Agriculture and Forestry Department where the Mongolian and Lao Government officials shared their experiences and approaches to controlling illegal wildlife trade in their respective cities, districts and countries. The members of the Lao multi-agency steering committee on illegal wildlife trade represent all of the divisions and departments with jurisdiction over wildlife trade including forestry, protected area, customs, investigation and police. The individuals present at the meetings are listed in **Appendix 10**.

The afternoon of January 14th was spent with the Vientiane Capital City illegal wildlife trade steering committee members in the field. A series of markets that are part of the Vientiane Capital City wildlife trade patrolling program were visited to show the Mongolian delegation the variety of markets where enforcement efforts are taking place. The markets included tourist and souvenir shops, market stalls run by minority ethnic groups specializing in medicinal products and large fresh food markets where wild meat is often sold to urban residents. The Mongolian delegation also visited the Houy Gngang Protected Area which is run by the Vientiane Capital City Agriculture and Forestry Department and contains a holding facility for live wildlife that are confiscated from traders. The wildlife confiscated by the enforcement staff is held in this facility and prepared for release back into the wild if safe and appropriate. The protected area also serves as an educational center for students and junior professionals.

January 15, 2009: Travel to Bolikhamxay Province, Central Laos

Bolikhamxay Province, covering an area of 14,460 km², is located in central Laos in the narrow "neck" of the country and is characterized by high mountains sloping southwest into the Mekong River valley. The province harbors some of the most globally significant biodiversity in Southeast Asia. It contains the largest block of uninhabited montane forest in Lao PDR and borders the largest expanse of protected central Annamite forest in Vietnam. The forests are known to contain a large variety of endemic mammals and birds. The Mongolian delegation traveled the approximately 200 km to Bolikhamxay Province by bus and was accompanied by WCS Laos Staff and a representative from the Lao PDR Department of Forestry. Their initial destination was Pakxan, the provincial capital and a regional commercial center.

WCS has been working in the region on the "Bolikhamxay Ecosystem and Wildlife Project" since 2005, when the provincial and central government invited WCS to work in Bolikhamxay Province to help build national capacity and institutions to manage its globally significant biodiversity. More information about the project is available at: <http://www.wcs.org/globalconservation/Asia/laos/laositebasedconservation/bolikhamxay>.

January 16, 2009: Bolikhamxay Province and Namkading National Protected Area

On January 16th the Mongolian delegation had the opportunity to meet with both the Bolikhamxay Provincial Agriculture and Forestry Department staff and project leaders (including the head of patrolling) from the Namkading National Protected Area which is located within Bolikhamxay province. This field component of the study tour

concentrated on approaches to wildlife trade law enforcement in areas which represent wildlife habitat and source populations including protected areas, rural environments and forest conservation areas. The delegation was introduced to field patrolling techniques and efforts to prevent illegal hunting and poaching in the region. Wildlife law enforcement efforts at this level are designed to keep wildlife out of the commercial wildlife trade chain and protect species and habitats.

January 17, 2009: Regional Markets and Transportation Routes

On January 17th the Mongolian delegation traveled throughout Bolikhamxay province to view regional markets and gain an understanding of wildlife trade routes in the region. The emphasis of this part of the study tour was on techniques for monitoring regional markets and transportation routes for wildlife trade and designing patrolling and enforcement activities to block the regional trade in illegal wildlife. The study tour participants visited markets in Pakson and Pakkading and the Nahin Substation.

January 18, 2009: International Wildlife Trade (Lao-Vietnamese Border Crossing)

On January 18th the Mongolian delegation remained in Bolikhamxay Province but traveled east toward the Lao-Vietnamese border crossing. This portion of the study tour focused on monitoring and controlling the international trade in wildlife along major transportation routes and across international borders. The study tour participants visited the Nadee check-point along a major transit route where trucks and other vehicles are checked for wildlife and other illegal products. The study tour participants also visited an international border crossing along the Lao-Vietnamese border which is a known site for wildlife smuggling from Laos across the border into Vietnam and beyond.

January 19, 2009: Vientiane Wildlife Trade Law Enforcement Study Tour Farewell

On January 19th the Mongolian delegation prepared for their departure from Lao PDR. Approximately ½ of the Mongolian study tour participants visited the Vientiane Zoo where they had the opportunity to view a wide range of wildlife species found in Lao PDR. All study tour participants, WCS staff, our hosts from the Department of Forestry, Department of Forest Inspection and the Vientiane Capital City Agriculture and Forestry Departments came together for a final farewell dinner along the Mekong River. Short speeches were made by representatives of the groups present thanking the organizers, hosts and participants and pledging continued collaboration on wildlife trade law enforcement and information sharing into the future.

January 20, 2009: Depart Vientiane, Lao PDR, Arrival in Beijing China

All study tour participants departed Vientiane together and traveled by plane to Beijing China via Kunming. The night of January 20th was spent in Beijing.

January 21, 2009: Return to Ulaanbaatar, Mongolia

All study tour participants returned to Ulaanbaatar, Mongolia on January 21, 2009. A press conference at the airport was cancelled due to flight delays from Beijing to Ulaanbaatar.



Study Tour Evaluation

A formal standardized evaluation of the study tour was completed by each participant. The detailed results from the evaluation, and recommendations and comments provided by the study tour participants are provided in **Appendix 11**. Overall the study tour participants appreciated the opportunity to learn about wildlife trade law enforcement in another Asia country. They gathered information on multi-agency approaches to wildlife trade law enforcement, legislative initiatives and tactics which can be used in the field from market patrols to transit route and border check points. The study tour participants underscored the importance of sustained efforts to enforce wildlife trade law if success is to be achieved, as was emphasized by the Lao PDR host institutions. They identified the efficiency and effectiveness of a multi-agency approach to wildlife trade law enforcement and indicated the need to expand and scale up current efforts in Mongolia.

Acknowledgements

A very special thank you goes to the WCS Laos Program and each of the official host institutions (Department of Forestry, Ministry of Agriculture and Forestry; Department of Forest Inspection; Vientiane Capital City Agriculture and Forestry Department and Bolikhamxay Provincial Agriculture and Forestry Department) for making this study tour possible. The Mongolian delegation and the WCS Mongolia program greatly appreciate all of the time and effort that was dedicated to this initiative. Much was learned from each individual, department and institution the delegation had the opportunity to meet with. The study tour participants, and the institutions they represent, look forward to continued opportunities to exchange information and experience and a lasting relationship between the Lao and Mongolian efforts to prevent illegal wildlife trade.

Sub-Activity 2.3: Wildlife Trade Law Enforcement Program Launch

The Ulaanbaatar-based Wildlife Trade Crime Unit team is well positioned to identify the training and capacity needs of their respective institutions centrally and at the provincial level as they represent all of the governmental organizations with jurisdiction over wildlife protection, management and law enforcement. In the first year of the WCS NEMO II (2008) project, wildlife trade law enforcement activities were focused in and around Ulaanbaatar. A series of pilot patrols of natural areas and transit routes during marmot hunting season (September 2008) and patrols of Ulaanbaatar area markets during the peak of the wildlife trade season (December 2008 – January 2009) were organized. These pilot multi-agency patrol activities were designed to provide the participants with the opportunity to field test different approaches to wildlife trade law enforcement, gain a better understanding of the challenges that need to be met in the area of wildlife trade law enforcement and to test the approach of working across agencies with the single goal of enforcing wildlife trade law.

The pilot multi-agency enforcement patrol activities in year 1 (2008) of the WCS NEMO II project consisted of the following:

- **Marmot Season Hunting and Trade:** On the recommendation of the newly formed multi-agency WTCU, a special pilot patrol of the Ulaanbaatar “Green Zone” was organized in September 2008 to enforce the national ban on marmot hunting. A number of marmot poachers and those involved in the transport, sale and trade in marmot meat and skins were arrested and fined. A full report of this activity, results and recommendations was provided in the NEMO II 2008 mid-term report.
- **Ulaanbaatar Area Market Patrols:** These patrols were planned and organized during the first organizational meeting of the WTCU team in November 2008. An agenda and summary of the meeting is provided in **Appendix 12**. Members of the WTCU team conducted the market patrols according to a pre-determined plan and schedule. The patrols took place during the peak wildlife trade season December 2008 through January 2009. A summary of the pilot and the results of the pilot multi-agency market enforcement patrols is provided below under “Wildlife Trade Crime Unit (WTCU) Team Patrols and Inspections of Ulaanbaatar Markets: December 2008 – January 2009”
- **Observational Surveys of Markets:** Student-led observational surveys of Ulaanbaatar area markets for wildlife trade were completed as part of this project. These observational surveys provide information on the trends in wildlife species and wildlife products seen in the markets as well as information on prices, quantities and the distribution of trade across markets and other commercial outlets in Ulaanbaatar and the surrounding area. A summary of the observational market surveys is provided below under “Student-led Observational Wildlife Trade Surveys of Ulaanbaatar Markets: December 2008 – January 2009”.

Wildlife Trade Crime Unit (WTCU) Team Patrols and Inspections of Ulaanbaatar Markets December 2008 – January 2009

Introduction

The trade in wildlife in Ulaanbaatar markets is very seasonal with a peak in volume occurring in December and January as confirmed by previous market surveys. The pilot multi-agency WTCU market enforcement patrols were originally scheduled as the final activity under the WCS NEMO II 2008 wildlife trade law enforcement project, but due to delays in contract approval and funding, the pilot patrols were carried out in December 2008 and January 2009, before the wildlife law enforcement study tour to Laos. With the study tour postponed the multi-agency WTCU team met in November 2008 to develop the pilot wildlife trade patrol plan for Ulaanbaatar markets. The pilot patrols were designed to test the effectiveness of the multi-agency WTCU teams in gathering the kind of information necessary for successful enforcement action against illegal wildlife trade. Conducting the pilot patrols before the wildlife trade law enforcement study tour to Laos gave the newly formed Mongolian multi-agency WTCU teams both first hand knowledge of the kind of wildlife trade occurring in Ulaanbaatar area markets and very recent and practical experience in enforcing wildlife trade law in their own country.

Pilot Patrols

The Mongolian multi-agency WTCU teams organized a total of seven patrols between December 4, 2008 and January 6, 2009, covering 2-3 markets or points of trade on each patrol. The patrol activities were officially sanctioned by the State Specialized Inspection Agency (SSIA). The official letter of approval from the Director of the SSIA is provided in **Appendix 13A**. Each WTCU patrol team was made up of representatives from the SSIA, Municipal SIA, National Police and Ministry of Nature, Environment and Tourism. The list of individuals who participated in the WTCU pilot patrol team effort is provided in **Appendix 13B**.

The multi-agency WTCU pilot patrols, usually divided into two groups, covered raw materials markets (Emeelt, Ulaanbaatar Tsaiz, Nalaikh Tsaiz and Altai Chandani Co. Ltd.), food markets (Narantuul, Bayanzurkh and Mercury), souvenir shops (Nomin State Department Store and Flower Center), restaurants (Korean Chinggis and Wool Aroc Bar) and roadway entrance points to Ulaanbaatar (Bayansurkh bridge, Point 22, Guntiin Davaa north of Ulaanbaatar, Partizan and Baganuur). The pilot patrol sites were selected based on wildlife trade information gathered during earlier surveys of Ulaanbaatar markets, trade points and media advertisements. A map of the markets and trade points surveyed is provided below in **Figure 3**. Vehicles were provided by the enforcement agencies and the project covered additional expenses of the pilot patrols.

Special patrol forms were used by the multi-agency WTCU teams for collecting information on wildlife and wildlife products detected and enforcement actions taken during their pilot patrols. The pilot patrol schedule is provided in **Appendix 13C** and an example of the pilot patrol form is provided in **Appendix 13D**.

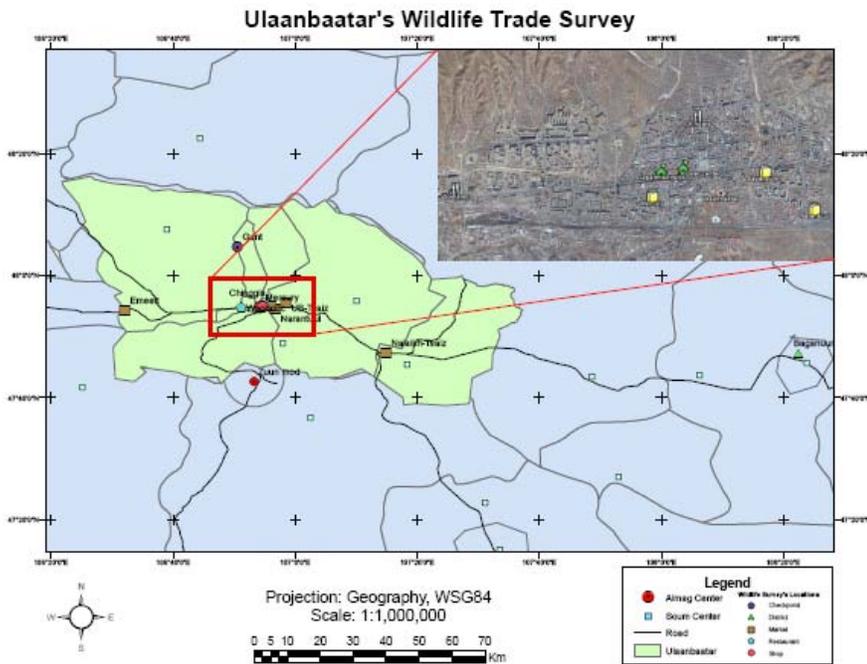


Figure 3 (left): A map of the sites of Wildlife Trade Crime Unit Pilot Patrols for wildlife and wildlife products in markets and trade points in and around Ulaanbaatar.

Pilot Patrol Results

The multi-agency WTCU teams detected 19 species of wildlife in Ulaanbaatar area markets and trade points during their 7 pilot patrols between December 4, 2008 and January 6, 2009. The list of wildlife species detected and the products on sale or on display are recorded below in **Table 1**. The wildlife and wildlife products detected represented 15 official violations of the law. Enforce action take in response to the 15 violations included the delivery of 6 official warnings, 8 cases in which the products were confiscated, penalties administered and fines collected and 1 case that was registered as a criminal act and handed over to the Municipal police. In total the “harm to the environment” these violations represented, based on an ecological and economic assessment using the official Government of Mongolia guidelines, amounted to 60 million Mongolian Tugrik or \$45,000 US dollars. The case classified as a crime was detected in the Tsaiz Ulaanbaatar market and involved the detection of 4 fresh bear paws and fresh tails from female red deer. The justification for enforcement action taken in this particular case was based on violations of Article 16 of the Mongolian Law on Hunting (hunting and trapping game animals for industrial purposes) and Article 27 of the Mongolian Law on Fauna. A description and incident report of each multi-agency WTCU pilot patrol is provided in **Appendix 14**.

All of the wildlife species detected during the WTCU pilot patrols, with the exception of the 5 species of fish, are considered “protected” species as classified by the Mongolian Law on Hunting, Fauna, the Mongolian Red Data Book or the Convention on International Trade in Endangered Species (CITES). To raise public awareness about the trade in nationally and internationally protected species occurring in Mongolia’s capital city, and to publicize the successful enforcement efforts of the multi-agency WTCU, the SSIA organized a press conference and publicized the results of the multi-agency effort to enforce wildlife trade law. The story was carried by the Ulaanbaatar Broadcasting Station (UBS) and Mongolian National TV.

Number	Common Name	Scientific Name	Parts Detected
1	Grey wolf	<i>Canis lupus</i>	16 skins, meat, assorted organs, 1 skull
2	Brown bear	<i>Ursus arctos</i>	4 fresh paws, 3 skins, 500 gm oil
3	Marmot	<i>Marmota sibirica</i>	14 skins, 500 gm oil, 1 kg bone, 1 kg meat, assorted organs
4	Red deer	<i>Cervus elaphus</i>	female tails, assorted organs, 2 sets of antlers
5	Musk deer	<i>Moschus moschiferus</i>	2 musk pods
6	Snow leopard	<i>Uncia uncia</i>	2 skins (on display at restuarants)
7	Lynx	<i>Lynx lynx</i>	1 skin
8	Argali	<i>Ovis ammon</i>	1 set of horns
9	Ibex	<i>Capra sibirica</i>	1 set of horns
10	Red fox	<i>Vulpes vulpes</i>	11 skins, 1 frozen body
11	Corsac fox	<i>Vulpes corsac</i>	2 skins, 6 frozen bodies
12	Mongolian gazelle	<i>Procurpa guttirosa</i>	horn
13	Tolai hare	<i>Lepus tolai</i>	2 frozen bodies
14	Owl	Not identified to species	feathers and meat
15	Huvs gul White Fish	<i>Coregonus pidschian</i>	
16	Potanin's osman	<i>Oreoleuciscus potanini</i>	
17	Baikal omul	<i>Coregonus migratorius</i>	
18	Catfish	<i>Silurus azotus</i>	
19	River perch	<i>Perca flyviatilis</i>	

Table 1: List of the wildlife species (common and scientific names) and a description of the type of wildlife product for sale or on display detected by the WTCU pilot patrols of Ulaanbaatar area markets and trade points December 4, 2008 through January 6, 2009.

Conclusions

The multi-agency approach to wildlife trade law enforcement in Ulaanbaatar area markets and trade points, under the directive of the State Specialized Inspection Agency, proved to be extremely effective in facilitating action (warnings, confiscation, fines and criminal charges) against illegal wildlife trade. The success was due in large part to the presence of representatives of the various agencies with jurisdiction over wildlife trade (inspection agents from the SSIA and Municipal SIA), representatives with the authority to enforce the law (district and national police) and representatives with the knowledge of wildlife and environmental law (MNET and wildlife specialists from the SSIA). The members of the multi-agency WTCU all played an active role in the multi-agency pilot patrols. This gave them the opportunity to work together across agency lines and provided them with first hand experience enforcing wildlife trade law in a market or trade point setting. For many members of the WTCU team their administrative responsibilities or higher level positions have limited their experience in the field and the pilot patrols served as an

opportunity for them to experience the reality of the widespread sale of protected wildlife in Ulaanbaatar area markets.

The WTCU pilot market patrols revealed significant levels of illegal wildlife trade in the Ulaanbaatar area raw materials markets (Nalaikh Tsaiz market, Altai Chandmaini Co. Ltd.) and the Bayanzurkh food market and the Nomin State Department Store souvenir shop right in the center of the nations capital. Participants in the multi-agency WTCU pilot patrols felt it was very important to continue the patrols of Ulaanbaatar area markets, the Ulaanbaatar “Green Zone” and trade points around the city to enforce wildlife trade law. The felt that working on cases jointly was the most effective way of achieving action against illegal wildlife trade and that there was a need to expand this approach to wildlife trade law enforcement beyond Ulaanbaatar to regional trade centers and eventually international trade borders.

Photographs of the WTCU teams in action are provided in **Figures 4-6** below.

Photographs of the Multi-Agency WTCU Teams on Pilot Enforcement Partols



Figure 4: Multi-Agency WTCU Municipal Teams (Police and Municipal SIA) conducting pilot patrols in September 2008 to intercept Siberian marmot poachers and traders in the Baganuur District and Ulaanbaatar “Green Zone”.



Figure 5: Multi-Agency WTCU Teams enforcing wildlife trade law in the Bayanzurkh food market of Ulaanbaatar in December 2008. Left: A warning is issued to an individual involved in wildlife trade.



Figure 6: Wildlife and wildlife parts detected and confiscated by the Multi-Agency WTCU Teams in December 2008. Right: Frozen corsac fox carcasses detected in Emeelt raw materials market; Left: Fresh brown bear paws and tails from female red deer detected in the Tsaiz Ulaanbaatar raw materials market.

Student-led Observational Wildlife Trade Surveys of Ulaanbaatar Markets: December 2008 – January 2009

Introduction

Student-led wildlife trade surveys of Ulaanbaatar area markets and trade points were organized in December 2008 and January 2009 to complement the WTCU team's pilot patrols and enforcement activities. The student-led observation surveys of Ulaanbaatar markets and trade points built on the market monitoring first begun in 2007/2008 at which point markets and sites where wildlife is traded were identified and a database was constructed for storing information on the species of wildlife being traded, the types and volume of products for sale, prices fluctuations and the seasonality of the trade. Information collected in 2007/2008 was used extensively to inform the design of follow-up enforcement patrols as well as education and outreach activities. In 2008/2009 the market monitoring provided through the student-led observational surveys proved to be critical in identifying wildlife trade "hot spots" for the WTCU pilot patrol teams to address with enforcement action.

Observational Wildlife Trade Market Surveys

The December 2008 – January 2009 student-led wildlife trade surveys used the methodology developed during the 2007/2008 Ulaanbaatar market surveys. The same group of 10 students from the "Ecology and Science Club" of the National University of Mongolia conducted the surveys under the leadership of WCS Wildlife Trade Survey Coordinator, Mr. D. Tuvshinjargal, and WCS Wildlife Trade Specialist, Ms. N. Odonchimeg. The list of student participants and their area of study is provided in **Appendix 15A**. The surveys were conducted over a shorter time period in 2008/2009 but the same variety of markets and wildlife trade points were covered. A total of 23 surveys were performed from December 4, 2008 to January 30, 2009. Each market or trade point was surveyed approximately 2 times per month. The students monitored raw material markets, food markets, souvenir shops, restaurants, hospitals and media advertisements. The student teams followed the market monitoring schedule provided in **Appendix 15B**. For each survey the students recorded the market name and location, time, date, wildlife species observed, types of wildlife products for sale, the quantity of wildlife or wildlife product on sale or advertised, the number of market vendors selling wildlife, information on the origin of the wildlife if known and any additional notes and observations. Photographs of the wildlife on sale were taken when possible. The project provided the students teams with a refresher training on the survey techniques and all supplies, transport and protection necessary to conduct the market monitoring.

Wildlife Trade Market Survey Results

The student-led observation surveys resulted in the detection of 23 different species of wildlife on sale or on display in Ulaanbaatar area markets and trade points. The wildlife species and parts detected are listed in **Table 2**. The survey teams focused on monitoring raw material markets (Emeelt, Tsaiz Ulaanbaatar and Tsaiz Nalaikh), food markets (Bayanzurkh, Narantuul, and Mercury) hospitals (Trauma Center and Burn Center), souvenir shops, media advertisements and the Baganuur district market which is located 130 km from Ulaanbaatar. An example of summary report from a student-led survey is provided in **Appendix 15C** and a completed market survey data sheet is provided in **Appendix 15D**.

Number	Common Name	Scientific Name	Parts Detected
1	Grey wolf	<i>Canis lupus</i>	frozen bodies, skins, meat, assorted organs, skulls
2	Brown bear	<i>Ursus arctos</i>	paws, skins and oil
3	Marmot	<i>Marmota sibirica</i>	skins, oil, bones, meat, and assorted organs
4	Red deer	<i>Cervus elaphus</i>	antlers
5	Altai snowcock	<i>Tetraoallus altaicus</i>	meat
6	Snow leopard	<i>Uncia uncia</i>	skins
7	Lynx	<i>Lynx lynx</i>	skins
8	Argali	<i>Ovis ammon</i>	horns
9	Ibex	<i>Capra sibirica</i>	horns
10	Red fox	<i>Vulpes vulpes</i>	skins
11	Corsac fox	<i>Vulpes corsac</i>	skins
12	Mongolian gazelle	<i>Procurpa guttirosa</i>	shin bone
13	Tolai hare	<i>Lepus tolai</i>	skins
14	Owl	Not identified to species	feathers and meat
15	Huvsugul White Fish	<i>Coregonus pidschian</i>	
16	Potanin's osman	<i>Oreoleuciscus potanini</i>	
17	Baikal omul	<i>Coregonus migratorius</i>	
18	Catfish	<i>Silurus azotus</i>	
19	River perch	<i>Perca flyviatilis</i>	
20	Roe deer	<i>Alces alces</i>	horn and head
21	Hedgehog	<i>M. Manchuricus</i>	skin with spines
22	Wild boar	<i>Sus scrofa</i>	meat
23	Eurasian badger	<i>Meles meles</i>	blood and oil

Table 2: List of the wildlife species (common and scientific names) and a description of the type of wildlife product for sale or on display as observed during the student-led surveys of Ulaanbaatar area markets and trade points December 4, 2008 through January 30, 2009.

Conclusions

The student-led observational surveys were effective in collecting information that was then passed on to enforcement agencies, the multi-agency WTCU teams, which then took action by conducting pilot enforcement patrols of identified markets and trade points. The information collected during the 2007/2008 student surveys could also be compared to the data collected in 2007/2008. Preliminary results of this comparison indicate that the prices for wildlife products remained equivalent to those recorded the previous year as compared to the prices for livestock products which had decreased considerably. The students' observational studies revealed that there was less open trade in wildlife and fewer traders and dealers selling wildlife. There were indications that hidden trade was on the increase with fewer open transactions observed but this needs to be investigated further. The public awareness activities directed at market owners and administrators by the WWF Mongolia Program Office,

funded under NEMO II, seemed to have had an impact in some markets where wildlife once advertised openly was no longer on sale. The sale of wildlife products in Ulaanbaatar souvenir shops, with the exception of the Nomin State Department Store, appears to have decreased. Fewer advertisements for wildlife were recorded in newspapers during the observational survey period but more televised advertisements were recorded. The trade in wildlife-based medicinal products in and around hospitals continues unchecked. No enforcement action has been taken to date to address the trade in medicinal wildlife-based products.

The value of the information gathered during the student-led observational surveys has been recognized by wildlife trade law enforcement agencies. The repeated market monitoring also ensures that the larger wildlife conservation community has a means of tracking trends and quickly discovering any new developments in the trade of wildlife. The students involved in the survey work have acquired wildlife identification skills as well as experience in conducting surveys, collecting information consistently, organizing and analyzing that information. The survey work has also provided 10 young Mongolians with the opportunity to work towards changing the current trend in wildlife trade in the region which is having a devastating impact on many of Mongolia's wildlife populations.

Activity 3: Wildlife Trade Law Enforcement Final Report

The majority of the content of the final report for year 1 (2008) of “Protecting Mongolia’s Wildlife through Wildlife Trade Law Enforcement” is provided above. The activities and outputs completed are presented in detail in the narrative report. This information was also provided at a meeting called by the Vice Minister of Nature, Environment and Tourism, Mr. D. Idevkhten, and the NEMO II coordination unit on February 12, 2009. The power point presentation displayed at the meeting is provided in **Appendix 16**.

Overall Conclusions

The major objective of the NEMO II 2008 project “Protecting Mongolia’s Wildlife through Wildlife Trade Law Enforcement” was accomplished with the formation of the Multi-Agency Wildlife Crime Unit team. The WTCU team was not only established but proved to be an effective and efficient partnership in the effort to enforce wildlife trade law in Ulaanbaatar area markets and trade points as demonstrated by the very positive results of the pilot patrols and inspections organized in December 2008 – January 2009. The WTCU pilot market patrols and inspections led to a series of actions in which the illegal sale of wildlife was detected, warnings and fines were issued and wildlife was confiscated according to the laws and regulations governing wildlife management, hunting and trade in Mongolia. The WTCU pilot patrols and inspections were officially sanctioned by the State Specialized Inspection Agency (SSIA) and marked the first time that multiple agencies (SSIA, Municipal SIA, National Police, Customs and Ministry of Nature, Environment and Tourism) worked together in the field to take action against illegal trade and wildlife crime.

The Mongolian WTCU team was further strengthened by the opportunity to attend a wildlife trade law enforcement study tour to Lao PDR. The 10-day tour gave the participants the opportunity to share information and experiences with another Asia country working to combat illegal wildlife trade in an effort to save its wildlife and biodiversity. The Mongolian delegation was able to compare the legal environment for wildlife trade law enforcement in the two countries and the application of different practical approaches to wildlife trade law enforcement. Both countries emphasized the need for coordination among the multiple agencies with jurisdiction over wildlife trade to effectively enforce wildlife trade law. The study tour participants had the opportunity to meet with government officials in the capital Vientiane and travel to the provinces in Laos to visit a nationally protected area and a border zone along the Lao-Vietnam border. The study tour participants had the opportunity to view city and rural markets and observed patrolling in markets, protected areas and along transit routes.

The Multi-Agency Wildlife Trade Crime Unit is now a cohesive group of individuals representing multiple agencies interested in working together to enforce Mongolian hunting management and wildlife trade law. Initial work begun by various members of the WTCU team on the revision of current Mongolian laws governing wildlife trade and hunting will continue through the official MNET Hunting Law working group. A further analysis of the cases of wildlife trade recorded through the student-led observational surveys and the WTCU pilot enforcement patrols conducted as part of this project will be used to assess the practical application of current laws and inform the creation of new or improved legislation.

The vision of the WCS NEMO II project “Protecting Mongolia’s Wildlife through Wildlife Trade Law Enforcement” has always been as a multi-stage and multi-year initiative. The intent of forming the Ulaanbaatar-based WTCU team was that they would become the focal point of all efforts to improve Mongolia’s capacity to protect the country’s wildlife through wildlife trade law enforcement and that they would continue to lead action against illegal wildlife trade at the national level. In 2009 the goal of the project is to extend the multi-agency WTCU approach to the provincial level, setting up similar teams of individuals from the provincial-level agencies, providing training and conducting pilot patrols and inspections in regional markets and trade points. In the third stage of the project the intention is to expand the focus to international border trade points to address the illegal international export of Mongolia’s wildlife.

The Multi-Agency national level WTCU team has experience, skills and now a level of organization that makes them an effective force in combating illegal wildlife trade in Mongolia. There is a general recognition that for these efforts to be successful over the long-term that sustained efforts are necessary. The kind of market inspections and patrols piloted during this project need to become routine activities of the multi-agency units and the approach needs to be expanded beyond Ulaanbaatar. Individuals and agencies will benefit from additional opportunities for training and capacity building in the area of wildlife trade law enforcement but they will also need the resources to put what they are learning into action, to continue to monitor trends and patterns in wildlife trade and adapt their approach to the ever changing reality of the global trade in wildlife.

Appendix 1: "Protecting Mongolia's Wildlife through Wildlife Trade Law Enforcement" NEOM II Year 1 (2008) Agreement between the Wildlife Conservation Society and the Mongolian Ministry of Nature, Tourism and the Environment

Program code: NEMO-II
Project Code: TF058181
Contract # CF01/2008

CONTRACT

THIS CONTRACT ("Contract") is entered into this *day of May 2, 2008*, by and between the *Ministry of Nature and Environment of Mongolia, the implementing agency of the World Bank Grant No TF058181: The Netherlands-Mongolia Trust Fund for Environmental Reform (Phase II)* ("the Client") having its principal place of business at *Government Building No 3, Baga Toiruu 44, Ulaanbaatar 11, Mongolia*, and *Wildlife Conservation Society Mongolia Office* ("the Consultant") having its principal office located at *Room 305, "Internom" Bookstore Building, Amar Street 3, Ulaanbaatar, Mongolia*.

WHEREAS, the Client wishes to have the Consultant perform the services hereinafter referred to, and

WHEREAS, the Consultant is willing to perform these services,

NOW THEREFORE THE PARTIES hereby agree as follows:

1. Services

(i) The Consultant shall perform the services specified in Annex A, "Terms of Reference and Scope of Services," which is made an integral part of this Contract ("the Services").

(ii) The Consultant shall provide the personnel listed in Annex B, "Consultant's Personnel," to perform the Services.

(iii) The Consultant shall submit to the Client the reports in the form and within the time periods specified in Annex C, "Consultant's Reporting Obligations."

2. Term

The Consultant shall perform the Services during the period commencing *May 28, 2008* and continuing through *December 31, 2008*, or any other period as may be subsequently agreed by the parties in writing.

3. Payment

A. Ceiling

For Services rendered pursuant to Annex A, the Client shall pay the Consultant an amount not to exceed **US\$ 80,000**. This amount has been established based on the understanding that it includes all of the Consultant's costs and profits as well as any tax obligation that may be imposed on the Consultant.

B. Schedule of Payments

The schedule of payments is specified below:

US\$ 8,000 (10%) upon the Client's receipt of a copy of this Contract

signed by the Consultant;

US\$ 56,000 (70%) upon the Client's receipt of the mid-term report, acceptable to the Client;

US\$ 16,000 (20%) upon the Client's receipt of the final report, specified in the attached Terms of Reference, acceptable to the Client.

US\$ 80,000 Total

C. Payment Conditions

Payment shall be made to the Consultant's bank account, specified in the Annex D in **three installments** no later than 30 days following submission by the Consultant of invoices in duplicate to the Coordinator designated in paragraph 4.

4. Project Administration

A. Coordinator.

The Client designates **Mrs. Ariunbileg Radnaa** as Client's Coordinator; the Coordinator will be responsible for the coordination of activities under this Contract, for acceptance and approval of the reports and of other deliverables by the Client and for receiving and approving invoices for the payment.

B. Reports.

The reports listed in Annex C, "Consultant's Reporting Obligations," shall be submitted in the course of the assignment, and will constitute the basis for the payments to be made under paragraph 3.

5. Performance Standards

The Consultant undertakes to perform the Services with the highest standards of professional and ethical competence and integrity. The Consultant shall promptly replace any employees assigned under this Contract that the Client considers unsatisfactory.

6. Confidentiality

The Consultant shall not, during the term of this Contract and within two years after its expiration, disclose any proprietary or confidential information relating to the Services, this Contract or the Client's business or operations without the prior written consent of the Client.

7. Ownership of Material

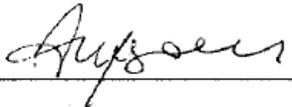
Any studies reports or other material, graphic, software or otherwise, prepared by the Consultant for the Client under the Contract shall belong to and remain the property of the Client. The Consultant may retain a copy of such documents and software.

8. Consultant Not to be The Consultant agrees that, during the term of this Contract and after

- Engaged in Certain Activities** its termination, the Consultant and any entity affiliated with the Consultant, shall be disqualified from providing goods, works or services (other than the Services and any continuation thereof) for any project resulting from or closely related to the Services.
- 9. Insurance** The Consultant will be responsible for taking out any appropriate insurance coverage.
- 10. Assignment** The Consultant shall not assign this Contract or sub-contract any portion of it without the Client's prior written consent.
- 11. Law Governing Contract and Language** The Contract shall be governed by the laws of *Mongolian Government*, and the language of the Contract shall be *English*.
- 12. Dispute Resolution** Any dispute arising out of the Contract, which cannot be amicably settled between the parties, shall be referred to adjudication/arbitration in accordance with the laws of the Client's country.

FOR THE CLIENT

Signed by: Delgertsogt Davaadorj



Title: Vice Minister of Nature and Environment of Mongolia
National Project Director

FOR THE CONSULTANT

Signed by: Carlos Hornillos-Daliso,



Title: Assistant Director ISC
Wildlife Conservation Society
Mongolia Country Program

June 20, 2008

List of Annexes

Annex A: Terms of Reference and Scope of Services

Annex B: Consultant's Personnel

Annex C: Consultant's Reporting Obligations

Annex D: Consultant's Bank Account

NEMO II/MNESILENT STEPPE NEXT STEPS 2008PROTECTING MONGOLIA'S WILDLIFE THROUGH WILDLIFE TRADELAW ENFORCEMENT

Terms of Reference

BACKGROUND

"Out in the countryside, a Mongolian hunter kills a wild animal without a license, dries its skin, and sells it to a "change" (Mongolian word for wholesaler) in the *soum* or *aimag* center. The *change* brings the skin, along with a shipment of livestock products, to one of the raw materials markets on the outskirts of Ulaanbaatar. Traders working alone or for a trading company or local processing company buy the skin and store it in a warehouse at the market until arrangements are made for export—most likely illegal—to China. This sketch roughly captures the patterns of Mongolia's participation in the global black market for wildlife products. Experts estimate that the world wildlife market is valued at \$6 billion per year, making it second only to narcotics smuggling in revenue generated.¹ In Mongolia, as in other countries that provide the wild furs, medicinal products, trophies, and game meat that supplies this trade, there has been a widespread loss of biodiversity and habitat."

"Strategies for enforcement of wildlife trade regulations in the raw materials markets of Ulaanbaatar, Mongolia"

- Katherine Scharf, Wildlife Conservation Society Consultant

¹ Jim Rubin, "DOJ's Role in Implementing Multilateral Environmental Agreements," *ALI-ABA Course of Study Materials, International Environmental Law* (May 2005).

Under NEMO I funding, Wildlife Conservation Society Mongolia produced the report "Silent Steppe: The Illegal Wildlife Trade Crisis in Mongolia"² in 2006. The report highlighted the devastating impact that increased hunting, primarily for commercial wildlife trade, is having on the country's wildlife resources. Many economically important species in Mongolia have declined by as much as 50-90% in just the last 15 years, much of it due to the international trade in wildlife. Reversing the current trends of species declines and local extinctions will require a response from multiple sectors in Mongolia. Illegal international trade, and the hunting and poaching carried out to supply that trade, poses one of the greatest threats to Mongolia's wildlife. Many of the animals hunted would have little or no value in a purely domestic market, and for those with local value, trade volumes would be orders of magnitude smaller.

The Silent Steppe included a review of scientific publications, government "wildlife trade" records, a nationwide wildlife trade and consumption survey and the results from a Workshop on Mongolian Wildlife Trade, held in Ulaanbaatar on August 17-19, 2005. Workshop participants (more than 120 stakeholders representing government agencies, non-governmental, scientific, hunting, and tourism organizations) listed numerous recommendations for improving wildlife trade enforcement.

The primary objective of the *Silent Steppe Next Steps 2008* is to provide the training and capacity building necessary to improve wildlife trade law enforcement in Mongolia through "Inter-agency coordination" thereby implementing one of the main recommendations published in the Silent Steppe Report.

SILENT STEPPE NEXT STEPS 2008

Inter-agency coordination is critical to the implementation of many of the recommendations for improving wildlife management and wildlife trade law enforcement as outlined in the Silent Steppe report. For the year of 2008, in collaboration with the Ministry of Nature and Environment and the other national partners, the Wildlife Conservation Society (WCS) Mongolia Program will address the need for improved inter-agency coordination in preventing illegal wildlife trade by

² Wingard, J. R. and P. Zahler. 2006. *Silent Steppe: The Illegal Wildlife Trade Crisis in Mongolia*. Mongolia Discussion Papers, East Asia and Pacific Environment and Social Development. Washington D.C.: World Bank.

facilitating the establishment of a multi-agency Ulaanbaatar-based National Wildlife Trade Crime Unit (WTCU). The long-term vision of this approach is the progressive expansion of the WTCUs from Ulaanbaatar to aimag centers, soums and border points across the country. The establishment of the WTCUs is intended to align with the "public awareness and outreach" activities conducted by the WWF-Mongolia program. The activities outlined below are proposed for year 1 of the program where the focus will be on enforcing wildlife trade laws in Ulaanbaatar.

Concept: Multi-Agency Wildlife Trade Crime Units (WTCUs) will 1) detect illegal wildlife trade; 2) take action against illegal wildlife trade (i.e. fines, arrests other enforcement opportunities); 3) direct enforcement resources at critical points in the illegal trade chain; and 4) coordinate enforcement efforts across agencies and jurisdictional boundaries.

Activity 1: Improving the Legal Environment for Wildlife Trade Law Enforcement

The focus of this activity will be an examination of the current and potential avenues for enforcing wildlife trade law in Ulaanbaatar. This activity will be carried out in parallel with the development and launch of the multi-agency "Wildlife Trade Crime Units" in Ulaanbaatar.

Sub-Activity 1.1: Identification and Assessment of Approaches Feasible Under the Current Law

Mongolian and international legal experts will be hired to examine wildlife trade laws and regulations that apply to markets and trade in Ulaanbaatar and the surrounding areas. The incidents recorded during 2007 World Bank funded WCS surveys will be assessed closely to identify points of intervention and "missed opportunities" under the current law. The team will specifically examine the legal jurisdiction of the proposed multi-agency WTCU to control wildlife trade in Ulaanbaatar.

Sub-Activity 1.2: Recommendations for Changes and Improvement of Wildlife Trade Laws and Regulations in Ulaanbaatar, Mongolia

The same team of Mongolian and international legal experts will recommend areas of improvement and change in the current legal framework for controlling wildlife trade in Ulaanbaatar.

Activity 2: Wildlife Trade Law Enforcement Staff Training & Capacity Building

This activity will have multiple sub-activities as described below. The activity includes both the formation of a multi-agency wildlife trade crime unit and the training and capacity building of the unit. The focus is the enforcement agencies already working in and around Ulaanbaatar.

Sub-Activity 2.1: Introductory Workshop–WTCU Formation

An introductory workshop will be held to bring government agency and NGO partners together to officially form the national wildlife trade crime unit (WTCU) by identifying the individuals from each of the government agencies who will make up the WTCU for Ulaanbaatar.

Sub-Activity 2.2: Wildlife Trade Law Enforcement Training Program Development

- **Study Tour Lao PDR:** Members of the National WTCU will travel to Lao PDR where the WCS Laos Program has been working with a multi-agency wildlife trade patrol team in Vientiane for the past five years. Participants will have the opportunity to compare the needs in Mongolia with the approach developed in Lao PDR in Vientiane capital area markets as well as in markets and transit routes around the protected area of Nam Kading.
- **WTCU Team Training Plan:** The WTCU team training program will be developed based on the training needs identified by members of the Ulaanbaatar National WTCU. They will identify the skills, and therefore training necessary for increasing wildlife trade enforcement in Ulaanbaatar in preparation for the 2008/2009 wildlife trade season. The National WTCU training program will be developed further in subsequent years to include a

WTCU "Train-the-Trainers" training curriculum as well as WTCU "Specialist" Training to cover the specific capacity needs of wildlife trade enforcement specialists within the State Border Defense Agency, Mongolian Customs Agency, National Police, MNE, etc.

Sub-Activity 2.3: Wildlife Trade Law Enforcement Program Launch

- **Testing of Training Materials for WTCUs:** Training materials will be developed and printed for use in the field by WTCU members. The completeness and effectiveness of the materials will be assessed by WTCU members. Final versions will be prepared for use in the WTCU "pre-launch" and field training.
- **WTCU "Pre-Launch" Training:** The WTCU pre-launch training workshop will be an intensive scenario-based training program in which the members of the WTCU will "test" their action plan for enforcing wildlife trade law in Ulaanbaatar in the 2008/2009 wildlife trade season. The WTCU members will receive training on wildlife detection, reporting of illegal trade, apprehending violators of wildlife trade law and tracking enforcement events.
- **WTCU Field Training (Inspection of UB Markets and Wildlife Trade Hot Spots):** Within the scope of the WTCU launch, a series of field training will be planned in which the training materials and approaches developed during the course of the training and capacity building program can be tested and assessed.

Activity 3: Wildlife Trade Law Enforcement---A Final Report & Review of Year 1

A final report will be written which assess the overall process of creating and implementing the multi-agency WTCU system. The report will highlight accomplishments, challenges and lessons learned. A detailed list of recommendations for both the legal and training components of an expanded WTCU approach beyond Ulaanbaatar will be included in the final report.

Government Partners:

Ministry of Nature and Environment (CITES)
State Specialized Inspection Agency
Municipal Specialized Inspection Agency
National Police
Central Intelligence Agency
Customs Agency (Ulaanbaatar Airport)

NGO Partners:

WWF-Mongolia Programme
"New" Mongolian Hunting/Game/Wildlife Society
Eco-Club–National University of Mongolia

Consultation:

U.S. Fish and Wildlife Service
TRAFFIC East Asia
Legal–administrative, environment and trade

NEMO II/MNE

WCS SILENT STEPPE NEXT STEPS 2008

ACTIVITY BUDGET

	Name of the activity	Description	Time	Budget
1.	Improving the Legal Environment for Wildlife Trade Law Enforcement in Ulaanbaatar, Mongolia			
1.1	Identification and assessment of approaches feasible under the current law	<ul style="list-style-type: none"> National and international legal experts 	2 months (September-October, 2008)	\$10,000
1.2	Recommendations for changes and improvement of wildlife trade laws and regulations in Ulaanbaatar, Mongolia	<ul style="list-style-type: none"> The same team of national and international legal experts 	2 months (November-December 2008)	\$10,000
2.	Wildlife Law Enforcement Staff Training & Capacity Building			
2.1	WTCU Formation	<ul style="list-style-type: none"> An introductory workshop 	May 2008	\$3,000
2.2	Wildlife Law Enforcement Training Program Development	<ul style="list-style-type: none"> Study Tour Lao PDR WTCU Team Training Plan 	3 months (June-August 2008)	\$23,500
2.3	Wildlife Trade Law Enforcement Program (WTCU)Launch	<ul style="list-style-type: none"> Testing of materials for WTCUs WTCU "Pre-Launch" Training WTCU Field Training (Inspection of UB Markets and Wildlife Trade Hot Spots) 	4 months (September-December)	\$23,500
3.	Wildlife Trade Law Enforcement-A Final Report & Review of Year 1			
3.1	Final Report	<ul style="list-style-type: none"> Assessment of the overall 	2 months	\$10,000

ii

		<p>process of creating and implementing the multi-agency WTCU system,</p> <ul style="list-style-type: none"> • Review of accomplishments, challenges and lessons learned, • A detailed list of recommendations for both the legal and training components of an expanded WTCU approach beyond Ulaanbaatar 	(November-December)	
			TOTAL	\$80,000

Consultant's Personnel

Name	Position and Title	Responsibility
Amanda E. Fine	Director, WCS Mongolia Program	Oversee and coordinate project team, project implementation and project reporting.
N. Odonchimeg	Wildlife Trade Specialist, WCS Mongolian Program	Organize all planned project activities, including identification of project partners, implementation of project activities and monthly reporting.
D. Tuvshinjargal	President of Eco-Science club of National University of Mongolia, candidate of Masters degree on Wildlife trade (Part time worker)	Provide project support and maintain database of information collected from market-based wildlife trade surveys
P. Odgerel	National Law Consultant Professor of Law, National University of Mongolia	Provide legal consultation on the laws, regulations and orders governing the interagency wildlife crime units and wildlife trade.
Katherine Scharf	International Law Consultant	Review and analyse the current legal environment for wildlife trade law enforcement. Recommend changes, amendments and approaches to wildlife trade law enforcement.
Kh. Badam	Consultant and Trainer	Oversee interagency wildlife crime unit formation and training.

Annex C

Consultant's Reporting Obligations

No	Report to be submitted	Date	Explanation
1	Mid-term report	August 1, 2008	Programmatic report required detailing work plan, progress to date, next steps and accomplishments.
2	Final report	December 20, 2008	Programmatic report detailing project accomplishments, challenges and recommendations for future work.

* An invoice for services will be issued by the WCS Mongolia program at the signing of the agreement and to accompany the submission of mid-term report and submission of final report.

Consultant's Bank Account

Wildlife Conservation Society
Mongolia Country Program
Trade and Development Bank of Mongolia
WCS US Dollar Account No. 499051604
WCS MNT Account No. 499051592
1st Signature: Amanda Fine, WCS Mongolia Program Director
2nd Signature: Sosor Agizul, WCS Mongolia Program Accountant

Appendix 2: A Summary/Partial Report on Strategies of Wildlife Trade Law Enforcement in Ulaanbaatar Container Markets



PARTIAL REPORT

Strategies for Enforcement of Wildlife Trade Regulations in the Raw Materials Markets of Ulaanbaatar, Mongolia

**WILDLIFE CONSERVATION SOCIETY
KATHERINE SCHARF, LEGAL CONSULTANT**

Introduction

This report reviews and recommends strategies to regulate the trade of wildlife in Mongolia, focusing specifically upon the scope of legal liability and penalties available under Mongolian law. Ulaanbaatar is the seat of Mongolia's government, media markets, and civil society, as well as the center of the wildlife trade. Some of the country's largest raw materials markets are located to the east and west of the city; road inspection points, the train station, and the airport are all strategic sites for enforcing trade regulation. For these reasons, Ulaanbaatar is an ideal site for WCS to launch an effort to support improved enforcement of wildlife trade regulations.

The recommendations in this report build on prior research, including the *Silent Steppe* report (2005), the USFWS/TRAFFIC training session (2006). So as not to repeat the efforts of the Gap Analysis (completed by Wingard & Odgerel in 2006), this report will not propose legal reforms, but will assess enforcement strategies available under the existing laws. A comprehensive—and sometimes internally contradictory—framework of “species-oriented” regulations provides different penalties and fines based on the species hunted. “Trade-oriented” regulations assigns criminal or administrative liability for a limited range of market activities, including transport, export, and advertising of wildlife products. Responsibility for enforcement of this legal framework is distributed among half a dozen different agencies. Inspectors (state and municipal), rangers, and customs officials enforce administrative penalties for minor violations. Criminal-level violations must be referred to the National Police, who then turn cases over to the General Prosecutor's Office for prosecution in any of *soum* or *aimag*-level courts. Getting these different agencies to collaborate on investigations, share information, and harmonize confiscation procedures should be a major focus of WCS's enforcement support strategy.

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BACKGROUND

Out in the countryside, a Mongolian hunter kills a wild animal without a license, dries its skin, and sells it to a “*change*” (Mongolian word for wholesaler) in the *soum* or *aimag* center. The *change* brings the skin, along with a shipment of livestock products, to one of the raw materials markets on the outskirts of Ulaanbaatar. Traders working alone or for a trading company or local processing company buy the skin and store it in a warehouse at the market until arrangements are made for export—most likely illegal—to China. This sketch roughly captures the patterns of Mongolia's participation in the global black market for wildlife products. Experts estimate that the world wildlife market is valued at \$6 billion per year,

making it second only to narcotics smuggling in revenue generated.¹ In Mongolia, as in other countries that supply wild furs, medicinal products, trophies, and game meat, there has been a widespread loss of biodiversity and habitat. The scope of the Mongolian wildlife trade has been studied on a regional and nationwide scale in recent years. This report focuses specifically on Mongolia's existing legal framework for controlling the wildlife trade, and on strategies for improving enforcement, particularly in Ulaanbaatar.

MONGOLIA'S WILDLIFE TRADE LAWS & REGULATIONS

Since Mongolia transitioned to democratic rule in the early 1990s, progress in developing a new legal framework for controlling the hunting and trade of wildlife products has been measured, but slow. There are many areas where this legal framework needs to be patched and sharpened, to create a more robust enforcement regime. This report, however, will focus on the *existing* legal basis for wildlife trade enforcement. And where reforms are recommended, the focus will be on options for improving the legal regime at sub-Parliamentary levels—through ministry resolutions, or municipal regulations.

The Mongolian wildlife trade is governed by numerous statutes and ministerial regulations, some of them overlapping. Legal acts—broadly defined—include legislation enacted by the Mongolian Parliament, as well as parliamentary resolutions (concerned with implementation of government activities), presidential decrees, ministry resolutions (which function as regulations, clarifying the application of general laws), and ministry rules and orders (which function as instructions for implementation).

This section will survey existing Mongolian laws that govern wildlife trade enforcement, and the best ways to structure enforcement-support efforts to take advantage of the existing legal regime. To aid the discussion, the framework is divided into two informal categories: species-oriented regulation and trade-oriented regulation.

Species-oriented regulation

Since the early 1990s, when Mongolia's democratic government began revising its environmental policy, legislation enacted to protect wildlife and regulate hunting were organized primarily around two questions: What species may be hunted, and for what purpose? All species were categorized as Very Rare, Rare, or Game animals, with different permitting systems and penalties for violations for each category. Three laws outline what I will call the species-oriented approach, for lack of a better term. The Mongolian Law on Environmental Protection (1995; amended 1998, 2002) requires the State to prohibit the "hunting and trapping of very rare animals," and to register and protect very rare and rare animals "by entry into the Red Book of Mongolia."² In addition to the Red Book, the Mongolian Law on Fauna categorizes certain species according to the level of protection they are to be given.

¹ Jim Rubin, "DOJ's Role in Implementing Multilateral Environmental Agreements," *ALI-ABA Course of Study Materials, International Environmental Law* (May 2005).

² MLEP Art. 19 § 2.2. The Mongolian Law on Fauna (2000) also provides that Very Rare and Rare species be listed "in international and Mongolian 'Red Books'" as a means of protecting fauna. MLF § 6.1.2

The Mongolian Law on Hunting, (1995; amended 2002), addresses the hunting and usage of rare animals and game animals.

The species-oriented approach provides a coherent legal basis for protecting wildlife from hunting pressure, but without equally comprehensive regulation of wildlife *trade* activity, the approach suffers from several weaknesses. Most obviously, it relies almost exclusively on controlling hunting of wildlife via the issuance of hunting permits; it does not give enforcement officers many legal mechanisms for controlling the trade of wildlife. It also assumes that hunters and enforcement officials are capable of correctly identifying species and the levels of protection accorded to each. And it assumes that related laws will provide consistent or coordinated levels of protection for each species. Some of these inconsistencies and problems are highlighted below.

Table 2.3. Summary of legal protections for different categories of species

Category	May be hunted?	Permits required?	Criminal penalties	Other penalties
Very Rare Restricted capacity to recover, limited distribution, no usable reserves, in danger of extinction.	Only for scientific purposes	Special permits; EIA required for industrial activity in habitat	Yes, under MCC § 203 (prison, fines, confiscation)	Advertising prohibited (penalties from 10 to 250 thousand MNT)
Rare Limited capacity to recover; limited distribution, small population, and are potentially in danger of extinction	For scientific, research, cultural, artistic, medicinal purposes; Sport hunting; Culling to prevent epidemics	Sport hunting permits upon payment of fee	No, unless hunted in “large amount”	Advertising prohibited (penalties from 10 to 250 thousand MNT)
Game animal Native or reintroduced	For industrial, household, and special purposes	Hunting licenses upon payment of fee (tag required for sale, transport, etc. of commercially-hunted species)	No, unless hunted in “large amount”	Violations of Law on Hunting (no license, out of season, etc.) subject to administrative penalties
CITES Appendix I	[May be exported only in exceptional circumstances]	Import <i>and</i> export permit required	Only for listed species that are also classified as Very Rare	Up to 250,000 MNT for violations
CITES Appendix II	[May be exported if the specimen was illegally obtained and if export does not threaten species survival]	Export permit only	Only for listed species that are also classified as Very Rare	Up to 250,000 MNT for violations

Very Rare animals

Under Mongolian law, species classified as Very Rare are awarded the highest level of protection. The Mongolian Law on Fauna defines Very Rare fauna as “Fauna which have a restricted capacity to recover, a limited distribution, no usable reserves, and are in danger of extinction.” MLF § 3.1.2. Article 7 of the Law on Fauna lists species classified as Very Rare. As of 2003, eleven species of mammals, six birds, and two fish were listed as Very Rare.³ The latest version of the Mongolian Red Book (revised in 1997) categorizes almost one hundred species—including some thirty species of mammals and thirty species of birds—as endangered, vulnerable, or rare.

According to the Law on Fauna, Very Rare animals may be hunted or trapped only for scientific purposes, with special permits issued by the central government, MLF § 7.2. The law further stipulates that “hunting or trapping, preparing and trading hides, fur, and other parts of Very Rare Fauna [for non-scientific purposes is] prohibited,” and requires a government-approved environmental impact assessment for any heavy industry construction, road building, or mine development in Very Rare species habitat. MLF §§ 7.3-4.

Under § 203 of the latest version of Mongolia’s Criminal Code, which went into effect in September 2002, it is a crime to hunt endangered species and illegally move their raw materials across the state border. MCC § 203.2. Violations of § 203.2 carry a penalty of up to 5 years’ imprisonment, with confiscation of property. The Criminal Code is unclear (at least in the English translation) as to whether the illegal export is necessary to complete the crime—at which point the wildlife would be across the border, and outside Mongolia’s jurisdiction—or whether hunting of endangered species alone (without transport over the state border) would be sufficient to trigger criminal liability.

Advertising the sale, purchase, or processing of Very Rare animals is prohibited by the Mongolian Law on Advertising § 14.⁴ An unofficial translation of the relevant part of Section 14 provides that,

14.1 It is prohibited to advertise about purchasing, selling, processing/producing animals and plants (and their parts and derivatives, including root, stem, stalk, branch, leaves, antlers, penis, testicles, doe-tail, uterus, musk pod, and gall bladder) that are included in list of rare and very rare species.

Fines for violations of the Law on Advertising are slight. Violations of § 14 carry a fine of 10,000-15,000 MNT for citizens, and up to 50,000-250,000 for organizations and economic entities.⁵

³ *Id.*

⁴ Mongolian Law on Advertising (30 May 2002) §§ 14.1-2.

⁵ 29.1. Энэ хуулийг зөрчсөн гэм буруутай этгээдэд Оюуны өмчийн улсын хяналтын албаны байцаагч дараахь захиргааны шийтгэл ногдуулна:
29.1.1. зар сурталчилгаанд хяналт тавих эрх бүхий байгууллага, албан тушаалтны хууль ёсны шийдвэр, шаардлагыг зөрчсөн, эсхүл үндэслэлгүйгээр биелүүлээгүй иргэнийг 10000-50000

Rare animals

Rare animals are defined by the Mongolian Law on Fauna as “fauna which have a limited capacity to recover, limited distribution, have a small population and are potentially in danger of extinction.” MLF § 3.1.3. The Law on Fauna does not provide a list of Rare species, as it does for Very Rare species, but simply states that such a list “shall be approved by the Government of Mongolia.” MLF § 7.6. As of 2003, twelve species of mammals, twenty-two birds, and two fish species were listed as Rare.

Both the Law on Fauna and the Law on Hunting have provisions outlining the permitted uses of Rare animals. According to Chapter 7 of the Law on Fauna, Rare animals may be hunted or trapped pursuant to permits issued by the central government for three main purposes:

- 7.5.1 for scientific, research, cultural, artistic and medicinal purposes;
- 7.5.2 pursuant to the payment of special fees by foreigners and Mongolian citizens;
- 7.5.3 for regulating the numbers of fauna or removing the sources of infectious disease in certain areas.

Article 11 of the Law on Hunting repeats this list of “special purpose” permits, and allows one additional permit: “for purposes of sport hunting.” MLH § 11.2.4 Also, just as for Very Rare animals, advertising the sale, purchase, or processing of Rare animals is prohibited by the Mongolian Law on Advertising § 14.1; the same range of penalties applies.

Game animals

The harvest of game animals is governed primarily by the Mongolian Law on Hunting. The Hunting Law defines game animals as “those mammals, birds and fish which are native to, have been reintroduced to or are migratory within the territory of Mongolia.” MLH § 3.1. Game animals may be hunted for industrial, household, and special purposes, MLH § 6.1. No exhaustive list of game species is provided in the Hunting Law, but permitted hunting seasons for certain species are listed in Article 13.

What are the legal consequences of hunting a game animal illegally? The answer depends on how many animals are taken, and how much damage the hunter causes. Criminal charges may be brought against anyone who causes “damage in a large amount” by hunting without a license, or outside the hunting season, or “with prohibited weapons, means, or methods.” MCC § 203.1. There appears to be some

хүртэл төгрөгөөр, албан тушаалтныг 25000-60000 хүртэл төгрөгөөр, байгууллага, аж ахуйн нэгжийг 50000-250000 хүртэл төгрөгөөр торгох;
29.1.2.энэ хуулийн 6.1, 6.3, 6.4 дэх хэсэгт, 6.5.1-6.5.8 дахь заалт, 7 дугаар зүйл, 9.3 дахь хэсэг, 10-14, 16, 17 дугаар зүйл, 19.3, 22.1 дэх хэсэг, 23 дугаар зүйлд заасан шаардлагыг зөрчсөн бол гэм буруутай иргэнийг 10000-50000 хүртэл төгрөгөөр, албан тушаалтныг 25000-60000 хүртэл төгрөгөөр, байгууллага, аж ахуйн нэгжийг 50000-250000 хүртэл төгрөгөөр торгох.
29.2.Энэ хуулийн [29.1](#)-д заасан захиргааны хариуцлага нь хууль тогтоомжийн бусад актад заасан хариуцлага, зар сурталчилгааны тухай хууль тогтоомжийг зөрчсөн үйлдэл, үйл ажиллагааг таслан зогсоох шаардлагыг биелүүлэхээс чөлөөлөх үндэслэл болохгүй.

confusion about what constitutes “damage in a large amount.” By statute, the threshold amount is set at a multiple of 125 times the minimum salary (like a minimum wage). In practice, officials gave different responses when asked to define “large amount”: Mr. Dorjgotov (MNE) put the figure at \$6,000. To put this figure in perspective, the price of one marmot skin at the Nalaikh market on the day we visited was 6000 MNT; one would have to hunt or catch about 1,000 marmots to be subject to prosecution. Penalties range from 51 to 200 times the minimum salary with confiscation of property; or imprisonment for a minimum of 3 to 6 months, up to a maximum of three years. Note that buying, selling, or merely possessing 1,000 marmots, however, would not subject one to any liability under 203.1. The MNE has proposed amendments to 203.1 that would also criminalize “domesticating wild animals, storing, buying, selling, and transporting wildlife products.” These amendments have not been adopted as of the writing of this report.

If the violation falls below the § 203.1 criminal threshold, an environmental inspector will assess whether the hunter possessed a license and the hunter will be subject to various administrative penalties under the Mongolian Law on Environmental Protection, Art. 37-38. These include *reimbursement* or compensation for the value of any environmental losses resulting from the violation (§ 37.1) plus additional fines under Article 38.

Species listed in Appendix I & II of the Convention on International Trade of Endangered Species [CITES]

The Mongolian Parliament ratified the Convention on International Trade of Endangered Species [CITES] on May 1st, 1995; in 1996, Mongolia became the 133rd party to the CITES Convention.⁶ Since that time, Mongolia has reportedly earned 1.5 billion togrogs from the international trade of endangered species of flora and fauna.⁷ A total of 14 mammals, 71 birds, 8 plants, 2 species of fish, 1 species of insects, and 1 species of reptiles are included on Appendices I and II of the Convention on the International Trade of Endangered Species (CITES).⁸

Species threatened with extinction are listed under CITES Appendix I, and are given the highest level of protection. Trade of Appendix I species is permitted only in exceptional circumstances (eg., for scientific research), and both an import permit and an export permit are required. The import permit may only be issued by the CITES Management Authority of the State of import if the trade is for non-commercial purposes that are not detrimental to the survival of the species. An export permit may be issued by the CITES Management Authority of the State of export only if the specimen was legally obtained; the trade will not be detrimental to the survival of the species; and an import permit has already been obtained. Mongolian game species

⁶ See B. Bolormaa, “Mongolia’s Experience in Implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora,” in Proceedings of the Fifth International Conference on Environmental Compliance and Enforcement (Monterey, Calif., November 16-20, 1998), available at <http://www.inece.org/5thvol2/batsukh.pdf>.

⁷ http://www.mongolianembassy.us/eng_about_mongolia/nature_and_environment.php

⁸ Appendix III covers species that are protected in at least one country, which has asked other CITES parties for assistance in controlling the trade. To export an Appendix III species from the country that recommended its Article III listing, an export permit is required. This permit may be issued only if the specimen was legally obtained. If the specimen is exported from any other state, a certificate of origin issued by its Management Authority is required.

listed under Appendix I include *Ursus arctos* (Brown bear); *Lutra lutra* (Eurasian otter); *Uncia uncia* (Snow leopard); *Equus hemionus hemionus* (Mongolian Wild Ass, North Mongolian Khulan); and *Saiga tatarica mongolica* (Mongolian saiga).⁹

Species listed under CITES Appendix II are not necessarily threatened, but the Parties to the Convention recognize that trade in these species must be controlled in order to avoid utilization incompatible with their survival. An export (or re-export) permit is required under CITES Appendix II. The permit may be issued only if the specimen was legally obtained and if the export will not be detrimental to the survival of the species. Mongolian game animals listed under Appendix II include *Canis lupus* (Grey wolf); *Equus hemionus* (Asiatic Wild Ass); *Moschus moschiferus* (Musk deer); *Lynx lynx* (Eurasian lynx); *Otocolobus manul* (Pallas cat); *Ovis ammon* (Argali); *Saiga tatarica* (Saiga antelope); and *Falco cherrug* (Saker falcon).

CITES is not a self-executing treaty; it relies upon member countries to implement internal legislation and enforcement mechanisms to give the treaty effect.¹⁰ Cooperation among member nations—including intelligence-sharing and extradition—is also crucial for CITES enforcement. In the United States, for example, the Lacey Act, 16 U.S.C. §§ 3371 *et seq.*, empowers the U.S. government to enforce foreign wildlife protection laws in U.S. courts. Coordination between Mongolian and foreign officials, therefore, opens up additional legal options for stopping the illegal export of wildlife.¹¹

On November 7, 2002, the Mongolian Parliament approved new legislation to implement CITES provisions.¹² Under the 2002 law [LRFT], Mongolia designated a CITES Management Authority (currently headed by Mr. A. Bolat) and a Scientific Authority (headed by Dr. N. Sarantuya), both of whom are employed by the MNE. The Management Authority is charged with—among other things—authorizing the import and export of animals and plants listed in the Convention appendices, and overseeing the “sale, elimination, or release into nature of [listed] confiscated animals and plants.” LRFT § 5.4, 5.8.

The new law mandates that permits should only be issued when the “management authority” concludes that the animal to be exported was not obtained in violation of national wildlife protection laws, and when the “scientific authority”

⁹ For full listing of CITES species found in Mongolia, see “CITES – listed animals, Mongolia;” available at <http://www.cites.org/eng/resources/species.html>. Non-game species, such as the Appendix I *Equus Przewalskii* (Przewalskii’s Horse) are omitted here.

¹⁰ Jim Rubin, “DOJ’s Role in Implementing Multilateral Environmental Agreements,” *ALI-ABA Course of Study Materials, International Environmental Law* (May 2005). Interestingly, the Mongolian Law on Environmental Protection provides that “if an international treaty to which Mongolia is a party is inconsistent with [the Law on Environmental Protection], then the provisions of the international treaty shall prevail.” MLEP § 2.2.

¹¹ *Id.*

¹² Full text of the 2002 implementing legislation (“ХОВОРДСОН АМЬТАН, УРГАМАЛ, ТЭДГЭЭРИЙН ГАРАЛТАЙ ЭД ЗҮЙЛИЙН ГАДААД ХУДАЛДААГ ЗОХИЦУУЛАХ ТУХАЙ”) can be found in Mongolian at <http://www.legalinfo.mn/insys/lawmain.php?vlawid=1454>. Announcing the passage of this law, the Mongolian Embassy to the United States observed that “failing to meet convention standards would have resulted in an embargo on the country’s exports and imports as well as financial assistance and support by other member countries.” http://www.mongolianembassy.us/eng_about_mongolia/nature_and_environment.php

confirms that exporting the animal will not jeopardize the survival of the species.¹³ The effect of this clause, then, should be to harmonize CITES implementation with the rest of Mongolia's wildlife protection regime. The CITES implementation law does not add much to the wildlife trade enforcement arsenal. It imposes slight administrative penalties for failure to obtain an export permit. An unofficial translation of Article 15 of the law provides that unless the violation qualifies as a criminal offence, fines for the failure to obtain a CITES permit or the fraudulent use of a permit are capped at 250,000 MNT. What this means is that CITES violations involving Appendix I species—most of which are classified as Very Rare—would be punishable as crimes under MCC § 203 anyway. And for species that are classified as Rare or Game animals but are listed under CITES Appendix II, the CITES legislation imposes only minimal administrative fines to augment existing penalties. Table 2.2 (next page) is incomplete, but still allows comparison of the various levels of protection allocated to each species.

¹³ Mara E. Zimmerman, "The Black Market for Wildlife: Combating Transnational Organized Crime in the Illegal Wildlife Trade," 46 VAND. J. TRANSNAT'L L. 1657, 1661 (2003).

Table 2.2. Wildlife species, by protection status (partial)

Species	Latin name	Red Book ^a	MLF ^b	MLH ^c	CITES ^d	IUCN Red List ^e
Asiatic Wild Dog	<i>Cuon alpinus</i>		VR		II	EN, 2001
Snow Leopard	<i>Uncia uncia</i>	VR	VR		I	EN, 2001
Eurasian Otter (Lutra lutra)	<i>Lutra lutra</i>		VR		I	NT, 2001
Brown bear	<i>Ursus arctos</i>	Rare	Rare	HH, IND ²		LR/lc
Gobi bear	<i>Ursus arctos gobiensus</i>	VR	VR		I	
Wild Bactrian camel	<i>Camelus bactrianus ferus</i>	VR	VR		I	CR, 2001
Musk deer	<i>Moschus moschiferus</i>		VR		II	VU, 1994
Reindeer	<i>Rangifer tarandus valentinae</i>		VR			
Moose	<i>Alces alces pfizenmayeri</i>		VR			
Saiga antelope	<i>Saiga tatarica tatarica</i>		VR		II	CR, 2001
Mongolian Saiga	<i>Saiga tatarica mongolica</i>		VR		I	VU, 2003
Central Asian Beaver	<i>Castor fiber birulai</i>		VR		I	
Grey wolf	<i>Canis lupus</i>				II	LC, 2001
Przewalski's horse	<i>Equus przewalskii</i>				I	EW, 1994
Asiatic wild ass	<i>Equus hemionus</i>				II	VU, 2001
Khulan	<i>Equus hemionus mongolica</i>	Rare			I	CR, 2001
Red deer (Elk)	<i>Cervus elaphus</i>				I	LR/lc, 1994
Argali	<i>Ovis ammon</i>	Rare	Rare ¹⁴		II	VU, 1994
Eurasian lynx	<i>Lynx lynx</i>			HH, IND ³	II	NT, 2001
Pallas' cat	<i>Otocolobus manul</i>				II	NT, 2001
Saker falcon	<i>Falco cherrug</i>				II	EN, 2001
Siberian Roe Deer	<i>Capreolus pygargus</i>			HH, IND ¹		LR/lc, 1994
White tailed gazelle	<i>Procapra gutturosa</i>			HH, IND ¹		LC, 2001
Wild boar	<i>Sus scrofa</i>	Rare	Rare	HH, IND ¹		
Sable	<i>Martes zibellina</i>			HH, IND ³		LR/lc, 1994
Stone Marten	<i>Martes foina</i>			HH, IND ³		LR/lc, 1994
Raccoon Dog	<i>Nyctereutes procyonoides</i>			HH, IND ³		
Wolverine	<i>Gulo gulo</i>			HH, IND ³		VU, 1994
Red fox	<i>Vulpes vulpes</i>			HH, IND ³		LC, 2001
Corsac fox	<i>Vulpes corsac</i>			HH, IND ³		LC, 2001
Brown squirrel	<i>Sciurus vulgaris</i>			HH, IND ³		NT, 2001
Alpine weasel	<i>Mustela altaica</i>			HH, IND ³		LR/lc
Mountain hare	<i>Lepus timidus</i>			HH, IND ³		LR/lc, 1994
Tolai hare	<i>Lepus tolai</i>			HH, IND ³		
Marmot	<i>Marmota sibirica</i> ,			HH, IND ⁴		LR/lc,

¹⁴ Argali listed as "rare" by Government resolution (2001/264). See "Position of WWF Mongolia Program Office on current situation of Argali hunting and conservation in Mongolia," available at http://assets.panda.org/downloads/en_argal_position_papper_wwf_mn.pdf

Muskkrat	<i>Marmota baibacina</i> <i>Ondatra zibethica</i>			HH, IND ⁵	1994 LR/lc, 1994
Eurasian badger	<i>Meles meles</i>			HH, IND ⁶	LR/lc, 1994
Siberian ibex	<i>Capra sibirica</i>	Rare	Rare		VU, 2001
Goitered gazelle	<i>Gazella subgutturosa</i>		Rare		
Taimen	<i>Hucho hucho taimen</i>	Rare	Rare		

a Species included in the Mongolian Red Book of threatened species, where VR = Very Rare and R = Rare Rare (Shiirevdamba et al. 1997).

^b Species listed in the Mongolian Law on Fauna, where VR = Very Rare (hunting prohibited unless for permitted for scientific purposes), and R = Rare (restriction in hunting imposed).

^c Species listed in the Mongolian Law on Hunting (1995, 2002), where HH=Household purposes and IND=Industrial purposes; Permitted hunting seasons are designated by superscript as ¹=August 1-December 1; ²=August 1-November 16; ³=October 21-February 16; ⁴=August 10-October 16; ⁵=October 16-January 1; and ⁶=September 1-November 1.

^d Species listed in the Appendices of CITES (Convention on the International Trade of Endangered Species of Flora and Fauna), where I = Appendix I (International trade of Appendix I animals and plants and their derivatives is prohibited except for scientific research, placing in museums and zoos, and using for circus performances.) and II = Appendix II (May be traded internationally for profit-making purposes)

^e International Union for the Conservation of Nature & Natural Resources Red Book of Threatened Species (Baillie and Groombridge 1996), (see [Red List Categories and Criteria booklet](#) for details)

EW=Extinct in the Wild

CR=Critically Endangered; best available evidence indicates that it faces an extremely high risk of extinction in the wild.

EN=Endangered; Very high risk of extinction in the wild.

VU=Vulnerable; High risk of extinction in the wild.

NT=Near Threatened; Close to qualifying as CR, EN, or VU in the near future

LR/lc=Low Risk/Least Concern; Taxa are not the focus of a conservation programme, and are not close to qualifying as Vulnerable.

DD=Data deficient

NE=Not evaluated

Table 2.3 Summary of legal protections for different categories of species

Category	May be hunted?	Permits required?	Criminal penalties	Other penalties
Very Rare Restricted capacity to recover, limited distribution, no usable reserves, in danger of extinction.	Only for scientific purposes	Special permits; EIA required for industrial activity in habitat	Yes, under MCC § 203 (prison, fines, confiscation)	Advertising prohibited (penalties from 10 to 250 thousand MNT)
Rare Limited capacity to recover; limited distribution, small population, and are potentially in danger of extinction	For scientific, research, cultural, artistic, medicinal purposes; Sport hunting; Culling to prevent epidemics	Sport hunting permits upon payment of fee	No, unless hunted in “large amount”	Advertising prohibited (penalties from 10 to 250 thousand MNT)
Game animal Native or reintroduced	For industrial, household, and special purposes	Hunting licenses upon payment of fee	No, unless hunted in “large amount”	Violations of Law on Hunting (no license, out of season, etc.) subject to administrative penalties
CITES Appendix I	[May be exported only in exceptional circumstances]	Import <i>and</i> export permit required	Only for listed species that are also classified as Very Rare	Up to 250,000 MNT for violations
CITES Appendix II	[May be exported if the specimen was illegally obtained and if export does not threaten species survival]	Export permit only	Only for listed species that are also classified as Very Rare	Up to 250,000 MNT for violations

Trade-oriented regulation

Having surveyed the different types of protections and penalties available for different species, we turn now to the protections and penalties that govern different trade activities. The wildlife trade in Mongolia involves a range of activities that might be subject to administrative regulation, taxation, and even criminal liability, including buying, selling, storing, processing, advertising, and transporting wildlife products, raw and finished. Generally speaking, trade-oriented regulation is not developed as extensively as species-oriented regulation, both in the scope of the laws themselves, and in their application. In addition to the export permit requirements established by the CITES implementing legislation, highlighted in the previous section, this section examines laws governing the possession and advertisement of wildlife products.

Possession of wildlife products

Is it illegal to possess wildlife that has been hunted illegally? From a strictly legal perspective, the answer is yes. Hunting without a license is a violation of the Mongolian Law on Hunting,¹⁵ because wildlife is the property of the state. If an animal is hunted with a license, the raw materials of that animal “shall belong to the hunter or trapper.”¹⁶ A hunter cannot own wildlife materials that he or she has hunted *without* a license; illegally hunted wildlife still belongs to the state. And logically speaking, a hunter who sells illegally hunted wildlife to a trader cannot transfer ownership of materials if the hunter did not own the materials in the first place. Thus, the state is legally entitled to recover possession of illegally hunted wildlife from traders and other third parties who did not directly hunt the animal.

From an enforcement perspective, the problem is not that the State does not have rights to the illegally-hunted wildlife, but that it can’t *prove* that it has rights to the wildlife—i.e., that the wildlife was illegally hunted. Ms. Ariunzul, head of the section of Environment section of the State Specialized Inspection Agency, explained it this way: “Basically when people do inspection, the lawbreakers say that I didn’t hunt this animal, I didn’t catch it, someone sold it to me, someone gave it to me as a present, someone just gave it to me, or I just found it, or someone just gave it to me to sell. They tell all of these excuses and walk free without any penalty.”

There have been some efforts to eliminate the “problem of proof” via legislation. An amendment to the Mongolian Law on Hunting passed in 2002 (§15¹.1.1), which requires hunters to attach a tag, distributed by the MNE with the sale of hunting licenses, to the skin or carcass of designated species, in order to prove that the animal was legally hunted. The MNE promulgated regulations under this amendment¹⁷ which specify about eighteen mostly abundant species that must be labeled with the tag, including Red fox, Corsac fox, Red deer, wild boar, Roe deer, squirrel, badger, raccoon dog, Mongolian gazelle, and Siberian marmot.¹⁸ Products from these species may not be prepared, processed, transported, sold, or bought

¹⁵ See Mongolian Law on Hunting

¹⁶ Mongolian Law on Fauna, Article 10.1 & 10.2.

¹⁷ Байгаль орчны сайдын 2002 оны 159 дүгээр тушаалын 3 дугаар хавсралт

¹⁸ The tags may not be applied to Very Rare or Rare species, or to species listed in CITES Appendix I or II.

without the required tags, which are issued each year by some environmental inspectors. Each tag must have a unique serial number, and may not be bought or sold.

Wingard and Odgerel report that this provision has been effectively implemented, based on enforcement records. But according to the state environmental inspectors, there have been problems with implementation. Mr. Badam of the SSIA reports that the regulation requiring the use of tags specifies that the color and pattern printed on the tags should be changed from year to year. In practice, the MNE ordered only one set of (green-colored) tags, in 2002, and has not reordered since because of the expense of printing new tags, and because (due to hunting bans) they have not run out of the old tags. Badam points out that the continued use of the 2002 tags from year to year not only violates the regulation, but encourages people to buy tags and hold them from year to year, inviting counterfeiting problems. Accordingly, Wingard and Odgerel recommended making “possession, sale, purchase, and transportation of any wildlife parts illegal unless properly tagged and/or registered,” with stricter requirements (special registration, number locking tags) to control trade in endangered species parts.

Controlling advertisements for wildlife

As explained in the species-oriented sections above, the Mongolian Law on Advertising § 14 prohibits advertising Rare and Very Rare wildlife parts in national or local media.¹⁹ An unofficial translation of Section 14 provides that,

14.1 It is prohibited to advertise about purchasing, selling, processing/producing animals and plants (and their parts and derivatives, including root, stem, stalk, branch, leaves, antlers, penis, testicles, doe-tail, uterus, musk pod, and gall bladder) that are included in list of rare and very rare species.

14.2 Within the framework of one's legal plenary powers, it is prohibited to advertise about purchasing, selling, and processing animals and plants, or producing their organs and/or raw materials, during periods when the hunting or slaughter of those species has been prohibited by Government resolution.²⁰

Municipal government inspectors, like Ms. Badamkhand of the Municipal Specialized Inspection Agency, are making some efforts to enforce this law. Badamkhand showed me advertisements from wildlife buyers that she has collected, and described her efforts to track down one of these buyers. The buyer claimed to have many different kinds of wildlife, including snow leopard skins. Her enforcement efforts were unsuccessful, however; when she tried to call the advertiser a second time, he or she would not talk to her.

¹⁹ Mongolian Law on Advertising (30 May 2002) §§ 14.1-2.

²⁰ “14.1. Нэн ховор, ховор ургамал, амьтны жагсаалтад орсон болон тэдгээрийн үндэс, иш, мөчир, навч, бугын цусан эвэр, чив, засаа, согооны сүүл, сав, хүдрийн заар, баавгайн доньд зэрэг эрхтэнийг бэлтгэх, худалдах, худалдан авах тухай зар сурталчилгааг хориглоно.

14.2. Хуулиар олгогдсон бүрэн эрхийнхээ хүрээнд Засгийн газраас гаргасан шийдвэрийн дагуу тодорхой хугацаанд агнах, бэлтгэхийг хориглосон амьтан, ургамлын эд эрхтэн, түүхий эдийг худалдах, худалдан авах тухай зар сурталчилгаа явуулахыг хориглоно.”

Fines for violations of the Law on Advertising are slight. Violations of § 14 carry a fine of 10,000-15,000 MNT for citizens, and up to 50,000-250,000 for organizations and economic entities.²¹ Enforcement might have more of a deterrent effect if the law was amended to have stiffer penalties, and to hold publishers—newspapers, or public address services provided in market centers—jointly liable for printing or broadcasting illegal wildlife advertisements.

An amendment might not be necessary, depending on what the standard is for establishing complicity or joint liability of a publisher in a violation of the Law on Advertising. Further research is needed on this point. For example, the Mongolian Criminal Code, Ch. 7 Art. 34, defines joint criminal liability for the “deliberate joint participation of two or more persons in committing a crime.” MCC § 34.1. Under this standard, a publisher may be an “accessory” to a crime if he or she “provides . . . means or removes obstacles”. An advance agreement is not necessary for complicity.²² Since the Law on Advertising provides for civil penalties only, one would have to look at the civil code to find the applicable standard for complicity there.

Having summarized the species-oriented and trade-oriented laws protecting wildlife in Mongolia, we turn next to a survey of the government agencies charged with enforcing those laws.

²¹ 29.1.Энэ хуулийг зөрчсөн гэм буруутай этгээдэд Оюуны өмчийн улсын хяналтын албаны байцаагч дараахь захиргааны шийтгэл ногдуулна:

29.1.1.зар сурталчилгаанд хяналт тавих эрх бүхий байгууллага, албан тушаалтны хууль ёсны шийдвэр, шаардлагыг зөрчсөн, эсхүл үндэслэлгүйгээр биелүүлээгүй иргэнийг 10000-50000 хүртэл төгрөгөөр, албан тушаалтныг 25000-60000 хүртэл төгрөгөөр, байгууллага, аж ахуйн нэгжийг 50000-250000 хүртэл төгрөгөөр торгох;

29.1.2.энэ хуулийн 6.1, 6.3, 6.4 дэх хэсэгт, 6.5.1-6.5.8 дахь заалт, 7 дугаар зүйл, 9.3 дахь хэсэг, 10-14, 16, 17 дугаар зүйл, 19.3, 22.1 дэх хэсэг, 23 дугаар зүйлд заасан шаардлагыг зөрчсөн бол гэм буруутай иргэнийг 10000-50000 хүртэл төгрөгөөр, албан тушаалтныг 25000-60000 хүртэл төгрөгөөр, байгууллага, аж ахуйн нэгжийг 50000-250000 хүртэл төгрөгөөр торгох.

29.2.Энэ хуулийн [29.1](#)-д заасан захиргааны хариуцлага нь хууль тогтоомжийн бусад актад заасан хариуцлага, зар сурталчилгааны тухай хууль тогтоомжийг зөрчсөн үйлдэл, үйл ажиллагааг таслан зогсоох шаардлагыг биелүүлэхээс чөлөөлөх үндэслэл болохгүй.

²² See MCC § 36.2: “Two or more persons with no advance agreement but acting jointly to commit a crime shall be recognized co-principals.

GOVERNMENT AGENCIES RESPONSIBLE FOR ENFORCEMENT

Within Ulaanbaatar, responsibility for enforcing wildlife protection laws is distributed among national and municipal departments of taxation, police, health, customs, court decisions enforcement, food and agriculture, and environmental protection. The table below summarizes the various responsibilities of environmental inspectors, protected area rangers, police, border guards, customs officials, special anti-poaching patrol teams, veterinary inspectors.

Table 4.1. Mongolian government agencies responsible for wildlife trade enforcement

Agency name	Staff/ Wildlife-Resources	Responsibilities/ Authority
Protected Area Administration (PAA) <i>Within the Ministry of Nature & Environment</i>	Rangers, Volunteer Rangers	<u>Law on Environmental Protection (Art. 27)</u> Monitor compliance with environmental laws; take samples (27.1.1) Carry out inspection of ID cards, confiscation of illegally hunted items and weapons, impose administrative penalties, <i>only if specified by law</i> (27.1.2) Issue permits (28.2.2) Carry arms and special self-defense weapons on patrols (29.1)
CITES Management Authority (CITES) <i>Within the Ministry of Nature & Environment</i>	Management Authority; Scientific Authority	<u>Law on Regulating Foreign Trade of Rare Animals... (Art. 5, 6)</u> Authorize customs entry on export and import of animals and plants listed in the Convention appendices and their derivatives (5.4) Oversee sale, elimination or release into nature of confiscated animals and plants listed in the Convention appendices and their derivatives (5.8)
State Specialized Inspection Agency (SSIA) <i>Established 2003</i>	Anti-poaching units in UB and several multi-aimag regions.	<u>Law on Environmental Protection (Art. 27)</u> Monitor compliance . . . with environmental laws regardless of their jurisdiction (27.1.1) Obtain information and documents required for monitoring (27.1.2); “Enjoy free access to any economic entity . . . , take samples, have samples analyzed” (27.1.4) Inspect identification cards; confiscate items illegally hunted, collected or prepared and weapons and tools used (27.1.6); Inspect vehicles if necessary; temporarily seize documents (27.1.6) Impose administrative penalties on persons in violation of environmental legislation as specified by law. (27.1.7) Impose penalties with a notice of the violation and penalty sheet; (27.2.4) Inventory of forfeited or seized items, weapons, or tools. (27.2.5) Carry arms and special self-defense weapons on patrols (29.1)
Customs General Authority	9 offices nationwide, 154 inspectors; About 20 border points and the	Conduct inspection of wildlife imports and exports

	Buyant-Uhaa airport	
National Police Agency	Environmental Crimes Unit: 58 staff members/officers	Authorized to enforce and investigate criminal environmental activity under Article 23 (2002); Between 2002-2006, NPA investigated 16 environmental crimes
State General Prosecutor's Office of Mongolia (SGPO)	375 prosecutors nationwide	Oversight of criminal prosecutions and execution of punishment.
Ulaanbaatar Municipal Specialized Inspection Agency	300 inspectors, 19 in the environmental department; 1 wildlife inspector	Conducts inspections, including at the tovchoo (road stations) (Ms. Badamkhand)

**Appendix 3: Executive summary and suggested draft amendments
to the Mongolian Law on Hunting**

draft amendments
to
**MONGOLIAN LAW ON
HUNTING
2007**

Prepared by:

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In cooperation with:

The Ministry of Nature and Environment
WWF Mongolia Programme Office

EXECUTIVE SUMMARY

The proposed amendments to the Mongolian Law on Hunting respond to the legislative and management gaps and conflicts identified during the several workshops and studies over the past several years concerning Mongolia's wildlife and the impacts of hunting and trade. The key changes to the current hunting law are outlined here.

Institutional Structure:

One of the primary goals of this proposal is to establish a clear institutional structure for the management of Mongolia's wildlife.

Although the Ministry of Nature and Environment (MNE) and the Institute of Biology have shared this responsibility over the last 15 years, there has been no dedicated agency within the MNE and the scientific authority of the Institute of Biology has remained advisory. The amendments proposed here specifically call for the creation of a Wildlife Management Authority within the MNE and makes the Institute the sole agency responsible for setting quota levels (see 0, p. 71 of the law). This division of responsibility is not entirely new, but it clarifies the roles and brings Mongolia into compliance with its CITES obligations.²³

In keeping with current legislation, the proposed amendments also delegate responsibilities to aimag and soum governments. Aimag governments coordinate with the Wildlife Management Authority and soum governments to distribute hunting and fishing permits and administer hunter education. Soum governments work with local communities and Nokhorlol to establish hunting districts, conduct surveys, and general wildlife management. Both levels of local government have the power to enforce the law and must collect data on wildlife including hunting statistics and trade. (see Figure 1: Institutional Structure and Community Management)

Community Based Management:

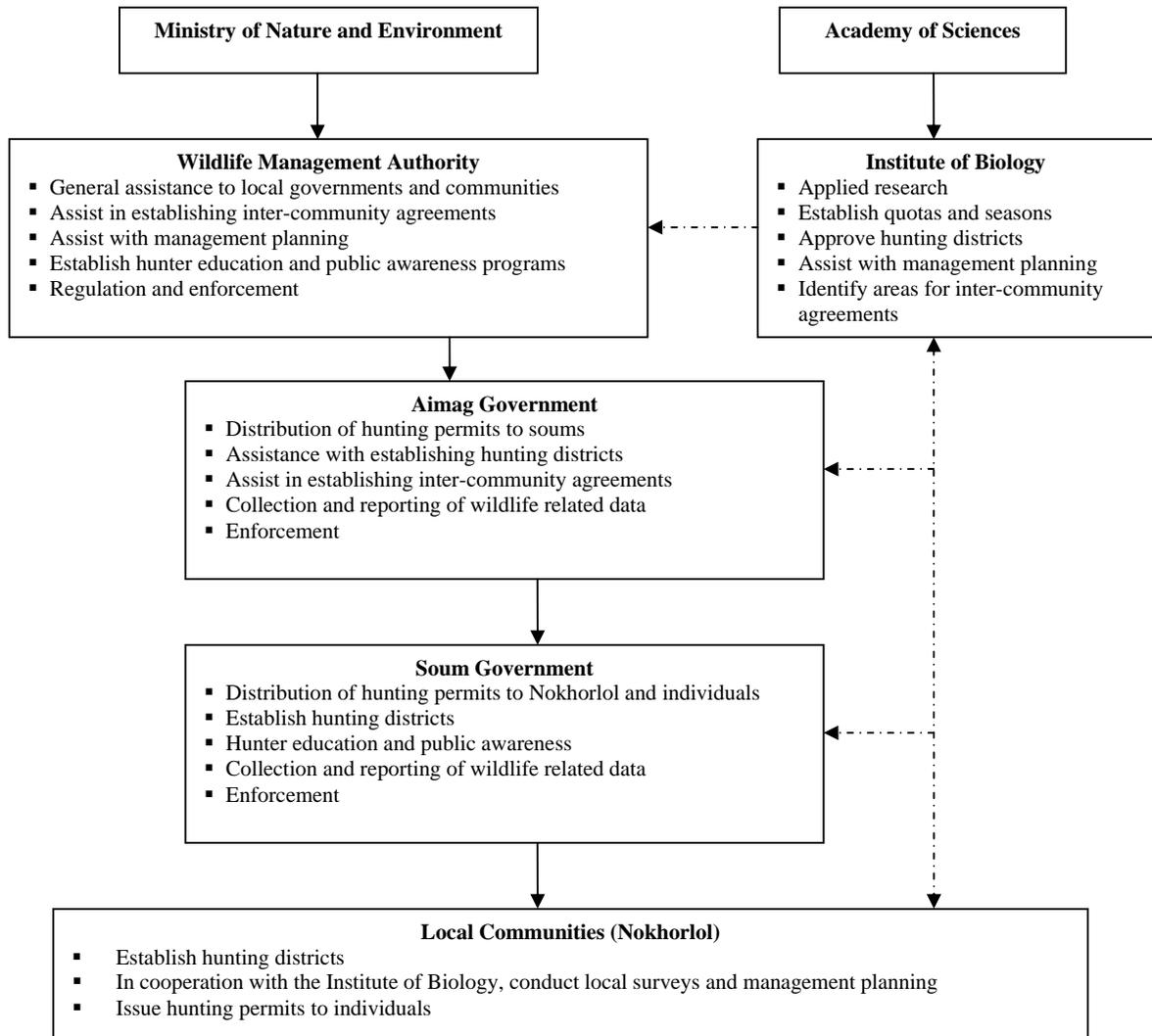
It is unlikely, even under the best of circumstances, that a central management authority or local government will ever be able to exercise adequate control over hunting in Mongolia's sparsely populated countryside. For several years, a primary concern has therefore been the creation of adequate incentives and authority for local communities to manage wildlife and hunting in their area.

To narrow the gap between government capacity and local practice, the proposed amendments make communities a part of the institutional structure, delegating specific responsibilities not only to protect, but also receive the benefits of hunting, including trophy hunting. The amendments identify two "communities" – soums and Nokhorlol organized under the Law on Environmental Protection (MLEP) and presently exercising wildlife management authority under the regulation on community-based natural resource management (CBNRM) approved by the MNE in 2006.

Neither the MLEP nor the CBNRM adequately define how Nokhorlol, or soums will conduct wildlife management. The amendments to the hunting law attempt to fill this gap by adding requirements for planning, resource assessments, reporting, and inter-community agreements for the joint management of migratory species.

²³ The CITES Implementation Law would still need to be amended to include similar changes.

Figure 1: Institutional Structure and Community Management



Management Planning:

The proposed amendments make management planning a fundamental instrument in the administration of the system.

The law includes a simplified management planning requirement to be prepared jointly by the Institute of Biology, the MNE, and local communities (0, p. 69 of the law). Unlike the current legal framework, management plans are a prerequisite to allowing hunting in any area. Recognizing that this will take time to develop, the law allows for interim plans based on existing information to be used for 5 years following the adoption of the law, after which full management plans would need to be developed. Full management plans will require the assessment of the resource on a population and area basis using the best available scientific methods and information. This differs significantly from the current system, which follows political boundaries more than species populations. Management plans are tied to hunting districts as described in the following paragraph.

Hunting Districts:

The present situation in Mongolia allows hunting to occur anywhere that it is not prohibited. The only areas where hunting is prohibited are protected areas, and even then the prohibitions are sometimes not clear (e.g., trophy hunting in nature reserves). This proposal reverses the current scheme by prohibiting hunting anywhere that it has not been specifically permitted. The only areas that it can be permitted are in established hunting districts with approved management plans and quotas.

Hunter Education Requirements:

In former years, Mongolia's hunting program relied on a cadre of professional hunters organized into hunting brigades. After the transition, this system disappeared effectively allowing anyone with a rifle to engage in hunting.

This law does not re-establish hunting brigades, but it does seek to re-introduce a certain level of hunter specific education. The goal is to reduce hunting-related accidents and fatalities, develop hunting skills, increase local understanding of game management techniques, and wildlife biology, and improve compliance with the law through an increased appreciation of traditional and modern hunting ethics – many of which are included in the list of prohibited activities in 0.

Hunting Types:

The current hunting law contains several hunting types that many complain are confusing and create gaps in the quota and permitting system. This criticism applies primarily to the category of “special purposes,” which includes sub-categories for sport and trophy hunting by foreigners, cultural, and religious purposes. None of these subcategories are defined and the first two do not apply to Mongolians.

The proposed amendments retain the categories of “industrial” and “household” hunting, but eliminate the “special purposes” category. Instead, it specifically identifies “sport” and “trophy” hunting and applies specific standards for quota setting, permitting, and fees. All hunting types have been defined.

Permit/Contract Requirements and Allocation Procedures:

The permitting system introduced by the amendments is intended to accomplish several goals:

1. Make compliance with the requirements easier by allowing hunters to obtain permits in several locations, including from a local Nokhorlol.
2. Improve monitoring and enforcement by creating a permit that is:
 - a. restricted geographically to specific hunting districts;
 - b. identical for all hunting types;
 - c. physically attachable to the game animal in the form of a tag; and
 - d. in a format that contains all information necessary to determine the legality of the hunter's actions.

“Permits” would be available for household and sport hunting. “Special permits” must be obtained for trophy hunting. Industrial hunting will be allowed pursuant to a contract. The cost of the permit may vary depending on the hunting purpose and the status of the applicant as resident or non-resident, with the exception of trophy hunting for which a single rate shall apply equally to all applicants.

The amendments propose are two basic types of permits – restricted and unrestricted – where restricted permits are only valid in a single hunting district; and unrestricted may be used in any district for which a quota has been issued for the targeted species.

Household and trophy hunting permits can only be restricted. Sport hunting may be either restricted or unrestricted.

Open and Close Seasons:

The proposed amendments introduce two critical changes to the current format. First, they establish seasons for all huntable species regardless of the reason for which the species may be hunted, trapped, or fished. In the current law, some of the species that may be hunted for sport or trophy hunting have not been included (e.g., argali, red deer, Siberian ibex), resulting in permits being issued at inappropriate times. Second, the seasons contained in the law are only the default seasons. Specific authority has been delegated to the Institute of Biology to establish and change seasons for each hunting district on an annual basis. This ability to tailor seasons is fundamental to the kind of adaptive management required for wildlife.

In addition, scientific names for all species have been included making the law consistent with the format used in the Law on Fauna and CITES Implementation Law and decreasing the chances of confusion when setting separate seasons for species with the same common name (e.g., marmot).

Outfitter and Guide Requirements:

Until today, hunting and fishing outfitters and guides are operating as tourism companies whose right to engage in this business is regulated by a Ministry with no connection to the management of the resource. Outfitting and guiding for this type of activity is a specialized business with requirements in addition to and different from standard tourism operations.

The proposed amendments create specific requirements for the application, approval, and operation of outfitters and guides. The management of this industry is placed under the Wildlife Management Authority.

National and International Wildlife Trade:

The amendments introduce for the first time specific provisions to regulate national and international trade of wildlife. These requirements are in addition to those contained in Mongolia's CITES Implementation Law and convention itself.

For international trade, the amendments establish an importer/exporter licensing requirement administered by the Mongolian Customs Authority, regardless of the species status under CITES. Anyone intending to trade in wildlife must obtain a license and comply with any restrictions established by the Customs authority, including restrictions on ports of entry and exit for wildlife products as well as documentation and clearance requirements.

For national trade, the amendments establish a similar licensing requirement for wildlife traders, again without regard to the status or quantity of the species or parts traded. The Wildlife Management Authority is responsible for regulating the trade and setting fees or exceptions as it deems appropriate.

Enforcement, Fines and Penalties:

Enforcement has been one of the most difficult areas for the control of hunting and trade in the last decade. While some of this is related to the capacity of enforcement personnel, several deficiencies in the law have added to the problem.

In addition to the permitting and tagging elements designed to aid in enforcement, the amendments contain a substantially expanded list of prohibited activities, fines and penalties that:

- clearly make it illegal to hunt a species for which no season or quota has been established;

- make it illegal to hunt in areas where no hunting district or management plan has been established;
- identify modern hunting and wildlife trade practices the current law did not anticipate (i.e., the use of modern technology such as night vision goggles); and
- cover all aspects of the procurement and use of permits and tags;
- allow for the cumulative accrual of fines and penalties to reflect the total harm caused by illegal hunting or trade;
- establish specific sanctions for the abuse or misuse of the permitting and contracting system by individuals, companies, outfitters and guides;
- provide for the loss or hunting privileges as one of the possible sanctions; and
- establish both minimum fine levels and ones that are inflation indexed to either the value of the permit or contract, or the market value of the species, or both;

TABLE OF ARTICLES

Article 1.	Purpose of this Law	65
Article 2.	Legislation on Hunting and Wildlife Trade	65
Article 3.	Definitions	65
Article 4.	Possession and Use of Wildlife	69
Article 5.	Wildlife Management Plans	69
Article 6.	Establishment of Hunting Districts	70
Article 7.	Administrative Authority for Wildlife Management and Hunting	71
Article 8.	Hunting Management and Its Financing	74
Article 9.	Hunting and Trapping Payment and Fee	74
Article 10.	Hunter Education	74
Article 11.	Right to Hunt or Trap Game Animals and Purposes	75
Article 12.	Hunting and Trapping Permit, License, and Contract Requirements	75
Article 13.	Application for Hunting, Fishing and Trapping Permits	76
Article 14.	Hunting Hours	77
Article 15.	Tagging and Transporting Game	77
Article 16.	Hunting and Trapping of Game Animals for Industrial Purposes	77
Article 17.	Hunting and Trapping for Household Purposes	78
Article 18.	Hunting and Trapping for Sport Special Purposes	78
Article 19.	Trophy Hunting	79
Article 20.	Application Process and Certification of Licensed Outfitters and Guides	79
Article 21.	Open and Close Seasons	80
Article 22.	Prohibited Hunting and Trapping Methods, Firearms and Instruments	81
Article 23.	International Trade in Wildlife	81
Article 24.	National Wildlife Trade	82
Article 25.	Certain Prohibited Hunting and Trapping Activities	82
Article 26.	Liability for Violation of Hunting Legislation	84
Article 27.	Rewards for Information Provided by Citizens	88
Article 28.	Revenue Sharing of Fines and Penalties	88
Article 29.	Enforcement Protocol	88

draft amendments
to
MONGOLIAN LAW ON HUNTING
2007

Purpose of this Law

1.1 The purpose of this Law is to regulate the hunting and trapping of game animals, the proper use of hunting reserves, to control illegal trade in wildlife, to protect against the unauthorized pursuit and killing of wildlife, to provide a foundation for science-based hunting management, and to ensure the continued survival of Mongolia's native wildlife populations.

Legislation on Hunting and Wildlife Trade

2.1 The hunting legislation shall consist of the Constitution of Mongolia, the Mongolian Law on Environmental Protection, the Mongolian Law on Fauna, the Mongolian CITES Implementation Law, the present Law and other legislative acts and regulations issued in conformity with them.

Definitions

As used in this Law the following definitions apply:

- 3.1 **Angler** means one who fishes either for sport, food, clothing, medicinal purposes, religious, industrial, commercial, or trade purposes.
- 3.2 **Bait** means any animal matter, vegetable matter, or natural or artificial scent placed in an area inhabited by wildlife for the purpose of attracting game animals or game birds.
- 3.3 **Citizen** shall have the meaning assigned to it by the Mongolian Constitution.
- 3.4 **Canned Hunts** shall mean the killing or attempting to kill a wild animal that is held in captivity or that is released from captivity for the purpose of being killed.
- 3.5 **Check Stations** shall mean established and publicized locations including roadside stations at city entrances or other location for purposes of checking hunter activity or any station delegated such authority by the same.
- 3.6 **Closed Season** means the time during which game birds, fish, and game and fur-bearing animals may not be lawfully taken.
- 3.7 **Export** shall refer to any wildlife that departs, is sent, or shipped from, is carried out of, or is consigned to a carrier from a place under Mongolian jurisdiction with a destination outside of Mongolia.
- 3.8 **Fishing** means to take or the act of a person possessing any instrument, article, or substance for the purpose of taking fish in any location that a fish might inhabit.
- 3.9 **Fur Bearing Animals** shall include, but are not limited to the following:
Sable (*Martes zibellina*), Stone Marten (*Martes foina*), Raccoon Dog (*Nyctereutes procyonoides*), Eurasian Lynx (*Lynx lynx*), Pallas' Cat or Manul (*Felis manul*), Red Fox (*Vulpes vulpes*) or Corsac Fox (*Vulpes corsac*), Brown Squirrel (*Sciurus vulgaris*), Ground Squirrel (*Citellus sp.*), Alpine Weasel (*Mustela altaica*), Mountain Hare (*Lepus timidus*), Tolai Hare (*Lepus tolai*), Marmot (*Marmota sibirica* and *Marmota baibacina*), Muskrat (*Ondatra zibethica*), and Eurasian Badger (*Meles meles*).

3.10 **Game Animals** shall include those mammals, birds, fish, and reptiles that are native to, have been reintroduced to, or are migratory within the territory of Mongolia and that are hunted or trapped for sport, food, clothing, medicinal, religious, commercial, or trade purposes. Game Animals in Mongolia include, but are not limited to the following:

Mammals: Siberian Roe Deer (*Capreolus pygargus*), White Tailed Gazelle (*Procapra gutturosa*), Wild Boar (*Sus scrofa*), Brown Bear (*Ursos arctos*), Sable (*Martes zibellina*), Stone Marten (*Martes foina*), Raccoon Dog (*Nyctereutes procyonoides*), Eurasian Lynx (*Lynx lynx*), Wolverine (*Gulo gulo*), Red Fox (*Vulpes vulpes*), Corsac Fox (*Vulpes corsac*), Brown Squirrel (*Sciurus vulgaris*), Alpine Weasel (*Mustela altaica*), Mountain Hare (*Lepus timidus*), Tolai Hare (*Lepus tolai*), Marmot (*Marmota sibirica* and *Marmota baibacina*), Muskrat (*Ondatra zibethica*), and Eurasian Badger (*Meles meles*).

Birds: Saker Falcon (*Falco cherrug*), Daurian Partridge (*Perdix dauuricae*), Altia Snowcock (*Tetraogallus altaicus*), Eurasian Eagle Owl (*Bubo bubo*), Black Grouse (*Tetrao tetrix*), Snowy Owl (*Nyctea scandiaca*), White Ptarmigan (*Lagopus lagopus*), Greylag Goose (*Anser anser*), Gadwall (*Anas streptera*), Artic Loon (*Gavia artica*), Pallas' Sandgrouse (*Syrrhaptes paradoxus*), Siberian Accentor (*Prunella montanella*).

Fish: Includes all species of the genus salmonidae (chars, trout, salmon, grayling, and whitefish), and further includes Taimen (*Hucho taimen*), Lenok (*Brachymystax lenok*), River Perch (*Perca fluviatilis*), Northern Pike (*Esox lucius*), Siberian whitefish (*Coregonus spp.*), Siberian Grayling (*Thymallus arcticus*), Pontanin's Osman (*Oreoleuciscus potanini*), Common Wild Carp (*Cyprinus carpio*), Catfish (*Silurus asotus*), and Eastern Brook Lamprey (*Lethenteron reissneri*).

3.11 **Game Animal Habitat** shall be defined as land, forest, and water where the living conditions for game animals are found.

3.12 **Guide** is defined as an individual who is employed by or contracts with a licensed outfitter to help the outfitter furnish personal services for the conduct of outdoor recreational activities directly related to the conduct of activities for which the employing outfitter is licensed.

3.13 **Household Hunting and Fishing** shall mean hunting, trapping and fishing of game animals solely for the purposes of household consumption, where such consumption represents customary and direct dependence upon the populations as the mainstay of livelihood, the hunter or angler is a resident of Mongolia, where there are not alternative resources, pursuant to the quantities, quotas, and seasons established by the Institute of Biology.

3.14 **Hunter** shall mean one who hunts or traps wild animals either for sport, food, clothing, medicinal purposes, religious, industrial, commercial, or trade purposes.

3.15 **Hunt** means to pursue, shoot, wound, kill, chase, lure, possess, or capture or the act of a person possessing any weapon, or using a dog or a bird of prey for the purpose of shooting, wounding, killing, possessing, or capturing wildlife protected by the laws of Mongolia in any location that wildlife may inhabit, whether or not the wildlife is then or subsequently taken. The term includes any attempt to take by any means, including but not limited to pursuing, shooting, wounding, killing, chasing, luring, possessing, or capturing regardless of the purpose including but not limited to wildlife management objectives (such as

herd population control), for food, sport, science, medicine, or trade in wildlife products.

- 3.16 **Hunting Management** shall refer to activities to develop the justification for the proper use, conservation, and breeding of a territory's animal reserve by investigating and establishing the game animal's distribution, numbers, herd structure, reproduction, and hunting reserve. (moved from 6.2 below).
- 3.17 **Import** shall refer to any wildlife introduced or brought into, or landed on, any place under Mongolian jurisdiction for any purposes.
- 3.18 **Industrial Hunting** shall mean the hunting of any game animal with the primary intent of selling, bartering, or otherwise trading any portion of such game animal regardless of the quantity harvested or actually sold, bartered, or traded.
- 3.19 **Institute of Biology** shall mean that department or division within the Mongolian Academy of Sciences delegated the responsibility and authority to conduct scientific research on wildlife occurring within the jurisdiction of Mongolia.
- 3.20 **Non-Game Animals** shall include those mammals, birds, reptiles, amphibians, fish, mollusk, crustacean or other animal not classified as a game animal by this law.
- 3.21 **Non-Residents** shall refer to individuals, whether Mongolian or foreign nationals, not registered as a resident in the Soum where they apply for a hunting or fishing permit or conduct hunting or fishing for any purpose.
- 3.22 **Open Season** means the time during which game birds, fish, and game and fur-bearing animals may be lawfully taken.
- 3.23 **Outfitter** means a person that holds the person's business operation out to the public for hire or consideration; provides facilities or services for consideration; maintains, leases, or otherwise provides compensation for the use of land and which receives compensation from a third party for use of that land; or otherwise uses equipment or accommodations for consideration for the conduct of outdoor recreational activities, including hunting animals or birds and fishing on lakes, reservoirs, rivers, and streams. An outfitter may act as a guide.
- 3.24 **Poaching** shall mean the theft or illegal killing of animals, or possession of wildlife artifacts in contravention of the law. A poacher is someone who engages in poaching.
- 3.25 **Protected Birds** shall refer to all species of birds listed are “very rare” or “rare” pursuant to the Mongolian Law on Fauna as well as all hawks, owls, eagles, vultures, and all other non-game birds and songbirds.
- 3.26 **Residents** shall include individuals who have physically resided in a particular Aimag within Mongolia as the person's principal or primary home or place of abode for 180 consecutive days and who meet the criteria of subsections 3.24.1 et seq.

A person who obtains residency under this section may continue to be a resident for purposes of this section by physically residing in Mongolia as the person's principal or primary home or place of abode for not less than 120 days a year and by meeting the remaining criteria of subsection 3.26.1 et seq., prior to making application for any resident hunting, fishing, or trapping license.

- 3.26.1 the individual is registered with the government of Mongolia as resident in a given Aimag;
 - 3.26.2 the individual's principal or primary home or place of abode is in Mongolia;
 - 3.26.3 as used in this section, a vacant lot or a premises used solely for business purposes is not considered a principal or primary home or place of abode;
 - 3.26.4 the person files tax returns in Mongolia as a resident, if required to file;
 - 3.26.5 the person licenses and titles in Mongolia as required by law any vehicles that the person owns and operates in Mongolia;
 - 3.26.6 the person does not possess or apply for any resident hunting, fishing, or trapping licenses from another Aimag or exercise resident hunting, fishing, or trapping privileges in another Aimag;
 - 3.26.7 if the person registers to vote, the person registers only in a specific Aimag in Mongolia;
 - 3.26.8 If an unmarried minor, the minor's parents or legal guardian is a resident as defined by this section regardless of whether the minor resides primarily in the Aimag or otherwise qualifies as a resident;
 - 3.26.9 The resident parent or guardian of the minor may be required to show proof of the parental, guardianship, or custodial relationship to the minor;
 - 3.26.10 A person is not considered a resident for the purposes of this section if the person claims residence in any other Aimag or country for any purpose.
- 3.27 **Restricted Licenses** shall mean licenses issued for household consumption, commercial, industrial, or trophy hunting that may be used only in the hunting district for which the license was issued.
- 3.28 **Shotgun** shall mean a shouldered, breech-loaded or muzzle-loaded firearm with a smooth bore and/or rifled barrel and/or rifled choke device designed to fire shot or rifled slugs.
- 3.29 **Sport Fishing** shall mean the act of fishing pursuant to the appropriate license as issued by the Wildlife Management Authority, by anyone, whether Mongolian, foreigner, resident or non-resident for purposes other than household consumption as defined by §3.13.
- 3.30 **Sport Hunting** shall mean the act of pursuing a game animal pursuant to the appropriate license as issued by the Wildlife Management Authority, by any hunter, whether Mongolian, foreigner, resident or non-resident for purposes other than household, trophy, or industrial hunting as defined by this law.
- 3.31 **Trap** means to take or participate in the taking of any wildlife protected by the laws of Mongolia by setting or placing any mechanical device, snare, deadfall, pit, or device intended to take wildlife or to remove wildlife from any of these devices.
- 3.32 **Trophy Animal** shall be defined by the Institute of Biology to assist with the determination of restitution values for illegally taken trophy animals.
- 3.33 **Trophy Hunting** shall mean the act of pursuing a trophy animal, as defined in §3.32, pursuant the appropriate license as issued by the Wildlife Management Authority, whether or not a trophy animal is in fact killed by the hunter.

- 3.34 **Un-Restricted Licenses** shall mean hunting licenses for sport hunting purposes that may be used in any established hunting district within the territory of Mongolia.
- 3.35 **Wildlife** shall refer to any living or dead wild animal, its parts, and products made from it and includes mammals, birds, reptiles, amphibians, fish, insects, crustaceans, arthropods, molluscs and coelenterates.
- 3.36 **Wildlife Artifacts** shall mean any part of a wild animal whether mammal, fish, bird, or reptile regardless of its use and shall include, but not be limited to:
- 3.36.1 Feathers;
 - 3.36.2 Meat;
 - 3.36.3 Bones;
 - 3.36.4 Oil;
 - 3.36.5 Powders;
 - 3.36.6 Skin;
 - 3.36.7 Antlers;
 - 3.36.8 Horns;
 - 3.36.9 Glands;
 - 3.36.10 Or any other item or product derived from wildlife.
- 3.37 **Wildlife Management Authority** shall refer to the institutional body within the State Administrative Central Organization in charge of environment established for the purposes of assuming the responsibilities and authority for wildlife management.
- 3.38 **Wildlife Trade** shall mean the sale, exchange, barter, or transfer by any means and for any purposes of any wildlife or wildlife artifact whether registered or unregistered, legally or illegally harvested by any person, economic entity organization, other legal entity or Nokhorlol within the territory of Mongolia.

Possession and Use of Wildlife

Citizens, economic entities, or organizations may possess and/or use game animal habitat pursuant to relevant laws, regulations and contracts in order to protect and properly use game animal reserves and prepare animal parts derived from hunting.

Wildlife Management Plans

5.1 The Institute of Biology shall be responsible for, in consultation with the Wildlife Management Authority, soum governments, Nokhorlol, local communities and interested stakeholders, the drafting of wildlife management plans for all game and non-game species occurring in Mongolia.

5.2 Wildlife management plans shall include the following:

- An assessment of the status and distribution of the species nationwide including detailed maps;
- A statement of the legal status and public policies affecting the conservation and use of the species;
- Population analyses for the species generally and for distinct sub-populations showing the impacts of reducing survival and recruitment on the population growth rate of the species;

- A conclusion and management recommendations;
 - A statement of management goals and long-term population objectives;
 - Management objectives and strategies for each identified sub-population;
 - A list and detailed description, including maps of areas where hunting (or fishing) for the species may not occur; and
 - A list and detailed description, including maps, of areas where local management of the species will be predicated on the establishment of inter-community management agreements required in §6.27.5.5.
- 5.3 In drafting management plans, assessing the status of wildlife populations, and analyzing populations, the Institute of Biology shall use peer-reviewed scientific methods and the best available scientific research.
- 5.4 The Institute of Biology may enter into cooperative agreements with national and international scientific organizations to assist with the development of species management plans.
- 5.5 All management plans shall be published and available to the public on request.
- 5.6 No hunting, trapping, or fishing for any purpose may occur within the territory of any soum or duureg until wildlife management plans for the species and territory in question have been established and approved by the Institute of Biology.
- 5.7 Interim management plans may be adopted and approved based on existing information to permit hunting for specific species at the discretion of the Institute of Biology. However, interim management plans may only be used for five (5) years from the date of adoption and must be substituted for full management plans before hunting may be permitted after the five (5) year grace period.

Establishment of Hunting Districts

- 6.1 Soum or duureg citizen representative khurals shall, in consultation with the Institute of Biology and local communities, including any Nokhorlol established for purposes of possessing and using wildlife, establish the zones within game animal habitats for hunting, trapping and fishing for those purposes defined by this law including but not limited to, industrial, household, sport, trophy, population management, or any other purpose.
- 6.2 Hunting districts established by soum or duureg citizen representative khurals shall conform to the requirements of the management plans for the species as established by the Institute of Biology and have:
- A clearly defined area,
 - sufficient wildlife resources to support the type of hunting permitted,
 - a designated management authority whether government or a local community Nokhorlol;
 - trained managers within those organizations, and
 - a local management plan with clearly defined requirements for its development, renewal, and legal status.

- 6.3 No hunting, trapping, or fishing for any purpose may occur within the territory of any Soum or Duureg until hunting zones for the species and territory in question have been established and approved by the Institute of Biology.
- 6.4 No hunting, trapping, or fishing may occur outside such hunting zones for any purpose.
- 6.5 Hunting and trapping zones may not be established inside Strictly Protected Areas, National Parks, or Nature Reserves.
- 6.6 Fishing zones for catch-and-release sport fishing only may be established inside Strictly Protected Areas, National Parks, or Nature Reserves pursuant to the Law on Special Protected Areas and consistent with the management plans for the species and the protected area.

Administrative Authority for Wildlife Management and Hunting

- 7.1 The State Administrative Central Organization in charge of environment shall be responsible for establishing a wildlife management authority (herein Wildlife Management Authority) as defined by §3.37 of this law.
- 7.2 The Wildlife Management Authority shall be responsible for the following:
- 7.2.1 Providing assistance to aimag and soum governments in the administration of hunting management within their territory as defined by §3.16 of this law and described in §0 of the same;
 - 7.2.2 Assisting in the preparation of national level species management plans in consultation and cooperation with the Institute of Biology;
 - 7.2.3 Maintaining a registry of all Nokhorlol established for purposes of managing and using wildlife resources;
 - 7.2.4 Assisting Nokhorlol and soum governments, in consultation with the Institute of Biology, in establishing inter-community agreements, and the drafting and recording of local wildlife management plans;
 - 7.2.5 Establishing a wildlife accounting system for all aimags and soums, administration of state funds, and budgeting for wildlife management;
 - 7.2.6 Acting as a clearinghouse for information on wildlife including, but not limited to, populations, hunting statistics, trade statistics, and research activities;
 - 7.2.7 Administering educational and safety programs, including but not limited to, hunter education programs, youth-education programs, and production of hunting, fishing and trapping regulation booklets, films and videos
 - 7.2.8 Developing regulations for the implementation of this and related legislation;
 - 7.2.9 Enforcing all game and non-game laws of Mongolia;
 - 7.2.10 Regulation of commercial uses of wildlife including trophy hunting, hunting and fishing outfitter licensing, industrial wildlife harvests, and all forms of wildlife trade;
 - 7.2.11 Development and administration of tagging and registration procedures and documents;
 - 7.2.12 Mapping of wildlife distributions, hunting zones, and other geographically relevant information.
- 7.3 As the scientific authority for Mongolia, the Institute of Biology shall have the following rights and responsibilities:

- 7.3.1 The Institute of Biology shall conduct applied research for wildlife, including but not limited to population dynamics, age structure, social structure, birth rates, death rates, causes of death, critical habitats, habitat potential trends, migratory patterns, dispersal, impacts of hunting, and competition for resources with other species, including domestic livestock.
 - 7.3.2 The Institute of Biology shall have the exclusive and final authority to establish quotas and seasons for all game animals.
 - 7.3.3 The Institute of Biology shall establish quotas for hunting and trapping and daily limits for fishing and bird hunting using peer-reviewed scientific methods and the best available scientific data. In the development of scientific methods, the Institute of Biology may enter into cooperative agreements with other national and international organizations.
 - 7.3.4 All methods and research results shall be published for review and comment by government agencies, Nokhorlol members, international and national organizations, and any interested person.
 - 7.3.5 Quotas shall be established for distinct populations of wildlife and pursuant to Institute of Biology approved hunting districts, as proposed by soum governments, and Nokhorlol.
 - 7.3.6 In setting seasons and quotas, the Institute of Biology shall have the following rights and responsibilities:
 - a) For each game animal and hunting district, the Institute shall consider the game animal population for the hunting district in question, the overall distribution of the game animal, reproduction rates, survival and death rates, the estimated volume of illegal hunting that occurs in the area, population trends, and any other factors it deems necessary to establishing an appropriate quota or season.
 - b) Where the Institute of Biology determines that hunting is having a negative impact on a game animal, it has the authority to prohibit hunting in a given hunting district, soum territory, aimag, or nationwide, as the case may be. It may suspend hunting temporarily or indefinitely pending further research.
 - c) The Institute shall not establish a quota or a season for a hunting district unless all available data indicate that the population in question is stable or increasing.
 - d) Quotas for areas and seasons shall be set sufficiently in advance of the season to allow for publication of the information in concerned areas, production and distribution of tags where required.
 - e) Disputes involving quota levels and seasons shall be submitted to the Institute of Biology and all decisions by the Institute shall be final.
- 7.4 Aimag governments shall have the following rights and responsibilities for the management of wildlife within their territory:
- 7.4.1 Provide administrative assistance to soum governments in the exercise of hunting management, wildlife surveys as defined by §3.16 of this law and described in § 0 of the same, and the establishment and management of hunting districts within their territory;
 - 7.4.2 Collect information and keep records from soum administrations on wildlife including, but not limited to, populations, hunting statistics, trade statistics, research activities;
 - 7.4.3 Report on all wildlife trade, hunting, and survey information to the Wildlife Management Authority;

- 7.4.4 Coordinate with the Wildlife Management Authority and the soum governments in the administration of hunter education and certification, the distribution of permits, licenses and tags;
- 7.5 Soum governments shall have the following rights and responsibilities for the management of wildlife within their territory:
- 7.5.1 Provide administrative assistance to local communities and Nokhorlol in the exercise of hunting management, wildlife surveys as defined by §3.16 of this law and described in §0 of the same, and the establishment and management of hunting districts within their territory;
 - 7.5.2 Collect information and keep records on wildlife in their territory including, but not limited to, populations, hunting statistics, trade statistics, research activities;
 - 7.5.3 Report on all wildlife trade, hunting, and survey information to the aimag government, local communities, and Nokhorlol;
 - 7.5.4 Coordinate with the Wildlife Management Authority and the aimag governments in the administration of hunter education and certification, distribution of permits, licenses and tags;
 - 7.5.5 Where required by the management plan to ensure the appropriate management of the species in question, soum and duureg citizens representative khurals shall enter into agreements with other soum governments (herein Inter-Community Agreements), and Nokhorlol established for purposes of managing wildlife pursuant to the Law on Environmental Protection and its implementing regulations;
 - 7.5.6 Templates for Inter-Community Agreements shall be designed by the Wildlife Management Authority and contain provisions that govern shared management responsibilities, revenue sharing for sport hunting and fishing, and trophy hunting, and dispute resolution.
- 7.6 Nokhorlol established pursuant to the Law on Environmental Protection and its implementing regulations shall have the following rights and responsibilities for the management of wildlife within their territory:
- 7.6.1 Prior to engaging in the use or management of wildlife within its established territory Nokhorlol shall, in consultation and with the technical support of the Institute of Biology and the Wildlife Management Authority, draft management plans for the use of wildlife resources in their territory;
 - 7.6.2 Where deemed necessary or appropriate by the Institute of Biology, such Nokhorlol shall establish agreements (herein Inter-Community Agreements) with neighboring Soum governments or Nokhorlol, where they exist, sufficient to ensure the appropriate management of the species intended to be used by the Nokhorlol;
 - 7.6.3 Management plans and inter-community agreements shall be consistent with national management plans, and shall be filed with the Wildlife Management Authority, who shall provide copies of all such agreements to the Institute of Biology and any interested person upon request;
 - 7.6.4 Nokhorlol may establish agreements with hunting and fishing outfitters for sport or trophy hunting and fishing in their hunting districts. Such agreements shall be consistent with established inter-community agreements, national and local management plans;
 - 7.6.5 Nokhorlol shall designate one representative to negotiate agreements with hunting and fishing outfitters. Where wildlife uses in a given area are subject to an inter-community agreement, the parties to such agreement

shall jointly nominate no more than two representatives to negotiate with hunting and fishing outfitters. The negotiations of such representatives shall be binding on all soum residents and Nokhorlol members that are parties to the inter-community agreement.

- 7.6.6 In establishing such agreements, Nokhorlol shall be bound by the hunting fishing quotas as established by the Institute of Biology, as well as all laws and regulations governing Nokhorlol activities and the species to be hunted or fished.
- 7.6.7 Collect information and keep records on wildlife in their territory including, but not limited to, populations, hunting statistics, trade statistics, research activities;
- 7.6.8 Enforce the laws and regulations related to wildlife within their territory.

Hunting Management and Its Financing

- 8.1 Hunting Management reports and evaluations shall form the basis for the activities on the conservation, breeding, and proper use of game animal reserves.
- 8.2 Hunting Management shall be conducted by the Institute of Biology in consultation with soum and duureg governors, local communities, and Nokhorlol. The Institute of Biology may enter into cooperative agreements with national and international scientific organizations in fulfilling this responsibility.
- 8.3 The soum and duureg governors shall ensure that, within their jurisdiction hunting management is conducted on an annual basis and population surveys for hunted species conducted each year prior to and following hunting for household, sport, trophy, or industrial purposes.
- 8.4 Such surveys shall be conducted in consultation and with the technical support of the Institute of Biology and may be conducted in cooperation with other national and international scientific organizations pursuant to cooperative agreements established by the Institute of Biology;
- 8.5 Hunting Management shall be financed as follows:
 - 8.5.1 Expenses for conducting Hunting Management shall be financed from the State Central Budget and Hunting Reserve Use Fees at a level compliant with the Law on Reinvestment of Natural Resource Use Fees.
 - 8.5.2 Citizens, economic entities, and organizations shall finance the Hunting Management for the land possessed or used by them pursuant to contract.

Hunting and Trapping Payment and Fee

- 9.1 Payments and fees shall be required for hunting and trapping game animals.
- 9.2 Payment and fee rates for hunting and trapping of game animals as well as the procedure for payment, reduction of and exemption from these fees shall be established by statute.
- 9.3 Hunting and trapping fees shall be updated annually.

Hunter Education

- 10.1 All hunters are required by law to have a Hunter Education Certificate of Competency in the safe handling of firearms before they may purchase a hunting license.
- 10.2 The Certificate of Competency shall be awarded to hunters who have successfully completed a Hunter Education Program as approved by the Wildlife Management Authority.

Right to Hunt or Trap Game Animals and Purposes

- 11.1 Those citizens who have obtained a Hunter Education Certificate of Competency, obtained a license for possessing a gun and a permit pursuant to the relevant procedure, shall be authorized to hunt or trap game animals.
- 11.2 A child between the ages of twelve and sixteen may obtain a basic hunting permit or license without cost, but only if she or he has completed the Hunter Education Course required in §0 above.
- 11.3 A parent of the child must apply for the license, and the child may hunt only with a parent, guardian, or responsible adult.
- 11.4 Persons over the age of sixty-five may receive a hunting license without paying a fee.
- 11.5 Game animals may be hunted or trapped for the following purposes.
 - 11.5.1 industrial;
 - 11.5.2 household;
 - 11.5.3 sport;
 - 11.5.4 trophy; and
 - 11.5.5 population management.

Hunting and Trapping Permit and Contract Requirements

- 12.1 Except as provided in §12.2, it is unlawful for a person to:
 - 12.1.1 hunt or trap or attempt to hunt or trap any game animal, any game bird, or any fur-bearing animal or to fish for any fish within Mongolia or possess within Mongolia any game animal, game bird, fur-bearing animal, game fish, or parts of those animals or birds, except as provided by law or as provided by the Wildlife Management Authority; or;
 - 12.1.2 hunt or trap or attempt to hunt or trap any game animal, game bird, or fur-bearing animal or to fish for any fish, except at the places and during the periods and in the manner defined by law or as defined by the Institute of Biology and any agreements established pursuant to this law or its implementing regulations; or;
 - 12.1.3 sell, purchase, ship, or reship any imported or other fur-bearing animal or parts of fur-bearing animals without first having obtained a proper and valid license or permit from the Customs Authority or Wildlife Management Authority, as the case may be, to do so; or;
 - 12.1.4 trap or attempt to trap predatory animals or nongame wildlife without a license.
- 12.2 Citizens who hunt or trap for household and sport purposes must obtain a permit.
- 12.3 There shall be restricted permits only for household hunting purposes.
- 12.4 There shall be restricted and unrestricted permits for sport hunting purposes.
- 12.5 Restricted permits shall be valid in one district only. Unrestricted permits may be used in any lawfully established hunting district. All permits, whether restricted or unrestricted, shall be subject to the seasons and requirements of the district in which they are used.
- 12.6 Citizens, economic entities and organizations that wish to trophy hunt, as defined by §3.33, must obtain a special permit.
- 12.7 Special permits shall be restricted to a specific hunting district only.
- 12.8 There shall be a contract signed for hunting or trapping for industrial purposes as defined by §3.18. The contract shall be between the hunting company

applicant, the Wildlife Management Authority, and the managing authority of the area or areas where such hunting will occur.

- 12.9 Such contract shall state the responsibilities of the parties, including revenue sharing, hunting management requirements, dispute resolution and any other provisions deemed necessary by the parties.
- 12.10 Tags for all animals to be harvested under an industrial hunting permit shall be issued by the Wildlife Management Authority.
- 12.11 Contracts, permits and special permit forms for the hunting and trapping of game animals shall be adopted by the Wildlife Management Authority.
- 12.12 Permits and special permits shall be issued in such a form that may serve as tagging instruments in compliance with 0 of this law.

Application for Hunting, Fishing and Trapping Permits

- 13.1 Restricted permits for household and sport hunting may be procured from the director of the Wildlife Management Authority, soum governors, or an authorized agent of the Wildlife Management Authority. Such authorized agent may include the designated representative for a Nokhorlol authorized to possess or use wildlife resources;
- 13.2 Unrestricted sport hunting permits shall be available only from the Wildlife Management Authority's office;
- 13.3 Procedures for the distribution and sale of household and sport hunting permits by authorized agents, shall be promulgated by the Wildlife Management Authority.
- 13.4 The applicant shall state the applicant's name, age, personal identification number, occupation, street address of permanent residence, mailing address, qualifying length of time as a resident in the Aimag, and status as a citizen or resident of Mongolia and other facts, data, or descriptions as may be required by the issuing authority pursuant to implementing regulations promulgated by the Wildlife Management Authority.
- 13.5 An applicant for a resident permit shall present a valid Mongolia driver's license, Mongolia passport, Mongolia personal identification, or other identification specified by the Wildlife Management Authority to substantiate the required information.
- 13.6 It shall be the applicant's burden to provide documentation establishing the applicant's identity and qualifications to purchase a permit.
- 13.7 Except as provided in §13.8 below, the statements made by the applicant must be made in person before the officer or agent issuing the permit.
- 13.8 It is a violation of law for a permitting agent to sell a hunting, fishing, or trapping permit to an applicant who fails to produce the required identification at the time of application.
- 13.9 Permits may be issued by mail, on the internet, or by other electronic means. Statements on an application for a permit to be issued by mail, on the internet, or by other electronic means need not be subscribed to before the employee or officer.

13.10 A resident may apply for and purchase a hunting permit, or fishing permit for the resident's spouse, parent, child, brother, or sister who is otherwise qualified to obtain the permit.

13.11 A permit is void unless signed by the permittee.

Hunting Hours

Authorized hunting hours for the taking of game animals begins one-half hour before sunrise and ends one-half hour after sunset each day of the authorized hunting season.

Tagging and Transporting Game

15.1 The Wildlife Management Authority shall create hunting tags to be used by all hunters to harvest game animals, excluding game birds and fish.

15.2 Immediately after harvesting a game animal, hunters, whether hunting for household, sport, trophy, or industrial purposes, must cut out the proper month and the day of the harvest from the appropriate tag and attach it to the animal in a secure and visible manner.

15.3 If more than one date is cut out, the tag shall be invalid.

15.4 The properly validated tag shall remain with the meat until consumed.

15.5 If quartered, the tag shall remain with the carcass or largest portion of the carcass.

15.6 The tag shall remain attached to the hide of any game animal harvested for its skin until the hide has been tanned.

15.7 Properly tagged game animals that comply with these requirements and that were lawfully taken by the license holder may be transported by an individual other than the license holder. The name, address and phone number of the person who killed the animal should accompany the carcass.

15.8 It is a violation to transport an illegally taken game animal.

15.9 All shippers of wildlife, or parts thereof, are required to label all packages offered for shipment by whatever means.

15.10 The label shall be securely attached to the address of the package and shall plainly indicate the names and addresses of the consignor and consignee and the complete contents of the package.

Hunting and Trapping of Game Animals for Industrial Purposes

16.1 Soum governors shall enter into a contract on hunting and trapping of game animals for industrial purposes with economic entities and organizations which meet the following criteria;

16.1.1 Have obtained a decision by the Soum Citizen Representative Khural;

16.1.2 Have sufficient staff with adequate training in the harvest and processing of the targeted species;

16.1.3 Have proven financial capacity to perform all requirements that may be imposed including habitat and resource protection requirements, monitoring activities, and value-added product development;

16.1.4 Have a plan for the protection and reproduction of game animals.

16.2 The Game Animal Hunting and Trapping Contract shall define the species, quantity, hunting season, location, types, amount, payment, and fee for the animal parts to be procured; fully define any habitat protection requirements,

standards, and procedures; and establish the percentage of profits that shall be distributed to the local community for the use of the resource.

- 16.3 For each animal authorized to be harvested, the soum governors office shall issue a permit with the content and in the form prescribed by 0, 0, and 0.

Hunting and Trapping for Household Purposes

- 17.1 Citizens referred to in subparagraph §3.3 of this Law may hunt or trap game animals other than Rare and Very Rare Animals for their household needs after paying fees and obtaining a permit from the soum governor or authorized agent of the Wildlife Management Authority, including the representative of a Nokhorlol with permission to possess or use wildlife resources.
- 17.2 The Game Animal Hunting and Trapping Permit for household purposes shall list the issuing agency and location, type of permit, name and surname of the authorized citizen, citizen's residence, species, quantity, hunting and trapping season, location of validity, fee and payment amount of the animal to be hunted or trapped.
- 17.3 A one-time permit to hunt or trap game animals for household purposes issued to citizens of Mongolia shall be valid for the season of the species and hunting district for which it was issued.
- 17.4 With the exception of fish and birds, there shall be one permit for each animal authorized to be taken under this section.
- 17.5 The species and volumes that may be hunted for household purposes in a given hunting district shall be prescribed by the Institute of Biology.
- 17.6 Foreigners who temporarily or permanently reside within the territory of Mongolia may fish for household purposes on the basis of established fee rates for Mongolian citizens.
- 17.7 For each animal authorized to be hunted or trapped, the Wildlife Management Authority or soum governor's office, as the case may be, shall issue a permit with the content and in the form prescribed by 0, 0, and 0.

Hunting and Trapping for Sport Purposes

- 18.1 The Wildlife Management Authority shall have the authority to issue permits for sport hunting of game animals, as defined by §3.30, including those listed as "rare" but excluding those listed as "very rare" pursuant to the Law on Fauna. Such permits may be restricted or unrestricted.
- 18.2 For restricted sport hunting permits, the Wildlife Management Authority shall notify the community or communities within the hunting district, including Nokhorlol, of the number of permits, species authorized, and revenue to be shared.
- 18.3 Soum and duureg governors shall have the authority to issue permits for sport hunting of game animals, excluding those listed as "rare" or "very rare" pursuant to the Law on Fauna. Such permits shall be restricted to the hunting districts within which the soum or duureg governor has jurisdiction and shall be subject to the seasons, quotas, areas, and inter-community agreements for the species in question.
- 18.4 There shall be one permit for each animal authorized to be taken under this section.
- 18.5 The species and volumes that may be hunted for sport purposes in a given hunting district shall be prescribed by the Institute of Biology.

- 18.6 Foreigners who temporarily or permanently reside within the territory of Mongolia may hunt for sport, but not household purposes, on the basis of established fee rates for Mongolian citizens.
- 18.7 For each animal authorized to be harvested, the Wildlife Management Authority shall issue a permit with the content and in the form prescribed by 0, 0, and 0.

Trophy Hunting

- 19.1 The Wildlife Management Authority shall have the authority to issue special permits for trophy hunting, as defined by §3.33. Such permits shall be restricted to a single hunting district.
- 19.2 There shall be one permit for each animal authorized to be taken under this section.
- 19.3 The species and volumes that may be hunted for trophy purposes in a given hunting district shall be prescribed by the Institute of Biology.
- 19.4 All trophy hunters, Mongolian citizens and foreigners, residents and non-residents, shall be subject to the same rates as established by the Wildlife Management Authority and approved by the Cabinet Ministry.
- 19.5 For each trophy hunting permit, the Wildlife Management Authority, shall notify the community or communities within the hunting district, including Nokhorlol, of the number of permits, species authorized, and revenue to be shared.
- 19.6 For each animal authorized to be harvested, the Wildlife Management Authority shall issue a permit with the content and in the form prescribed by 0, 0, and 0.

Application Process and Certification of Licensed Outfitters and Guides

- 20.1 A license application must be completely, legibly and accurately filled out and qualifying documents must be included.
- 20.2 Copies of first aid training may be photocopied showing dates taken and expiration dates of the certifications.
- 20.3 Hunting outfitter and Fishing outfitter applicants must provide proof of liability insurance.
- 20.4 Hunting guide and Fishing guide applicants are not required to furnish proof of liability insurance, but must be covered under the liability insurance policy of the hunting outfitter employing or contracting with the hunting guide applicant.
- 20.5 The applicant shall have his or her insurance company or insurance agent provide a "Certificate of Liability Insurance" to the applicant or directly to the Wildlife Management Authority showing the limits of General Liability coverage that meets the minimum required.
- 20.6 The applicant must certify that the information stated in the application is true and correct.
- 20.7 Any false statement shall be grounds for denial of a license application or revocation of a license already issued and shall be considered a violation under this law.
- 20.8 Upon receipt of the completed application and supporting documents, the Wildlife Management Authority will, within five (5) working days, complete the required background checks.
- 20.9 Successful completion of the background check and acceptance of all required, documentation, the applicant shall be deemed qualified.

- 20.10 Once an individual is qualified, the Wildlife Management Authority will issue the appropriate license within five (5) working days.
- 20.11 Hunting outfitter and Fishing outfitter licenses shall be valid for a period of 5 years from the date of issuance.
- 20.12 Hunting guide and Fishing guide licenses shall be valid for a period of two (2) years from the date of issuance.
- 20.13 An individual may not act as a Guide or Outfitter nor may an Outfitter advertise or otherwise represent to the public as a Guide or Outfitter without being licensed.
- 20.14 Renewal applications, including any reporting requirements, shall be returned to the Wildlife Management Authority's office prior to the end of the calendar year for the following year's license.

Open and Close Seasons

- 21.1 The following dates shall constitute the hunting and trapping seasons for all game animals in all areas, regardless of the purpose of the hunt (household, sport, trophy, management or industrial), unless open and close seasons for a specific species and/or hunting district have been changed by the Institute of Biology in the exercise of its authority to set quotas and seasons by hunting district on an annual basis:
 - 21.1.1 Siberian Roe Deer (*Capreolus pygargus*), White Tailed Gazelle (*Procapra gutturosa*), and Wild Boar (*Sus scrofa*) from 1st August until 1st December;
 - 21.1.2 Brown Bear (*Ursos arctos*) from 1st August until 16th November;
 - 21.1.3 Sable (*Martes zibellina*), Stone Marten (*Martes foina*), Raccoon Dog (*Nyctereutes procyonoides*), Eurasian Lynx (*Lynx lynx*), Pallas' Cat or Manul (*Felis manul*), Wolverine (*Gulo gulo*), Red Fox (*Vulpes vulpes*) or Corsac Fox (*Vulpes corsac*), Brown Squirrel (*Sciurus vulgaris*), Ground Squirrel (*Citellus* sp.), Alpine Weasel (*Mustela altaica*), Mountain Hare (*Lepus timidus*), Tolai Hare (*Lepus tolai*) from 21st October until 16th February of the following calendar year;
 - 21.1.4 Marmot (*Marmota sibirica* and *Marmota baibacina*) from 10th August to 16th October;
 - 21.1.5 Muskrat (*Ondatra zibethica*) from 16th October to 1st January of the following calendar year;
 - 21.1.6 Eurasian Badger (*Meles meles*) from 1st September to 1st November.
- 21.2 The following dates shall constitute the hunting and trapping seasons for game birds and fish, regardless of the purpose (household, sport, trophy, management, or industrial), unless open and close seasons for a specific species and/or hunting district have been changed by the Institute of Biology in the exercise of its authority to set quotas and seasons on an annual basis:
 - 21.2.1 Hazel Grouse (*Bonasa bonasia*), Ptarmigan (*Lagopus lagopus*), Rock Ptarmigan (*Lagopus mutus*), Pallas Sand Grouse (*Syrphantes paradoxus*), Black Grouse (*Lyrurus tetrrix*), and Western Capercaillie (*Tetrao urogallus*), from 1st September until 15th March of the following calendar year;
 - 21.2.2 Geese, ducks and other water and wetland birds from 1st April to 1st May and from 1st September to 21st October;
 - 21.2.3 Siberian whitefish (*Coregonus lavaretus*) from 20th October to 1st August;

- 21.2.4 Fishing in Lake Buir from 1st August to 15th May of the following calendar year;
- 21.2.5 Baikal Omul (*Caregonus autumnalis*) from 15th September to 1st December;
- 21.2.6 Omul (*Coregonus peled*) from 15th November to 1st August of the following calendar year;
- 21.2.7 Siberian Ide (*Leuciscus leuciscus*) from 1st August to 15th April of the following calendar year;
- 21.2.8 Fishing for species other than those specified in subparagraphs 13.2.1 to 13.2.7 of this Article from 15th June to 1st April.
- 21.3 For the purposes of removing the sources of infectious disease and for population management, animals may be hunted or trapped outside the established hunting seasons.
- 21.4 The Institute of Biology shall have the authority to amend the hunting seasons established by this law and set hunting seasons for animals not specified in paragraphs 18.1 and 18.2 of this law, regardless of the species or its status.
- 21.5 The Wildlife Management Authority shall establish the fees for hunting, trapping, and fishing for all game animals.
- 21.6 The absence of any established quota for any species or hunting district shall constitute a ban on hunting of the species in question for the area and the season.

Prohibited Hunting and Trapping Methods, Firearms and Instruments

- 22.1 The following methods, firearms and instruments are prohibited for hunting and trapping of animals:
 - 22.1.1 using chemical substances and explosives;
 - 22.1.2 digging pits, placing triggered guns and arrows or other traps on animal paths;
 - 22.1.3 stalking hoofed animals in snow and forcing them to slide on the ice or fall from rocks or cliffs or setting traps;
 - 22.1.4 using smoke or pouring water into marmot dens, or using a noose;
 - 22.1.5 chasing animals by plane, helicopter or vehicle;
 - 22.1.6 using guns, torches, electric shocks, forks, dams, or small nets to fish;
 - 22.1.7 using a net to fish for household purposes;
 - 22.1.8 use of self-loading, auto-loading, or fully automatic weapons that hold more than six cartridges;
 - 22.1.9 use of buckshot, single ball, or rifled slug weighing less than 14 grams to hunt big game;
 - 22.1.10 hunting any game animal at any time other than during the hunting hours set forth in 0 of this law;
 - 22.1.11 using dogs in the hunting of big game;
 - 22.1.12 using salt to attract big game.

International Trade in Wildlife

- 23.1 All wildlife, regardless of its status under Mongolian Law and the Convention on International Trade in Endangered Species of Wild Flora and Fauna, shall be subject to the requirements of this section in addition to those requirements established by the Mongolian CITES Implementation Law.

- 23.2 Anyone engaging in business as an importer or exporter of wildlife must obtain a license from Mongolian Customs Authority prior to engaging in any form or level of wildlife import or export.
- 23.3 User fees for each shipment imported or exported shall be paid by the importer or exporter licensed by the Customs Authority.
- 23.4 Fees shall be established by the Customs Authority by separate regulation and published on an annual basis.
- 23.5 The importer or exporter shall ensure that their wildlife shipment complies with all national laws and international conventions, treaties or agreements to which Mongolia is a signatory.
- 23.6 Individuals, economic entities, and other legal entities must file a Declaration for Import or Export Wildlife with the Mongolian Customs Authority at an authorized port of entry and receive clearance from the Customs Authority before the shipment will be released and permitted to enter through any port under Mongolian jurisdiction.
- 23.7 Wildlife exporters intending to export wildlife must file the above-described Declaration at an authorized port and receive clearance from the Mongolian Customs Authority before the shipment is containerized or physically loaded on a vehicle, aircraft, or vessel.
- 23.8 The Mongolian Customs Authority shall designate certain ports for importing and exporting wildlife to consolidate shipments at specific locations.
- 23.9 No wildlife imports or exports may occur at ports not designated by the Customs Authority.

National Wildlife Trade

- 24.1 All wildlife, regardless of its status under the Law on Hunting and Wildlife Trade, the Law on Fauna, and the Convention on International Trade in Endangered Species of Wild Flora and Fauna, shall be subject to the requirements of this section.
- 24.2 Individuals, economic entities, Nokhorlol, and other legal entities must obtain a license to conduct wildlife trade as defined by §3.38 from the Wildlife Management Authority prior to engaging in any form or level of wildlife trade.
- 24.3 The Wildlife Management Authority may authorize quantities of trade by individuals or Nokhorlol that may be conducted without first obtaining a wildlife trade license. Such trade shall not exceed maximum household hunting quotas per individual for each individual trading separately or jointly through the Nokhorlol.
- 24.4 User fees for all trade shall be paid by the wildlife trader licensed by the Wildlife Management Authority.
- 24.5 Fees shall be established by the Wildlife Management Authority by separate regulation and published on an annual basis.
- 24.6 The wildlife trader shall ensure that all wildlife traded complies with all national laws and international conventions, treaties or agreements to which Mongolia is a signatory.

Certain Prohibited Hunting and Trapping Activities

- 25.1 The following hunting and trapping activities are prohibited:
 - 25.1.1 hunting or trapping animals which are unable to protect themselves during natural disasters such as storms, drought, blizzard, flood, hail or fire or when they are stuck in rivers, lakes, swamps or mud;

- 25.1.2 hunting or trapping animals which are on their way to water sources or salt licks;
- 25.1.3 hunting or trapping migrating animals;
- 25.1.4 digging or damaging nests or dens of animals;
- 25.1.5 destroying or damaging enclosures, stables, fences, or any other facilities designed to protect or breed animals;
- 25.1.6 shooting without identifying the animal or only upon hearing noises made by it;
- 25.1.7 hunting offspring or collecting bird eggs or damaging them;
- 25.1.8 transferring firearms or hunting permits of any kind to third persons;
- 25.1.9 bringing raw marmot meat or their wet skin into cities and settlements;
- 25.1.10 hunting or trapping animals in green zones of cities and settlements for purposes other than culling or to conduct scientific research;
- 25.1.11 for purposes of fishing for industrial purposes, net grids must not be larger than 30 x 30mm;
- 25.1.12 hunting or trapping animals in Aimags, Soums, Duuregs or the Capital City which have not conducted hunting management activities within the timeframe required by this law;
- 25.1.13 killing or attempting to kill a wild animal that is held in captivity or that is released from captivity for the purpose of being killed, nor may any person conduct, promote, advertise, or assist in the hunting of a such captive or released wild animals;
- 25.1.14 hunting very rare, rare, or protected non-game species. To sell or purchase goods made from very rare or rare species, proper documentation must accompany the goods;
- 25.1.15 protected birds as defined by §3.25 of this law, may not be killed, taken from the nest, picked up, or possessed for any reason, and their feathers may not be possessed or sold. Arts and crafts may not include these protected species under any circumstances;
- 25.1.16 wasting or rendering unfit for human consumption, any part of a game animal, game bird, or game fish that is "defined as suitable for food." For big game animals excluding brown bears, all of the four quarters above the hock, including loin and backstrap are considered suitable for food;
- 25.1.17 loaning or transferring their permit to another person or using a permit issued to another person;
- 25.1.18 hunting or taking any game animal without having a valid permit on their person;
- 25.1.19 hunting any game animal for which no season has been established by the Institute of Biology and published by the Wildlife Management Authority;
- 25.1.20 hunting any game animal for which no quota has been set by the Institute of Biology for the current season;
- 25.1.21 using Night Vision Equipment or electronically enhanced light gathering optics for locating or hunting game;
- 25.1.22 possessing, while hunting, any electronic motion-tracking device that is designed to track the motion of animals and relay information on the animal's movement to the hunter. This includes, but is not limited to: remote operated camera or video devices; seismic devices; electronic

- trip wires, photo beam, or laser devices used to activate tracking or recording devices; thermal imaging devices; and satellite and radio-telemetry tracking devices;
- 25.1.23 littering while engaged in any form of hunting or fishing for any purposes;
- 25.1.24 Party Hunting: Party hunting is illegal in Mongolia. Each hunter must shoot his/her own animal;
- 25.1.25 loaning or transferring a hunting or fishing permit, or contract to another person;
- 25.1.26 using a permit issued to another person;
- 25.1.27 using one's own hunting permit to tag a game animal killed by someone else;
- 25.1.28 signing or making any statement, on an application or permit, that is materially false;
- 25.1.29 applying for, purchasing, or using, as a nonresident, a resident's permit;
- 25.1.30 purposely or knowingly assisting an unqualified applicant in obtaining a resident permit in violation of this law.

Liability for Violation of Hunting Legislation

General Provisions

- 26.1 A person who violates a provision of this law or any regulation lawfully promulgated by the Wildlife Management Authority, Institute of Biology, or Mongolian Customs Authority for the implementation of this law, shall be fined an amount not less than 50,000 MNT or more than 1,000,000 MNT or imprisoned for more than 6 months, or both, unless a different punishment is expressly provided by this law or other relevant legislation.
- 26.2 Environmental state inspectors and rangers shall confiscate weapons and instruments, animals, and their hides, furs, meat, antlers, musk glands or any other animal parts and income from those who are responsible for illegal hunting or trapping of animals.
- 26.3 Persons guilty of illegal activities may be deprived for a period of up to 2 years of their driving license for automobiles, motorcycles or any other transportation used for illegal hunting or trapping of animals; as may be decided by relevant competent authorities, environmental inspectors or rangers concerned.
- 26.4 If an administrative authority suspends a license, permit, or privilege to obtain a license or permit issued under this title, the administrative authority or the department shall notify the person of the suspension and the person shall surrender the license or permit to the department within 10 days.
- 26.5 Fines and penalties defined by this law may be applied cumulatively for each offense that results in a conviction.
- 26.6 The following administrative penalties shall be applied by judges, environmental inspectors or rangers to persons who violated hunting legislation:

Application Violations

- 26.6.1 For signing, attesting to, or otherwise causing a false statement to be made on an application for a permit, contract, or license for hunting or fishing, there shall be a fine of 200% of the permit, contract, or license, with a minimum of fine of not less than 50,000 MNT;

- 26.6.2 Any material false statement contained in an application renders the license, contract or permit issued pursuant to it void and the individual or legal entity found guilty shall surrender all current hunting licenses, contracts or permits, whether or not validly issued, to the Wildlife Management Authority;
- 26.6.3 Individuals required to surrender hunting and fishing licenses or permits shall surrender such to the Wildlife Management Authority within 10 days of such order;
- 26.6.4 The convicted individual or legal entity shall forfeit all hunting privileges for a period of not less than 36 months from the date of conviction;
- 26.6.5 A person not meeting the residency criteria set out in §3.26 who is convicted of affirming to or making a false statement to obtain a resident license or who is convicted of applying for or purchasing a resident license in violation of subsection §3.26 shall be:
 - (i) fined not less than the greater of 100,000 MNT or twice the cost of the nonresident license and fined twice the ecological and economic assessment of those species authorized by the license;
 - (ii) imprisoned in the county jail for not more than 6 months; or
 - (iii) both fined and imprisoned.
- 26.6.6 In addition to the penalties specified in subsection 23.5, upon conviction, the person shall forfeit any current hunting, fishing, and trapping licenses and the privilege to hunt, fish, and trap in Mongolia for not less than 18 months.
- 26.6.7 A person convicted under this section and whose license privileges are forfeited may not purchase, acquire, obtain, possess, or apply for a hunting, fishing, or trapping license or permit during the period when license privileges have been forfeited.
- 26.6.8 A person convicted of unlawfully purchasing, acquiring, obtaining, possessing, or applying for a hunting, fishing, or trapping license during the period when license privileges have been forfeited shall be fined an amount not less than \$200 or more than \$1,000, may be subject to criminal penalties, or both.

Misuse of Permits

- 26.6.9 for use of an expired permit, contract or license, there shall be a fine of 200% of the expired permit, contract, or license, with a minimum fine of not less than 50,000 MNT;
- 26.6.10 for transferring hunting and trapping permit or license to others there shall be a fine against the transferor and the transferee of 200% of the combined value of the transferred permit, contract, or license, and the value of the wildlife authorized to be taken, whether or not such wildlife is actually taken, with a minimum fine of not less than 50,000 MNT;
- 26.6.11 for hunting without having legally purchased a permit, contract, or license, or in excess of the authorized limits of a permit, contract, or license, there shall be a fine of 300% of the ecological and economic assessment for each animal taken, or where no animal has been taken, a minimum fine of 50,000 MNT shall be applied;
- 26.6.12 for hunting without carrying a valid permit, contract, or license, there shall be a fine of between 25,000 MNT and 500,000 MNT;

- 26.6.13 Any individual or legal entity convicted under this section shall forfeit all hunting privileges for a period of not less than 24 months from the date of conviction;
- 26.6.14 A person convicted of hunting, fishing, or trapping while that person's license is forfeited or a privilege is denied shall be subject to criminal penalties. In addition, that person may be fined an amount not less than \$200 or more than \$1,000.

Illegal Hunting Methods and Violation of Seasons

- 26.6.15 For using any hunting method, tool, or technique specifically prohibited by §25.1 and not otherwise separately provided for in this section, there shall be a fine of 300% of the ecological and economic assessment of the wildlife taken for each animal taken, or attempted to be taken, with a minimum fine of not less than 100,000 MNT;
- 26.6.16 A person convicted of littering while hunting, fishing, or camping may lose his or her license and privileges to hunt, fish, trap, or camp for a period of one year;
- 26.6.17 for hunting during close seasons as defined in §3.6 of this law or as changed and published by the Institute of Biology there shall be a fine of 300% of the ecological and economic assessment for each animal taken, or where no animals have been taken, 300% of the ecological and economic assessment of the wildlife targeted by the hunter;
- 26.6.18 If a person is convicted of illegally taking an animal through the use of spotlights, nightscopes, or infrared scopes, the person shall be prohibited from fishing or hunting in Mongolia for an additional 5 years following the ending date of the original prohibition period. In addition, the person, upon conviction, shall successfully complete, at the person's own expense, a Wildlife Management Authority-sponsored hunter education course.

Trade Violations

- 26.6.19 A person convicted of purposely, knowingly, or negligently possessing, transporting, shipping, labeling, or packaging wildlife in violation of any provision of this title shall be fined an amount not less than \$100 or more than \$1,000, for each animal illegally possessed, transported, shipped, labeled or packaged, and imprisoned in a detention center for not more than 6 months, or both.
- 26.6.20 In addition, that person, upon conviction shall forfeit any current permit and the privilege to hunt, fish, or trap in Mongolia for 24 months from the date of conviction, unless the court imposes a longer forfeiture period, and any pelts possessed unlawfully must be confiscated.
- 26.6.21 For each conviction, the Wildlife Management Authority shall notify the person of the loss of privileges.
- 26.6.22 The person shall surrender all hunting, fishing, and trapping permits to the department within 10 days.
- 26.6.23 A person convicted of unlawfully taking, killing, possessing, or transporting wildlife protected by the Mongolian Law on Fauna or CITES, or any part of these animals shall be fined an amount not less than \$500 or more than \$2,000 or imprisoned for not more than 6 months, or both.
- 26.6.24 Upon conviction, the individual shall forfeit any current hunting, fishing, or trapping permit or contract issued by the Wildlife Management Authority and the privilege to hunt, fish, or trap in this Mongolia for 30

- months from the date of conviction or forfeiture, unless the court imposes a longer forfeiture period.
- 26.6.25 For each conviction or forfeiture, the Wildlife Management Authority shall notify the person of the loss of privileges. The person shall surrender all hunting, fishing, and trapping permits or contracts to the department within 10 days.
- 26.6.26 In addition to administrative fines and penalties listed above, for repeated violations of national and international trade requirements and restrictions contained in this Law or for hunting or trapping rare animals or selling or buying their parts, the convicted individual or representatives of the legal entity shall be subject to criminal penalties.
- 26.7 The Wildlife Management Authority, through its Director, may deny, revoke, suspend, or place on probation an already issued guide or outfitter's license if any of the following circumstances exist:
- (i) Any licensee engages in conduct detrimental to the image and professional integrity of the guiding and outfitting industry;
 - (ii) The licensee willfully and substantially misrepresents that person's facilities, prices, equipment, services hunting or fishing opportunities as a guide or outfitter;
 - (iii) The licensee has been convicted of an offense which is not a criminal wildlife violation, but which is determined by the Director to have a direct bearing on the licensee's ability to serve the public as a guide or outfitter;
 - (iv) The licensee is addicted to the use of intoxicating liquor, narcotics, or stimulants to the extent the licensee's performance of professional duties is affected;
 - (v) The licensee has become not qualified or has violated any rule for the licensing of a guide or outfitter by the Director;
 - (vi) The licensee has become not qualified under the licensing qualification of the license or violated any rule for the issuing of a license.
 - (vii) The licensee is convicted of a criminal wildlife violation or if the director of the Wildlife Management Authority finds by clear and convincing evidence that such a violation has occurred;
 - (viii) The licensee provides services to a person who is not properly licensed for the species sought by that person;
 - (ix) A licensed outfitter utilized any unlicensed person to perform outfitter or guide services on behalf of the outfitter.
- 26.8 For the purpose of Administrative Sanctions, an outfitter is liable if a guide, employed or contracted by the outfitter, violates a criminal provision of law or a criminal law pertaining to hunting, fishing or trapping while guiding on behalf of the outfitter.
- 26.9 It shall be a defense, if the outfitter reported the violation described in §26.8 to the department or law enforcement when the outfitter discovered the violation OR the outfitter has not had more than two independent violations by a guide working on behalf of the outfitter in the previous three-year period and the outfitter did not aid in or attempt to conceal evidence of the violation.
- 26.10 A guide is liable if a client violates a criminal wildlife law if the guide knowingly aids in the violation OR knows of the violation and the guide, or client, fails to report the violation in a reasonable time.

- 26.11 No person may use the business name, fictitious name, trade name, internet address, world wide web uniform resource identifier, place of business or telephone number of any outfitter who has been convicted of a criminal wildlife violation for a period of 3 years from the date of conviction without the Wildlife Management Authority Director's permission.
- 26.12 In granting such permission, the Director must find that the new business is significantly separate from the previous owner and the new business does not employ, contract with, or receive assistance from any person who has been prohibited from guiding or outfitting.

Rewards for Information Provided by Citizens

Citizens who reveal persons liable for violation of legislation and provide information shall be rewarded by the Wildlife Management Authority where such information is proved. The amount of such a reward shall be equal to fifteen per cent (15%) of the fine imposed or reimbursement for losses by those liable for violation of legislation.

Revenue Sharing of Fines and Penalties

Enforcement personnel, including members of Nokhorlol who enforce wildlife related legislation, shall be rewarded by the Wildlife Management Authority an amount equal to fifteen per cent (15%) of the fine imposed or reimbursement for losses by those liable for violation of legislation.

Enforcement Protocol

Inspectors, rangers, volunteer rangers, Nokhorlol members and other enforcement personnel shall, in executing any enforcement action, record the following information for use in further prosecution:

- 29.1 Enforcing individual's title, location, name and ID number;
- 29.2 Information sufficient to fully and accurately identify the violator(s);
- 29.3 Date(s) and location(s) of enforcement action;
- 29.4 Type(s) of wildlife artifact seized;
- 29.5 Species name(s);
- 29.6 Volume of wildlife artifact in a measure that allows determination of the number of animals (i.e., the number of skins as opposed to weight or estimated value);
- 29.7 Estimated value of the wildlife artifact;
- 29.8 Storage location;
- 29.9 Any other items seized during enforcement.

Appendix 4: A Summary Report on Ulaanbaatar Wildlife Trade Market Surveys 2007-2008



SUMMARY of:
World Bank FLEG
Ulaanbaatar Wildlife Trade Survey
Wildlife Conservation Society Report

May 2008

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Study Objective:

The objective of this study was to collect information about wildlife trade violations in Mongolia and to identify the strengths and weaknesses of the existing wildlife trade law enforcement system. The geographic focus of this work was Ulaanbaatar city “markets” and the raw materials markets around Ulaanbaatar. The purpose of these market surveys was not just to quantify the trade or identify the most active traders, markets, and transportation routes but to give us the understanding we need to develop a long-term strategy for preventing illegal wildlife trade in Mongolia.

Ulaanbaatar is the seat of Mongolia’s government, media markets, and civil society, as well as the center of the wildlife trade. Some of the country’s largest raw materials markets are located to the east and west of the city; road inspection points, the train station, and the airport are all strategic sites for enforcing trade regulation. For these reasons, Ulaanbaatar is an ideal site for launching an effort to support improved enforcement of wildlife trade regulations.

Introduction

This survey of wildlife trade in Ulaanbaatar markets is intended to build on the momentum generated by the widely acclaimed Silent Steppe Report (Wingard & Zahler 2006) which was the first comprehensive study to shed light on the illegal wildlife trade crisis in Mongolia. The Silent Steppe report revealed the staggering scale of illegal wildlife harvest and trade within Mongolia, both for domestic and export markets, and demonstrated that wildlife trade is the major driver in the rapid and significant declines in a suite of economically important wildlife species.

Subsequent to the Silent Steppe Report, the World Bank sponsored the Wildlife Conservation Society (WCS) to conduct two further activities in Improving Hunting Management and Wildlife Trade Enforcement in Mongolia. The first activity was designed to examine the current legal basis for hunting management and wildlife trade enforcement in Mongolia with the goal of creating the foundation for effective inter-agency wildlife management and effective trade enforcement. “Gaps” and conflicts in existing laws and regulations governing wildlife management were identified, several new approaches to enforcement were suggested, and extensive revisions and additions to the Mongolian Law on Hunting were developed.²⁴ The second follow-up activity was a pilot project that provided wildlife law enforcement training to protected area rangers and border guards in the Nomrog Strictly Protected Area of Dornod Aimag. The activity addressed the enforcement of hunting and wildlife trade law within a border region and strictly protected area, and provided the opportunity to assess the effectiveness of a unique collaborative “inter-agency” approach to wildlife protection.

The Wildlife Trade Survey in Ulaanbaatar Markets will complement these earlier activities, and together these studies will help WCS and policy makers to devise and implement strategies to address the problem of illegal trade in wildlife. The findings of these wildlife trade surveys will be reviewed with respect to Mongolia’s existing legal framework for controlling the wildlife trade, and the focus will be on identifying strategies for improving wildlife trade law enforcement, particularly in Ulaanbaatar. In particular the study will highlight trade in forest species.

²⁴ James Wingard, N. Odonchimeg & P. Odgerel, *Improving Wildlife Trade and Hunting Legislation* [Final Report] (2006), at 30.

The objective of these market surveys was to collect baseline information on wildlife trade within Ulaanbaatar; not only to quantify levels and types of wildlife trade, but also to help us understand the supply chain (*trade chains*) in more detail, and to identify the strengths and weaknesses of the current enforcement regime. Survey results provide a baseline, and indicators, against which the success or failure of future strategies can be measured. The trade chain concept can be used to identify where the links in the trade chains can be broken through well-designed and implemented enforcement activities.

Through cooperation with enforcement agencies, this market survey project enabled WCS to foster a productive working relationship with enforcement agency staff, such as the Police, Veterinary Inspectors, State and Ulaanbaatar Municipal Specialized Inspection Agency. Hopefully such cooperation can contribute to the future success of enforcement strategies. By reporting serious cases of wildlife trade that were uncovered during the survey, WCS was able to follow the actions taken by enforcement agencies and assess effectiveness of the enforcement systems.

The wildlife trade survey of Ulaanbaatar markets was implemented over a three-month period from the beginning of December 2007 through to the end of February 2008. Project staff in collaboration with the student survey team and consultants, designed a comprehensive, realistic and achievable survey. The survey methodology was based on the WCS Lao PDR program methodology, but was been adapted and extended to the unique situation and conditions of wildlife trade in Mongolia, and in particular the Ulaanbaatar markets.

Assessment of Results

WCS contracted a Mongolian specialist, Mr. Kh. Badam to assist in the assessment of the results and to contribute to the formulation of future strategies. Mr. Badam is a recently retired Senior Environmental Inspector of the State Specialized Inspection Agency (SSIA) where he was head of the hunting and wildlife section. He is recognized as one of Mongolia's leading experts in enforcement of wildlife laws in Mongolia; in addition he has excellent connections to, and is respected by, the enforcement agencies that WCS was working with during the implementation of this survey and has an interest in working with in the future.

Mr. Badam classified the observed wildlife trade according to the legal status of each species. This classification can be found at the end of this summary report. Mr. Badam concluded that the current laws were ineffective, that illegal wildlife trade was increasing in terms of both volumes and number of species traded, and that there was a complete lack of enforcement across the entire country. Mr. Badam's report provides useful information on the legal status, offences and penalties related to wildlife trade, as well as suggestions for future actions, activities and law amendments.

Current situation and trends in illegal wildlife trade (Kh. Badam)

Since the early 1990's Mongolia made the transition to a market economy, and developed both domestic and foreign trade, allowing citizens to travel freely abroad. Growth in domestic and foreign trade has permitted an increase in illegal wildlife trade, and fuelled this through greater access to firearms and ammunition and vehicles

for hunters. Increasing unemployment and poverty has also contributed to the rise in wildlife crime.

In recent times illegal natural resource use, trade and smuggling of wildlife resources has become an organized network and is getting more serious. Penalties in the criminal and civil laws no longer reflect the seriousness of the offences. Illegal trade in wildlife, their organs and raw materials has become the main source of livelihood for some citizens, and at the same time international and domestic market demand has increased dramatically.

The Mongolian environmental laws related to wildlife mostly deal with wildlife hunting and capturing processes, but regulation of trade in wildlife is not sufficiently dealt with under the current laws. In 2002 the Mongolian Parliament approved a law on the regulation of trade in fauna and flora to implement the CITES convention in Mongolia; but this law has no power to regulate and coordinate domestic trade in the country.

Mongolian legal articles prohibiting wildlife trade (Kh. Badam)

Mongolian Law on Fauna:

Article 7.2 states that only special permits for scientific purposes, can be issued for hunting of species listed as endangered. Article 7.3 states that it is prohibited to trade in an endangered animal's skin, bone, and other raw materials.

Mongolian Law on Hunting:

Article 7.3 states that the Soum State Inspector for Nature and Environment should issue a certificate of origin to citizens, and entities, who are trading wildlife raw materials. Furthermore, article 15.1 states that it is prohibited to trade in wildlife raw materials without a certificate of origin.

Penalties are low for such violations and only violations involving endangered and rare species are criminal offences.

Penalties for illegal wildlife trade (Kh. Badam)

Mongolian Law on Fauna:

Article 27.1.3 states that citizens who purchase an endangered animal's skin, fur and other raw materials without permission should pay a penalty of 35,000-50,000 MNT, while companies and entities should pay 150,000-250,000MNT and that purchased and sold items should be confiscated.

Article 27.2 states that in the case of repeated violations of articles 27.1.2-27.1.4, hunting endangered species, and in cases of running illegal trade and smuggling abroad, criminal penalties should be imposed according to related law.

Mongolian Law on Hunting:

Article 16.1.6 states that in the case of illegal hunting of game species and trade in their raw materials, the items should be confiscated and a penalty of 10,000-25,000MNT imposed for citizens, or 100,000-200,000MNT for companies and entities

Article 16.2 states that persons who hunt, capture and trade illegally in rare game species, without permission, are subject to criminal penalties.

Mongolian CITES Law:

Article 15.1.1 sets out fines for citizens illegally exporting fauna and flora listed in the CITES convention; 50,000MNT for citizens, 60,000MNT for officials and 250,000MNT for companies and entities. All items can be confiscated.

Mongolian Criminal Law:

Article 203.2 states that in the case of illegal hunting, capturing and smuggling of endangered animals offspring or juvenile [definition is not clear here] across the state border the penalty is 3-5 years in prison.

Mongolian Administrative Law:

Chapter 42 says that if illegal cases of manufacturing, trading and other activities are not a criminal offence then the items should be confiscated and penalties, of 10,000-50,000MNT for citizens and 80,000-250,000MNT for companies and entities, be imposed.

This law also states that a judge, governor of soum, district, bag, or khoroo, and police departments or authorized body should investigate and take necessary measurements on certain issues under their jurisdiction. This means that not only State Inspectors, but also all the officials mentioned could and should take action to control illegal trade in wildlife. Specifically this article gives the police department power to conduct enforcement in such cases.

Discussion and Conclusions

WCS staff and students from the Ecology Knowledge club designed a survey of wildlife trade in Ulaanbaatar markets and implemented the survey from December 2007 through to the end of February 2008. The survey teams completed a total of 160 surveys in markets, shops, restaurants hospitals, and through the investigation of newspaper and other advertisements. The survey revealed trade in 51 species of wildlife and fish, including two species listed in CITES Appendix I, seven species listed in CITES Appendix II, twelve species registered in the Mongolian Red Book; six species classified as endangered, and 8 species classified as rare according the Mongolian Law on Fauna. Trade included horns, skins, meat, organs, and other raw materials. The majority of recorded trade is considered to be illegal according the laws of Mongolia.

The data was recorded in a MS Excel spreadsheet to create a simple database of wildlife trade; one of the recommendations of the Silent Steppe Report was to create such a wildlife trade database and the one created for this survey can be considered a pilot database for this purpose. Excel has proved to be sufficient to process and analyze the data for these surveys, however, for future surveys and to record enforcement activities a database program such as MS Access should be used. Further refinement of the survey methods is required to gather more precise price data, and the estimation and recording of quantities can be improved. More detail should be recorded under the observations field of the survey database, and photographs should be catalogued and stored as part of the database. The results of enforcement can be included in the same database.

Analysis of the survey data revealed several trends that can inform future enforcement activities. Emeelt emerged as the major raw materials market where trade in wildlife

was occurring; primarily trade is in skins, especially wolf, for export to China. Tsaiz is mainly a subsidiary market of Emeelt. There is significant seasonality in the trade, and variability in price according to the season; this seasonality is due to both winter being the primary hunting (and fishing) season, and that certain border points open in January. The seasonal opening of certain border points for cross-border trade is a significant factor in facilitating smuggling of wildlife to China. Demand for furs from China can be considered a major driver of wildlife trade. The Choibalsan survey highlights the fact that much of the trade in wildlife raw materials goes directly from regional centers to China, and not through Ulaanbaatar.

The main domestic wildlife trade is in parts and products for medicinal use, and significant quantities of fish for consumption. Bayanzurkh has been shown to be the major domestic market for trade in wildlife parts and products for medicinal use. Hospital surveys also revealed the huge popularity of wildlife parts and products as medicine for a wide range of ailments; species were discovered here that were not seen in the market surveys, suggesting that patients and their families can obtain these medicines from other sources such as relatives in the countryside. Medicinal use of wildlife parts appears to be a growing phenomenon in Ulaanbaatar. Trade driven by demand from China for furs is creating a by-product of wildlife meat and parts, especially wolf and marmot, to feed this trend for wildlife medicines and so called 'health food'.

The restaurant survey showed that the use of mammalian wildlife meat in Ulaanbaatar restaurants is minimal, and presumably well hidden if it is occurring at all. The survey does highlight the widespread availability of fish, notably Khovsgol whitefish, and one has to question the capacity of Mongolia's freshwater lakes and rivers to sustain such demand. The shop survey revealed considerable wildlife trade, both for tourist souvenirs, and furs for domestic fashions. Several CITES listed species were found to be traded, and even snow leopard furs were for sale. Through the survey activities it was also discovered that both newspaper and television advertisements play a significant role in facilitating trade in wildlife, parts and products.

Joint patrols and surveys with enforcement officials have led greater co-operation between WCS and enforcement agencies, especially with J. Badamkhand of the Municipal State Inspection Agency, and to inter-agency co-operation with the Inspection and Monitoring Unit 805 of the General Police of Mongolia. The 15 joint patrols, or 'ride-alongs' resulted in 228 items being confiscated, 14 warnings were issued, and 8 fines imposed. These enforcement activities give us a greater understanding of the enforcement process and the laws under which enforcement can be carried out. It was possible to confiscate items of wildlife, and issue warnings or impose fines, primarily because the traders did not have certificates of origin for the wildlife.

Newspaper and television advertising, and the retail souvenir shops can be considered soft targets for enforcement activities, where rapid results can be gained, and publicity can be generated from closing down these markets. J. Badamkhand was able to stop two newspapers from advertising wildlife; and a similar approach can be taken with the souvenir shops.

Enforcement activities also highlighted that protocols need to be developed to deal with the confiscation, rehabilitation, and release of live wildlife; and that agencies need storage facilities for confiscated wildlife parts. What happens to confiscated

wildlife once it is transferred to the Special Commission for Re-selling for Income for the State is as yet unclear, and is an area that WCS needs to investigate further. Both J. Badamkhand, and Kh. Badam made recommendations for future actions on wildlife trade enforcement that support the recommendations made in the Silent Steppe report. These recommendations are provided below.

Conclusions and Recommendations of Mr. Kh. Badam

Mr. Badam considers that the main gap in the above environmental laws are that the articles and penalties only deal with species classified as rare or endangered, and does not cover all wildlife species.

The musk of musk deer; red deer genitals, tail and blood antlers; saiga antelope horn; bear bile; and all furs are mostly exported to the People's Republic of China. Another driver of wildlife trade is the current resurgence in the use of traditional medicine within Mongolia. There is high demand for wolf, marmot and other animal's organs, meat, blood, fat, oil and bile.

Regulatory and monitoring activities are insufficient to control the trade. According to the Hunting law penalties for poachers are relatively high compared to those for trade. For example, a poacher should pay a fine of twice the assessed species ecological and economic value, and in addition guns, equipment and even vehicles can be confiscated. Comparatively penalties for those citizens and entities involved in illegal trade activities are low.

Enforcement and awareness campaigns should be extended to include not only State Inspection Agencies, but also trade and health care organizations and agencies.

Actions proposed to control and stop illegal wildlife trade (Kh Badam):

1. Prohibit to purchase or prepare medicine originating from wildlife without approved standards, technology and methodology.
2. Stop sale and purchase of wildlife originated raw materials in food markets, shops, drug stores and other places.
3. Make penalties for preparation, production, storage, transport and trade in wildlife organs and raw materials, equivalent to those in the Hunting law.
4. Increase the penalty for companies and entities that provide the opportunity for illegal trade, preparation and production to 1,000,000-5,000,000 MNT.
5. Raise awareness of illegal wildlife trade, and related laws and penalties through the mass media.
6. Stop advertising of wildlife parts and raw materials in the media.
7. Give the right to the police department, health care and all authorized bodies to confiscate illegal wildlife items.
8. All confiscated organs, raw materials and items not be uses or resold; they should be destroyed.
9. Prohibit transport of frozen and whole bodies of wild animals, entering into settlements, storage, and sale of all wildlife species except fish species.
10. Regulate sale and ownership of guns and ammunition in order to protect biodiversity.

11. Submit suggestions and proposals to lawmakers to increase penalties through amendments to the Hunting, Fauna and Administrative laws.
12. Create a reward system for citizens who deliver reliable information about illegal wildlife trade to the legal authorities and officials.
13. Develop guidelines on legal status and enforcement of wildlife trade for distribution to legal and nature/environmental organizations.
14. Provide training for State Inspectors, and other enforcement agencies on wildlife trade, including identification of wildlife parts and products, and wildlife trade laws.
15. Provide equipment, such as vehicle or motorcycle, and cameras, to the inspectors who are working in illegal hunting and trade hotspots.
16. Ministry of Nature and Environment declared a ban to prohibit hunting internationally endangered species, grey wolf, for 2 years in the Dornod, Khentii and Sukhbaatar Aimags. This was an important decision. Further opportunities to extend the ban on hunting of wolves and other species should be pursued.
17. Prepare and publish a guidebook about wildlife, their organs and raw materials, including identification guidelines for use by state inspectors for nature and environment, rangers, and officials of other stakeholder organizations. Prepare associated materials, such as posters, and photo albums.
18. Proposals should be developed to add additional Mongolian species to the CITES convention appendices.
19. Based on the Administrative Law's chapter 7, article 42, police department and state inspectors for trade inspection should be involved in the wildlife trade activities.
20. Conduct campaign to confiscate wildlife, their organs, raw materials and products that are found for sale in the markets, through cooperation with State Inspection Agency and Police department.
21. Submit a *State Inspectors Official Requirement* to the administration of markets where wildlife trade is occurring; to demand control of and cessation of wildlife trade in the market.

Recommendations by J. Badamkhand

- Improve local level exchange and sharing of information among enforcement agencies for future co-operation, especially regarding the Hunting law.
- Need to obtain, or purchase, information from informants about illegal wildlife trade, and reward the informants.
- Develop and publish materials and distribute these to citizens, especially vendors offenders, dealers who are working in the markets.
- Establish or create a special storage facility, with refrigerator to store confiscated wildlife parts.

Legal Status of Wildlife Species Detected in Market Surveys

Mammals

Species name		CITES		Mongolian Law		Mongolian Red List of Fishes	Mongolian Red book
		Appendix I	Appendix II	Law on Fauna	Hunting Law	Regional Status	
Snow leopard	<i>Unica unica</i>	+		Very rare	Very Rare	Endangered	Rare
Argali	<i>Ovis ammon</i>		+	Rare	Rare	Endangered	Rare
Siberian Ibex	<i>Capra sibirica</i>			Rare	Rare	Near threatened	Rare
Beech marten	<i>Martes foina</i>			Rare	Rare	Data deficient	
Eurasian Lynx	<i>Lynx lynx</i>		+	Rare	Rare	Near threatened	
Brown bear	<i>Ursos arctos</i>		+	Rare		Data deficient	
Red deer	<i>Cervus elaphus</i>		+	Rare	Rare	Critically endangered	
Sable	<i>Martes zibellina</i>					Vulnerable	
Wild boar	<i>Sus scrofa</i>			Rare	Rare	Near threatened	Rare
Siberian roe deer	<i>Capreolus pygarrus</i>					Least concern	
Eurasian red squirrel	<i>Sciurus vulgaris</i>					Near threatened	
Siberian musk deer	<i>Moschus moschiferus</i>		+	Very rare	Very Rare	Endangered	Very rare
Grey wolf	<i>Canis lupus</i>		+			Near threatened	
Pallas' cat	<i>Otocolobus manul</i>		+			Near threatened	
Saiga antelope	<i>Saiga tatarica</i>		+	Very Rare	Very Rare	Endangered	Very Rare
Black tailed gazelle	<i>Gazella subgutturosa</i>			Rare	Rare	Vulnerable	Rare
Red fox	<i>Vulpes vulpes</i>					Near threatened	
Corsac fox	<i>Vulpes corsac</i>					Near threatened	
Marmot sp.	<i>Marmota baibacina</i>					Data deficient	
	<i>Marmota sibirica</i>					Endangered	
Steppe polecat	<i>Mustela eversmanni</i>					Least concern	
Eurasian badger	<i>Meles meles</i>					Least concern	
Mongolian gazelle	<i>Procapra gutturosa</i>					Endangered	
Wolverine	<i>Gulo gulo</i>					Least concern	

Ground squirrel sp.	<i>Spermophilus alashanicus</i>			Rare	Rare	Endangered	Rare
	<i>Spermophilus dauricus</i>					Data deficient	
	<i>Spermophilus erythrogenys</i>					Least concern	
	<i>Spermophilus undulatus</i>					Least concern	
Tolai hare	<i>Lepus tolai</i>					Least concern	
Eurasian otter	<i>Lutra lutra</i>			Very Rare	Very Rare	Data deficient	Very Rare
Beaver	<i>Castor fiber</i>			Very Rare	Very Rare	Endangered	Rare
Muskrat						Not listed	
Bat sp.						14 species listed; least concern or data deficient	

Fish

Detected Wildlife							
Species name		CITES		Mongolian Law		Mongolian Red List of Fishes	Mongolian Red book
		Appendix I	Appendix II	Regional Status	Hunting Law	Regional Status	
Taimen	<i>Hucho taimen</i>			Rare		Endangered	
White fish sp.	<i>Coregonus pidshian</i>					Endangered	
	<i>Coregonus chadary</i>					Data deficient	
	<i>Coregonus autumnalis migratorius</i>					Data deficient	Rare
Peled white fish (introduced)	<i>Coregonus peled</i>					Not applicable	
Osman sp.	<i>Oreoleuciscus angusticephalus</i>					Vulnerable	
	<i>Oreoleuciscus humilis</i>					Vulnerable	
	<i>Oreoleuciscus potanini</i>					Least concern	
Perch	<i>Perca fluviatilis</i>					Least concern	
Carp sp.	<i>Cyprinus rubrofuscus</i>					Not applicable	
	<i>Carassius gibelio</i>					Least concern	
	<i>Carassius carassius</i>					Not applicable	
Lenok	<i>Brachymystax lenok</i>					Vulnerable	
Grayling	<i>Thymallus arcticus</i>					Near threatened	
	<i>Thymallus brevirostris</i>					Vulnerable	
	<i>Thymallus grubei</i>					Endangered	
	<i>Thymallus nigrescens</i>					Endangered	
Burbot	<i>Lota lota</i>					Data deficient	
Pike sp	<i>Esox reichertii</i>					Least concern	
	<i>Esox lucius</i>					Least concern	
East Asian catfish	<i>Silurus asotus</i>					Least concern	

Birds

Detected Wildlife							
Species name		CITES		Mongolian Law		Mongolian Red List of Birds	Mongolian Red book
		Appendix I	Appendix II	Law on Fauna	Hunting Law	Regional Status	
Altai snowcock	<i>Tetraogallus altaicus</i>			Listed		In preparation	Rare, endemic
Willow Ptarmigan	<i>Lagopus lagopus</i>					In preparation	
Owl sp.						In preparation	
Cinereous Vulture	<i>Aegypius monachus</i>					In preparation	
Eagle sp.						In preparation	
Daurian Partridge	<i>Perdix Daurica</i>					In preparation	
Black billed Magpie	<i>Pica pica</i>					In preparation	
Dalmatian pelican	<i>Pelecanus crispus</i>					In preparation	Rare, globally threatened

Notes:
1. Mammal species status is taken from the Mongolian Red List of

Mammals, Clark et al. 2006, and with reference to the

Mongolian Law on Fauna (2000), Mongolian Law on Hunting (1995), and the Mongolian Red Book 1987 and 1997 (Shagdarsuren et al., 1987; Shiirevdamba et al., 1997)

2. Fish species status from the Mongolian Red List of Fishes, Ocock et al., 2006.

3. Some species observed in the surveys were not identified to species level, highlighting the need for training of survey teams and enforcement staff in species identification, particularly small mammals, and fish species

Appendix 5: Letter from Mongolian Ministry of Foreign Affairs and Trade to Lao PDR Ministry of Foreign Affairs



MONGOLIA
MINISTRY OF FOREIGN AFFAIRS
AND TRADE

18 November 2008
Ulaanbaatar

Dear Mr. Kommasith,

My warm greetings to you from Mongolia!

I am writing to you to request your support for a project on “Protecting Mongolia’s wildlife through Wildlife Trade Law Enforcement” which we began undertaking in Mongolia almost year ago.

We have heard of the work you have done in Vientiane – capital city of Lao, and within your Ministry of Forestry, to combat illegal wildlife trade in Lao PDR. Mongolia is one of the countries in Asia with a high regard for nature and a strong concern over recent and drastic decline in the region’s wildlife populations. One of the major drivers for this decline in wildlife populations is considered to be a trade in wildlife and wildlife products. As we undertake our project in collaboration with the Wildlife Conservation Society (WCS) and the Mongolian Ministry of Nature, Environment and Tourism, we seek the opportunity to learn from your best practices and achievements in enforcing wildlife trade law in your country by conducting a study tour to Lao PDR.

The new project in Mongolia is modelled after the “Vientiane Capital City Illegal Wildlife Trade Project”, which is successfully implemented with support from the WCS Laos Country Program Office in Vientiane. Like the Vientiane Capital City project, the Mongolia project has established a multi-agency Mongolian National Team to combat illegal wildlife trade, which has launched a ‘Wildlife Trade Crime Unit’ (WTCU) in Ulaanbaatar - capital city of Mongolia. The team members include representatives from the Ministry of Nature, Environment and Tourism (MNET), State Specialized Inspection Agency (SSIA), Municipal Specialized Inspection Agency (MSIA), General Police Agency (GPA) and the General Customs Agency (GCA). This team will oversee multi-agency units, which will monitor and conduct inspections in markets in an effort to enforce wildlife trade law and eliminate illegal wildlife trade. The project, if funded by the World Bank’s Netherlands Environment Mongolia (NEMO) Trust Fund.

With support from the WCS Laos Program Office in Vientiane, the WCS Mongolia Program Office is in the process of organizing a study tour of Mongolian wildlife law

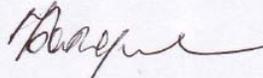
enforcement officials to Lao PDR. We are very interested in having the Mongolian participants from the agencies listed above visit and learn from their counterparts in Lao PDR about your efforts to stop illegal wildlife trade in your country.

I suggest that a study tour from Mongolia to Lao PDR be organized in second half of January 2009. We look forward to the opportunity of our national team and members of the Mongolian Wildlife Trade Crime Unit to visit Vientiane and learn from your experiences which prevent wildlife trade in Vientiane city and throughout your country.

I would also be very appreciative if you can help facilitate meetings for our delegation with representatives from your Ministry of Forestry, Ministry of Forest Inspection, Ministry of Agriculture and Forestry-Vientiane Capital City, and the Provincial Agriculture and Forestry Office in Bolikhamxay.

Finally, I thank you for your time and efforts on behalf of the Mongolian study tour participants to Lao PDR and look forward to our upcoming and future cooperation.

With best regards,



Gunaajay Batjargal
Deputy Director
Department of Multilateral Cooperation
GEF Political Focal Point

Mr. Saleumxay KOMMASITH
Director General
Department of International Organizations
Ministry of Foreign Affairs
Vientiane, Lao PDR

cc:
Mongolian Embassy in Vientiane
WSC Laos Country Program Office
Ministry of Nature, Environment and Tourism of Mongolia
WCS Mongolia Country Program Office

Appendix 6: List of Mongolian Study Tour Participants

No	Surname	Name	Sex	Agency	Passport
1	FINE	Amanda	Female	WCS	U.S.A. 8014609
2	NYAMT SEREN	Odonchimeg	Female	WCS	E 0021345
3	DASHDAVAA	Tuvshinjargal	Male	WCS	E 0244226
4	BALDAN	Dorjgotov	Male	MNET	E 0305765
5	AMGALAN	Bayasgalan	Male	MNET	E 0289005
6	KHAIDAV	Badam	Male	SSIA	E 0326282
7	TSAGAAN	Tumurbaatar	Male	SSIA	
8	BADAMSAMBUU	Batdemberel	Male	SSIA	E 0351429
9	JAMBAJAV	Badamkhand	Female	Mun. SIA	E 0311812
10	TSERENSODNOM	Nyamdorj	Male	Mun. SIA	E 0474892
11	GOMBOSUREN	Tsetsegdelger	Female	IRBIS-Emergency Team	A 0020236
12	SANJAAJAMTS	Boldbaatar	Male	Police	E 0212978
13	NOROV LKHUNDEV	Bayarmagnai	Male	Police	E 0144775
14	AVIRMED	Bayarbat	Male	Airport Customs	
15	SHARAV	Gantulga	Male	IRBIS/WWF	E 0631230
16	MARGAD	Gantulga	Male	IRBIS/WWF	E 0686509

Appendix 7: Criteria for Participation in Wildlife Trade Law Enforcement Study Tour

Members of the Wildlife Trade Crime Unit Team and participants in the Wildlife Trade Law Enforcement Study Tour were selected based on the following criteria:

INDIVIDUALS WHO ARE:

1. Mongolian government official from the environmental or wildlife law enforcement and monitoring division.

INDIVIDUALS WITH:

2. At least 5 years of experience in biodiversity conservation, trade or law enforcement with inspection and monitoring experience.
3. A State senior inspector's ID card or equivalent authority.
4. Good communication skills and an interest in team work.
5. Plans to continue their career in wildlife law enforcement.

Appendix 8: Wildlife Trade Law Enforcement Study Tour Agenda

Date	Day	Time	Description
10/01/09	Sat	14:00	Delegates arrive Vientiane (VTE)
		15:00	Briefing and Introduction at WCS office
		16:00	Check in at Aroon Residence
11/01/09	Sun	08:30	Travel to Vangvieng
		10:30	Visit Huay Mor Market
		12:00	Lunch in Vangvieng
		16:00	Visit Vangvieng Market
12/01/09	Mon	08:30	Visit Phahom
		12:00	Lunch
			Return to VTE Capital
		14:00	Wildlife Trade in Asia: Presentation
		16:00	WCS-VTE Capital City Wildlife Trade Program
13/01/09	Tues	8:30-11:00	Meet with Department of Forestry
		12:00	Lunch
		14:00-15:30	Meet with Forestry Inspection Department
14/01/09	Wed	8:30-11:30	Meet with Vientiane Capital Agriculture and Forestry Department
		12:00	Lunch VTE Capital
		13:30-14:30	Visit morning market
		15:00-16:00	Visit Houy gnang PA
		16:30-17:30	Visit Danexang Market
15/01/09	Thurs	08:30	Travel to Bolikhamxay Province
16/01/09	Fri	08:30-12:00	Meet with Bolikhamxay PAFO
		13:30-15:30	Meet with Namkading National Protected Area Team
		16:00	Visit Pakson Market
17/01/09	Sat	08:30	Visit Nahin Substation and Thongnamy Market
			Overnight at Pakkading
18/01/09	Sun	08:00	Visit Nadee check point
		12:00	Lunch at Km 20
		13:00	Go to Lao-Viet International check point
			Return to Vientiane Capital
19/01/09	Mon	09:00	Zoo & Sightseeing in Vientiane Capital
		19:00	Farewell Dinner
20/01/09		09:00	Departure of Delegates

Appendix 9: Wildlife Trade Law Enforcement Study Tour Guidelines and Rules for Visiting WCS Sites

Rules and Guidelines for Visitors to Wildlife Conservation Society Sites Adapted for WCS Wildlife Trade Study Tour to Laos

The Wildlife Conservation Society (“WCS”) is a nonprofit organization that saves wildlife and wildlands worldwide. WCS does so through science, global conservation, education, and the management of the world’s largest system of urban wildlife parks, led by the flagship Bronx Zoo. Together these activities change attitudes toward nature and help people imagine wildlife and humans living in harmony. WCS is committed to this mission, because it is essential to the integrity of life on earth.

WCS works to accomplish its mission in over sixty countries, with governments, non-governmental organizations, indigenous communities and other stakeholders, on land owned by these stakeholders as well as on land owned by WCS. The places where WCS works, including the lands it owns, are referred to here as “Sites.”

These Rules and Guidelines for Visitors (these “Rules and Guidelines”) are intended by WCS to facilitate your visit to a Site. These Rules and Guidelines are in addition to, and supplement, the requirements of local laws and regulations. You are responsible to abide by those laws and regulations in accordance with their terms.

If you visit a WCS Site, you are allowed access as a visitor and guest of WCS, provided that you comply with these Rules and Regulations. Your presence at a Site means that you have read, understood and agreed to abide by these Rules and Guidelines.

Your permission to remain at a Site is subject to being revoked immediately if you fail to comply with these Rules and Guidelines. In addition, WCS may revoke access to any Site at any time in its sole discretion. The Rules and Guidelines are subject to change at any time by WCS in its sole discretion.

As a visitor to a Site, you are a guest in a place that is unique and fragile, with wildlife that is of special importance. As an organization with responsibility for wildlife and Sites, WCS seeks to preserve and restore the wilderness qualities of land as well as to protect the diversity and abundance of the wildlife found there. As a guest of WCS, you share these responsibilities. You should read and follow these Rules and Guidelines with care.

Please notify WCS immediately of any condition or situation that you encounter at any Site that may cause danger or harm to you, wildlife, wildlands or other people.

Wildlife Trade Study Tour Rules

- Attend all scheduled meetings and events
- Be on time to all scheduled meetings and events
- Be prepared for all scheduled meetings and events
- Notify a WCS staff member immediately if you have any concerns (health, safety, schedule conflicts, etc.)
- You are representing your home agencies/institutions, Mongolia and WCS in Laos. Please be on your best behavior. Drunkenness, absence from meetings and events or disruptive behavior will not be tolerated

Basic rules

- **The key to a safe, enjoyable visit is to follow the instructions of WCS staff at all times.**
- Leave natural areas and wildlife at the Site the way you find them. Leave behind only footprints and take only pictures.

No removal of materials and objects

- Biological, geological, historical, archeological, or cultural materials, and objects and artifacts associated with indigenous sites and structures, may not be removed from any Site. "Collecting" is not permitted.
- Leave items and materials of that kind where they were found and notify a WCS staff member of their location.

Visitor release form

- Before entering any Site you are required to read and sign a visitor release form.

Health and safety

- You are a visitor. The Sites are areas of difficult access, far removed from hospitals and emergency medical centers. You should take special care to avoid accidents.
- WCS assumes no responsibility for your health or safety while you are visiting a Site or in transit to or from it.
- You should not walk, drive or otherwise travel at or in the vicinity of a Site without first notifying WCS staff where you are going and when you plan to return.

Care in approaching wildlife

- Extreme care must be taken to avoid disturbing wildlife at the Sites. This is especially true of breeding birds and mammals.
- Keep out of sight as much as possible, move very slowly and quietly around animals and at all times watch their reactions to your presence.
- Do not approach if animals show any sign of fear (e.g., by making loud noises), appear to move away from or abandon their nests or young, or start to harm themselves in any way.
- Motor vehicles and motorized equipment are not allowed to approach wildlife unless WCS staff directs otherwise.

Avoid introducing pests and diseases

- Domestic animals such as dogs, cats, caged birds or other pets are not permitted at a Site, except as determined by WCS staff for property management purposes.
- Pests are not permitted (mice, rats, and feral animals such as cats, pigs and dogs).

- If you have recently come from a farm or been in contact with domestic mammals or birds you should clean and disinfect shoes and clothing before entering any Site, to avoid transmitting disease to wild birds and mammals. WCS staff can assist you.
- Biological materials of any sort including ornamental shrubs and non-native flowering plants are not permitted at the Sites.

Hunting, trapping and fishing

- No hunting, trapping or fishing is allowed at any Site unless by specific authorization from WCS.
- You are solely responsible for identifying and obtaining from authorities any hunting, trapping or fishing permits, licenses or other permissions required under law. All such activities must be carried out in compliance with law.

Personal behavior

- Be considerate of others at the Site.
- WCS staff will identify to you times when quiet should be maintained. At other times, please keep noise levels at a reasonable level. Please operate any audio device, such as a radio, at a low volume to avoid disturbing wildlife and other visitors.
- Fighting and violence are forbidden.

Respect others' property

- Do not trespass on property adjacent to any Site. Enter buildings, structures, or enclosed areas only when they are expressly open to the public.
- Do not damage or destroy public or private property. Respect the property and rights of others.

Fire prevention

- Avoiding fires is of special concern at WCS Sites. Only ignite fires in designated areas and at designated times. Never leave a fire unattended.
- Smoking is strongly discouraged. If you must smoke, please do so only in areas where there is no risk of fire.
- Always make sure that cigarette stubs and matches are properly extinguished. WCS appreciates it if you collect all cigarette stubs for disposal outside the Site.

Fireworks and firearms

- Fireworks are prohibited.
- Firing a gun is not allowed: a) in or near a residence, building, campsite, developed recreation site, or occupied area; b) on or over a road or body of water; or c) in any circumstance where a person may be injured or property damaged. All use of firearms must be carried out in compliance with law.

No littering or polluting

- All trash and waste should be removed from the Site when you leave or be disposed of under supervision of WCS staff.
- Dispose of all garbage and litter in containers provided for this purpose or take it with you.
- Special care should be taken to avoid pollution hazards. Keep garbage, litter, petroleum products and other foreign substances out of lakes, streams and other bodies of water.

Appendix 10: Contact List of Lao PDR Officials and Organizations

Wildlife Trade Law Enforcement Study Tour Contact List			
List of WCS Lao Country Program & Asia Program Staff			
No	Name & Surname	Organization	Position
1	Mr. Michael Hedemark	WCS Laos Country Program	Country Program Co-Director
2	Mr. Troy Hansel	WCS Laos Country Program	Assistant Country Program Director
3	Mr. Keopthihoune Bounnak	WCS Laos Country Program	Wildlife Trade Project Officer
4	Mr. Soubanh Silithammavond	WCS Laos Country Program	Wildlife Trade Project Officer
5	Ms. Emma Ligtermoet	WCS Laos Country Program	Wildlife Trade Project
6	Dr. Anthony Lynam	WCS Asia Program	Associate Conservationist
List of Mongolian Embassy Staff			
No	Name & Surname	Organization	Position
1	Mr. Batbaatar	Mongolian Embassy in Laos	Ambassador
2	Ms. Khulan	Mongolian Embassy in Laos	Attaché
3	Mr. Kamsai Sisabat	Mongolian Embassy in Laos	Secretary (official translator)
List of Lao Government Officers and Officials			
Meeting with Department of Forestry on 13/1/2009 at 08:30-12:00			
No	Name & Surname	Organization	Position
1	Mr.Thongphat Vongmany	Forestry Department	Deputy Director
2	Mr.Bounsouane Phongphichit	Planning Division	Deputy Head
3	Mr.Sangvane Bouavong	Division of Deforestation Resources Conservation	Deputy Head of Production Forest
4	Mr.Boupha Vongkhamchanh	Administration Division	Deputy Head
5	Dr.Veophet Sibounma	Production Division	Deputy Head
6	Mr.Somsack Sysomvang	Division of Deforestation Resources Conservation	Deputy Head of Reforestation Management
7	Mr.Savanh Chanthakhoumman	Division of Deforestation Resources Conservation	NPA Management & Data Collection
8	Mr.Bounsou Suvan	Division of Deforestation Resources Conservation	CITES Authority
Meeting with Department of Forestry Inspection on 13/1/2009 at 14:00-16:00			
No	Name & Surname	Organization	Position
1	Mr.Veunevang Bouttalat	Forestry Inspection Department	Director General
2	Mr.Phetsamone	Forestry Inspection Department	Deputy Director
3	Mr.Khamphout Phandanouvong	Forestry Inspection Department	Deputy Director
4	Mr.Bouasum	Investigation Division	Chief of Investigation
5	Mr.Thongphanh Ratanalangsy	Admin & Planning Division	Chief of Admin & Planning Division
6	Mr.Paphakone Vongxay	Inspection Division	Chief of Inspection Division
7	Mr.Bounthai	Inspection Division	Deputy of Inspection Division
8	Mr.Bounthan	Case Analysis Division	Deputy of Case Analysis Division

Vientiane Capital City Agriculture & Forestry Department 14/1/2009

No	Name & Surname	Organization	Position
1	Mr.Khamsing Khounsavanh	VTE Capital City Agriculture & Forestry Department	Deputy Director
2	Mr.Michael Hedemark	WCS Lao Program	Co-Director
3	Mr.Khamsamai Souphengsy	VTE Capital City NPA Division Custom Office of VTE Capital City	Deputy Division
4	Mr.Phonesay Manivong	VTE Capital Economic Police	Technical Officer
5	Mr.Xayyon Vongphachanh Mr.Bounthanong	Sisattanak District Police	Deputy Division
6	Chandavong Ms.Bouachanh	Sisattanak District Custom	Investigation Officer Deputy of Sisattanak District Custom
7	Phathummavong	VTE Capital Forestry Inspection Division	Deputy Division
8	Mr.Sengaloun Souliyavong	VTE Capital Planning Division	Deputy Division
9	Mr.Viengxay Manivong	VTE Capital City Protected Area Division	VTE Capital City Protected Area Division Head
10	Mr.Phaly Mankhongsin Mr.Phonesavanh	VTE Capital City Forestry Division	Deputy Division
11	Sounthavong	VTE Capital City Forestry Division	Administration Officer
12	Ms.Thavina Keosavang	VTE Capital City Forestry Division	Forestry Management
13	Ms.Bounith Akkhavong	VTE Capital City Forestry Division	Forestry Management
14	Ms.Khamla Boutthanam	VTE Capital City Forestry Division	Forestry Survey & Planning
15	Mr.Khemphet Boutthavong	Xaythany District Forestry	Deputy of Xaythany District Forestry
16	Mr.Soubinh Onsengphet	VTE Capital Forestry Inspection Division	Head of Forestry Inspection Unit
17	Mr.Thavone Vongkhamouth	VTE Capital City Forestry Division	Conservation Unit
18	Ms.Sengmany	VTE Capital Forestry Inspection Division	Technical Officer
19	Ms.Kaenchanh	VTE Capital City Forestry Division	Technical Officer
20	Ms.Manochit	VTE Capital City Forestry Division	Technical Officer
21	Ms.Khamphet Mounthady	VTE Capital City Forestry Division	Head Of VTE Capital City Forestry Division

Meeting with Bolikhamxay Officials & Namkading PA Staff on 14/1/2009

No	Name & Surname	Organization	Position
1	Mr.Phonsavanh Homnabounlath	Bolikhamxay PAFO	Deputy Director
2	Mr.Michael Hedemark	WCS Lao Program	Co-Director
3	Mr.Pheng	IEWMP	Admin & Interpreter
4	Mr.Southi Souvannavong	Bolikhamxay Forestry Division	Deputy of Phouchomvoi Project
5	Mr.Chanthaphone Swatdy	Bolikhamxay Forestry Inspection Division	Deputy Division
6	Mr.Sonxay Phommavong	Bolikhamxay Forestry Division	Deputy Division
7	Mr.Somchai Chalurnsakdy	Bolikhamxay Forestry Division	Head of Phouchomvoi Protected Area Project
8	Mr.Keo Vongdeuane	Namkading National Protected Area	Head of Project
9	Mr.Phoungeune Vongphouthone	Namkading National Protected Area	Head of Patrolling Team

Appendix 11: Wildlife Trade Law Enforcement Study Tour Evaluation Results

Note: The answers of all participants for each of the multiple choice questions are compiled and presented in **bold**.

Evaluation

Representing:

WCS-NEMO II

Wildlife Trade Law Enforcement Study Tour

Lao PDR: January 10 – 20, 2009

- 1) Has your understanding of the illegal wildlife trade crisis in Asia increased? Please write down the degree of your increased knowledge. (1 is no increase, to 5, greatly increased.)
 1. no new knowledge
 2. know a little more than before the study tour
 - 3. learned a fair amount of new information (2 persons)**
 - 4. learned a lot (6 persons)**
 - 5. learned a great deal and believe I can apply this knowledge (7 persons)**

- 2) Has your understanding of the different approaches to wildlife trade law enforcement increased? Please circle the degree of your increased knowledge. (1 is no increase, to 5, greatly increased.)
 1. no new knowledge
 2. know a little more than before the study tour
 - 3. learned a fair amount of new information (3 persons)**
 - 4. learned a lot (7 persons)**
 - 5. learned a great deal and believe I can apply this knowledge (4 persons)**

- 3) Has your appreciation of the importance of law enforcement and monitoring to address illegal wildlife trade increased? Please circle the degree of your increased knowledge. (1 is no increase, to 5, greatly increased.)
 1. no new knowledge
 - 2. know a little more than before the study tour (2 persons)**
 - 3. learned a fair amount of new information (1 person)**
 - 4. learned a lot (7 persons)**
 - 5. learned a great deal and believe I can apply law enforcement monitoring (3 persons)**

- 4) Has your appreciation for multi-agency cooperation to enforce wildlife law and prevent illegal wildlife trade increased? Please circle the degree of your increased knowledge. (1 is no increase, to 5, greatly increased.)
 1. no new knowledge
 2. know a little more than before the study tour
 - 3. learned a fair amount of new information (3 persons)**
 - 4. learned a lot (4 persons)**

5. learned a great deal and believe I can apply this knowledge (6 persons)

5) The study tour approach to sharing information and learning about ways to prevent illegal wildlife trade was a useful tool. Please circle the number, which you believe most accurate.

1 2 3 4 5
(not useful) (somewhat useful) (useful) (very useful) (extremely useful)
1 person 4 persons 8 persons

6) Please list on your paper all, which might apply to the study tour presenters.

Department of Forestry

The presenters:

- Were knowledgeable
- Were easily understood (3 persons)
- Answered questions (2 persons)
- Listened well
- Provided useful examples (7 persons)
- Translations were effective (8 persons)
- Allowed for participant interaction (4 persons)
- Adapted content to our needs/situation (3 persons)
- Presented something useful/valuable (2 persons)

Department of Forest Inspection

The presenters:

- Were knowledgeable (2 persons)
- Were easily understood (2 persons)
- Answered questions (2 persons)
- Listened well (1 person)
- Provided useful examples (6 persons)
- Translations were effective (8 persons)
- Allowed for participant interaction (4 persons)
- Adapted content to our needs/situation (2 persons)
- Presented something useful/valuable (2 persons)

Vientiane Capital City Wildlife Trade Prevention Team

The presenters:

- Were knowledgeable (1 person)
- Were easily understood (3 persons)
- Answered questions (1 person)
- Listened well
- Provided useful examples (5 persons)
- Translations were effective (6 persons)
- Allowed for participant interaction (4 persons)
- Adapted content to our needs/situation (2 persons)
- Presented something useful/valuable (4 persons)

WCS Laos Wildlife Trade Project

The presenters:

- Were knowledgeable

- Were easily understood (1 person)
- Answered questions (2 persons)
- Listened well (1 person)
- Provided useful examples (6 persons)
- Translations were effective (4 persons)
- Allowed for participant inter action (5 persons)
- Adapted content to our needs/situation (1 person)
- Presented something useful/valuable (6 persons)

Wildlife Trade in Tropical Forests: Tony Lynam, WCS

The presenters:

- Were knowledgeable
- Were easily understood
- Answered questions (1person)
- Listened well (2 persons)
- Provided useful examples (4 persons)
- Translations were effective (4 persons)
- Allowed for participant interaction (6 persons)
- Adapted content to our needs/situation
- Presented something useful/valuable (5 persons)

7) Please rate the value of the following components of the study tour:

Visits to VangVieng area markets:

1	2	3	4	5
(not useful)	(somewhat useful)	(useful)	(very useful)	(extremely useful)
		1 person	5 person	

Meetings with Lao Government Departments:

1	2	3	4	5
(not useful)	(somewhat useful)	(useful)	(very useful)	(extremely useful)
				4 persons

Meetings with Vientiane Capital City and visits to Protected Area and Vientiane Markets:

1	2	3	4	5
(not useful)	(somewhat useful)	(useful)	(very useful)	(extremely useful)
		4 persons	5 persons	5 persons

Travel to Bolikhamsay---Namkading National Protected Area:

1	2	3	4	5
(not useful)	(somewhat useful)	(useful)	(very useful)	(extremely useful)
	1 persons	3 persons	4 persons	4 persons

Visit to Lao-Vietnam Border Region—International Check Point:

1	2	3	4	5
(not useful)	(somewhat useful)	(useful)	(very useful)	(extremely useful)
	5 persons	3 persons	2 persons	3 persons

8) Please write responses to the following prompts:

The least useful part of the study tour was:

No comments were made in this section indicating the “least useful” part of the study tour. Instead the following comments on the value of the study tour and accomplishments were listed:

- It is important that we came to the project site and were introduced to WCS Lao-Vientiane Capital City wildlife trade project implementation
- It was important to see the wildlife illegal trade Vientiane capital city project implementation
- It was important to see the same work in Lao PDR that is like my daily work (inspection)
- To visit another country and see their work and share methods
- It was important to gain an understanding of Conservation of Wildlife in Lao PRD
- To see market-based illegal wildlife trade in Lao PDR and compare with the Mongolian situation
- Established good contact on illegal wildlife trade prevention between Mongolia and Lao PDR.

The most useful part of the study tour was:

- Seeing signs on prohibited trees (marking of protected forest species)
- Seeing public awareness activities in the countryside (rural areas)
- The Introduction of the implementation of the Vientiane capital city illegal wildlife trade project
- Seeing the good example of all agencies joining into one team for law enforcement and implementation
- Inspection issue is under the Ministry of Agriculture and Forestry (unlike Mongolia)
- There is a good relationship between the Government and public (unlike Mongolia)
- The Government is keeping their resolution (unlike Mongolia)
- Meeting with Government officials of Lao PDR
- The opportunity to compare my country with Lao PDR
- Strengthened border check point at the international border
- Burning ceremony for items confiscated by the illegal wildlife trade team
- Release of wildlife confiscated by the illegal wildlife trade team in the special protected area
- Mongolia needs to have a national wildlife trade law and revise the existing Hunting law

- There is a need for a regulation formalizing the Wildlife Trade Crime Unit (WTCU) team in Mongolia
- There is a need to establish WTCU teams at the aimag level to stop Illegal wildlife trade in UB Markets because most of wildlife and its parts are coming from countryside

9) Please provide your ideas on the following:

What did you learn that can be applied to the Mongolian context?

Regular inspection and monitoring in markets by WTCU

- Organizing burning ceremony for confiscated wildlife products in Ulaanbaatar markets by the WTCU
- Establish check points in some important sites along roads and transport routes and regular monitor them
- More close cooperation between law enforcement agencies and organizations in Mongolia
- Quick testing of wildlife and its parts directly in the markets for disease
- WTCU should become official through a formal regulation
- Establish good facilities and conditions to release confiscated wildlife back into the nature like protected area in Laos near Vientiane
- Every person should plant a tree like the Lao people

What could be applied from the Mongolian example of wildlife law enforcement to the Lao context?

- Improve legislation on the environment
- Involve scientists from the Academy of Sciences to conduct census of wildlife
- Improve the system on ecological and economic assessment, reward system and fee for natural resources use should be spent on wildlife conservation
- Start scientific-based Hunting Management
- Lao WTCU should be visit Mongolia to see our activities
- Prohibit the trade in baby wildlife
- Fully prohibit wildlife of any kind to be traded in markets
- Improve permission system
- Establish informant system against of illegal wildlife trade and poaching
- Establish local community groups and involve them in the fight against illegal wildlife trade

10) Please add any additional thoughts or comments you would like to make about the study tour.

- Thank you very much for WCS Mongolia and Lao program office for this Study tour to Lao PDR
- The Lao environmental legislation is not as fully developed when compared to Mongolia
- It will be good after 5 years to again organize a study tour like this and compare progress
- It was very good and useful information about Lao PDR which was provided by WCS Mongolia Program before leaving
- To stop wildlife illegal trade in Ulaanbaatar markets we need to continue WTCU activities and expand them to the aimag and border level
- Please provide us with other materials and information concerning the trade of illegal wildlife and poaching in other Asian countries like Vietnam, Korea etc.
- International cooperation of the Mongolian State Specialized Inspection Agency with other countries on wildlife trade issues should be developed to a new and higher level

THANK YOU FOR TAKING THE TIME TO FILL OUT THIS EVALUATION. YOUR COMMENTS ARE VERY IMPORTANT TO US AND WILL IMPROVE THE EFFECTIVENESS AND QUALITY OF THIS AND FUTURE TRAINING AND CAPACITY BUILDING INITIATIVES.

Appendix 12: WTCU November 2008 Organizational Meeting

MEETING AGENDA

November 27, 2008

Meeting Objective: Develop a plan and schedule for the Multi-Agency WTCU wildlife trade law enforcement team pilot patrols and inspections of Ulaanbaatar-area market and trade points. Organize WTCU team structure and a system for collecting and storing wildlife trade data and information.

Venue: Room 402, Government Building # 3, Ulaanbaatar

Time: 3:00 – 6:00 p.m.

Participants: Multi-Agency WTCU team members and WCS Mongolia Program staff (see participant list below)

Presentations:

1. General information: Goals and objectives of the meeting and an explanation of the delay in the wildlife trade law enforcement study tour to Lao PDR.

-N.Odonchimeg, WCS Mongolia Program
2. Project update: Project activities to date and formal introductions of the members of the newly formed Multi-Agency WTCU team.

-N.Odonchimeg, WCS Mongolia Program
3. Presentation: Results of Multi-Agency WTCU pilot patrols of the Ulaanbaatar Green Zone to enforce the national ban on marmot hunting, September 2009.

-J. Badamkhand, Environmental Inspector, Municipal SIA
-D. Tuvshinjargal, WCS Wildlife Trade Fellow
4. WTCU Pilot Patrols: Discussion and drafting of the Multi-Agency WTCU pilot patrol and inspection plan for Ulaanbaatar area markets.

-D. Tuvshinjargal, WCS Wildlife Trade Fellow
5. WTCU Plan: Finalization of the Multi-Agency WTCU pilot patrol and inspection plan (December 2008 – January 2009).

-All participants
6. WTCU Pilot Patrol Forms: Distribution, instructions and discussion of the WTCU patrol forms designed to gather information and data on wildlife trade and enforcement.

-L. Ochikhuayg, WCS Mongolia Program
7. Final Discussion and Closing

Summary of Multi-Agency WTCU Meeting

The first meeting of the Multi-Agency WTCU team was held on November 27, 2008, in Romm 402, Government Building #3, Ulaanbaatar. The meeting began on time (3:00 p.m.) and there was full participation from the newly formed WTCU team members. Also in attendance were Wildlife Conservation Society (WCS) staff Ann Winters, N. Odonchimeg, L. Ochirkhuyag and D. Tuvshinjargal. The meeting proceeded according to the set agenda.

Ms. N. Odonchimeg (WCS) opened the meeting and provided general information about project activities and developments to date and explained the objectives for the November 27th meeting. The situation which had led to the postponement of the November 2008 wildlife trade law enforcement study tour to Lao PDR was explained. Alternative dates (January 2009) for the study tour and the support of the Mongolian Ministry of Foreign Affairs was discussed.

Ms. J. Badamkhand (Municipal SIA) and Mr. D. Tuvshinjargal (WCS) presented the results of the September 2008, Municipal Multi-Agency WTCU pilot patrols of the Ulaanbaatar "Green Zone" to enforce the national ban on marmot hunting.

Mr. D. Tuvshinjargal presented a draft Multi-Agency WTCU pilot enforcement patrol and inspection plan for Ulaanbaatar area markets and wildlife trade points. The plan (team composition, schedule, targeted markets, etc.) was discussed in detail and a final version of the plan was agreed upon by all WTCU team members.

The final presentation was by WCS staff member, Mr. L. Ochirkhuyag who presented patrol forms to be used for data and information collection by the WTCU members during the pilot market patrols. These draft forms were discussed and final adjustments and changes were made.

Discussion Section Notes:

1. All participants acknowledged the delay in the wildlife trade law enforcement study tour and agreed to the alternative dates of January 10 – 20, 2009.
2. All participants agreed to the Multi-Agency WTCU pilot patrol and inspection plan. The individuals agreed to participate and take enforcement action. The agencies represented committed to providing vehicles for the pilot patrols. The project agreed to cover the cost of fuel.
3. The participants decided to establish 2 WTCU inspection teams and to split the planned patrols between them. The appointed team leaders were Mr. Kh. Badam (retired Chief SSIA Environmental Inspector) and Mr. N. Bayarmagnai (Police, Head of Patrol Division).
4. Pilot enforcement and inspection patrols were scheduled once per week starting on December 4, 2008. Each patrol was planned to include inspections of raw materials markets, food markets, shops and restaurants. At least 3 types of markets should be selected for inspection on each patrol.
5. The Multi-Agency WTCU team decided to request official approval for the pilot patrols and market inspections from the SSIA. The task of presenting the WTCU team's plan and request for approval was given to Mr. Ts. Tumurbaatar (SSIA Inspector) and Ms. Tsetsegdelger (Municipal SIA Emergency Team Leader).

6. It was decided that a total of 18 pilot patrols and inspections would be completed in December 2008 through January 2009. It was decided that 12 of these patrols would be planned and that 6 inspections would occur based on information collected during the student-led observational surveys of Ulaanbaatar area markets or other information provided by informants.

Multy-Agency WTCU members list

No	Family and name	Position	Address
1.	A. Bayasgalan	MNET Secretary of CITES National Authority	99124640 261726 a_bayasgalan@hotmail.com
2.	B. Dorjgotov	MNET Senior officer of policy implementation and strategy planning department	99881437 261726 bdorjgotov@yahoo.com
3.	Kh. Badam	Senior inspector SSIA	99280055
4.	Ts. Tumurbaatar	Senior inspector SSIA	88000813 Timurbaatar72@yahoo.com
5.	B. Batdemberel	Senior inspector SSIA	98114530
6.	J. Badamkhand	Senior inspector Municipal SIA	91160844
7.	Ts. Naymdorj	Municipal SIA	99114734
8.	G. Tsetsegdelger	Senior inspector, Irvis emergency team Municipal SIA	99061438
9.	S. Boldlbaatar	General Police Head of department Police colonel	50155000 91184621 92004621 sboldb@yahoo.com
10	N. Bayarmagnai	General Police Deputy Head of department Police Ltd. colonel	91910241 456325 98085858
11	A. Bayarbat	Customs inspector in Buyant Ukhaa airport	98014112

Appendix 13A: Official Letter from the State Specialize Inspection Agency Authorizing the Multi-Agency WTCU Pilot Patrols



МОНГОЛ УЛСЫН ЗАСГИЙН ГАЗРЫН ТОХИРУУЛАГЧ АГЕНТЛАГ
УЛСЫН МЭРГЭЖЛИЙН ХЯНАЛТЫН ГАЗАР
ХЯНАЛТ ШАЛГАЛТЫН УДИРДАМЖ

211238 Улаанбаатар хот, Чингэлтэй дүүрэг,
Барилгачдын талбай 13, Утас: 26-36-58, Факс: 26-34-58
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2008.12.01 № 01/259



БАТЛАВ:

ДАРГА, УЛСЫН БРӨНХИЙ БАЙЦААГЧ

Албан тушаал/

Ц.ШИЙРЭВДАМБА

/овог, нэр/

Хууль бус ан агнуур, худалдаалалт,
хадгалалт, тээвэрлэлтийн байдалд

Нэг. Зорилго: Зэрлэг амьтдыг устаж мөхөхөд хамгийн хүчтэй сөрөг нөлөө үзүүлдэг хүчин зүйлүүд болох хууль бус ан агналт, ан амьтдын гаралтай эд зүйл, бүтээгдэхүүний хууль бус худалдаа, зохисгүй хэрэглээ нь томоохон байр суурь эзэлнэ. Иймээс энэ удаагийн хяналт шалгалтын гол зорилго нь ан амьтан, тэдгээрийн гаралтай эд зүйлийн хууль бус худалдаалалт, хууль бус агналтын байдалд хяналт шалгалт хийхэд оршино.

Хоёр. Шалгалт хийх бүрэлдэхүүн: УМХГ-ын Байгаль орчны хяналтын улсын байцаагч Ц.төмөрбаатар, Б.Батдэмбэрэл, НМХГ-ын байгаль орчны хяналтын улсын байцаагч Ж.Бадамханд, Ц.Нямдорж, “Шуурхай” багийн ахлагч Байгаль орчны хяналтын улсын ахлах байцаагч Г.Цэцэгдэлгэр, БОАЖЯ, ЦЕГ-ын харьяа Хэрэг бүртгэх газар, Эргүүд хамгаалалтын 801 дүгээр анги, Зэрлэг амьтан хамгаалах нийгэмлэг, Монголын мэргэшсэн анчдын нийгэмлэг зэрэг газрууд хамтран зохион байгуулж гүйцэтгэнэ.

Гурав. Шалгалт хийх газар, хугацаа: Хяналт шалгалтыг Төв болон Нийслэлийн нутаг дэвсгэр мөн Нийслэлийн нутаг дэвсгэрт үйл ажиллагаа явуулж буй түүхий эдийн зах, хүнсний зах, автотээврийн шалган бүртгэх товчоодод хийж гүйцэтгэнэ.

Хяналт шалгалтын ажлыг 2008 оны 12 дугаар сарын 01-ны өдрөөс 2009 оны 01 дугаар сарын 15 -ны өдөр хүртэл хугацаанд хийж гүйцэтгэнэ.

Дөрөв. Хийж гүйцэтгэх ажлууд:

1. Түүхий эд болон хүнсний захуудад ан амьтны гаралтай түүхий эдийн хууль бус худалдаалалтанд хяналт шалгалт хийж илэрсэн зөрчлийг “Ан агнуурын тухай” болон бусад холбогдох хууль тогтоомжийн дагуу шийдвэрлэх

2. Нийслэл болон Төв аймгийн нутаг дэвсгэрт ан амьтны байршил бүхий газруудаар эргүүл шалгалт, отолт хийж хууль бусаар агнаж байгаад мөн илэрсэн зөрчлийг Ан агнуурын хууль тогтоомжийн дагуу барагдуулах

3. Шалгалтын замналын дагуу зорчиж буй сэжиг бүхий автомашинд үзлэг хийх

Appendix 13B: List of Participants in Multi-Agency WTCU Pilot Patrols

No	Name	Position	Name of Agency	Phone Number
1	B. Dorjgotov	Senior Officer, Policy Implementation and Strategic Planning Department	MNET	99881437, 261726
2	A. Bayasgalan	Secretary of CITES Authority	MNET	99124640, 261726
3	Ts. Tumurbaatar	Senior Inspector of Biodiversity and Special Protected Areas	SSIA	88000813
4	J. Badamkhand	Senior Inspector of Wildlife	Municipal SIA	91160844
5	Ts. Naymdorj	Senior Inspector of Timber	IRBIS Emergency Team	99114734
6	Kh. Badam	Senior Inspector of Wildlife	Retired SSIA	99280055
7	B. Batdemberel	Senior Inspector	SSIA	98114530
8	N. Bayarmagnai	Ltd. Colonel	General Police Agency, Patrolling Department	91910241, 456325
9	S. Boldbaatar	Colonel	General Police Agency, Head of Department Against Environmental Crime	*Multiple officers participated in patrols
10	G. Tsetsegdelger	Senior Inspector	IRBIS team	99061438
11	A. Bayarbat	Senior Customs Inspector	Buyant-Ukhaa Airport Border Point Inspection	98014112

Appendix 13C: Schedule of Multi-Agency WTCU Pilot Patrols

	Target area (Markets)	Inspection days							Inspection days						
		December							January						
		Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun
1	Emeelt	1	2	3	4	5	6	7				1	2	3	4
		8	9	10	11	12	13	14	5	6	7	8	9	10	11
		15	16	17	18	19	20	21	12	13	14	15	16	17	18
		22	23	24	25	26	27	28	19	20	21	22	23	24	25
		29	30	31					26	27	28	29	30	31	
2	Tsaiz (Nalaikh)	1	2	3	4	5	6	7				1	2	3	4
		8	9	10	11	12	13	14	5	6	7	8	9	10	11
		15	16	17	18	19	20	21	12	13	14	15	16	17	18
		22	23	24	25	26	27	28	19	20	21	22	23	24	25
		29	30	31					26	27	28	29	30	31	
3	Tsaiz (Ulaanbaatar)	1	2	3	4	5	6	7				1	2	3	4
		8	9	10	11	12	13	14	5	6	7	8	9	10	11
		15	16	17	18	19	20	21	12	13	14	15	16	17	18
		22	23	24	25	26	27	28	19	20	21	22	23	24	25
		29	30	31					26	27	28	29	30	31	

	Target area (Markets)	Inspection days							Inspection days						
		December							January						
		Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun
4	Bayanzurkh	1	2	3	4	5	6	7				1	2	3	4
		8	9	10	11	12	13	14	5	6	7	8	9	10	11
		15	16	17	18	19	20	21	12	13	14	15	16	17	18
		22	23	24	25	26	27	28	19	20	21	22	23	24	25
		29	30	31					26	27	28	29	30	31	
5	Narantuul	1	2	3	4	5	6	7				1	2	3	4
		8	9	10	11	12	13	14	5	6	7	8	9	10	11
		15	16	17	18	19	20	21	12	13	14	15	16	17	18
		22	23	24	25	26	27	28	19	20	21	22	23	24	25
		29	30	31					26	27	28	29	30	31	
6	Mercury	1	2	3	4	5	6	7				1	2	3	4
		8	9	10	11	12	13	14	5	6	7	8	9	10	11
		15	16	17	18	19	20	21	12	13	14	15	16	17	18
		22	23	24	25	26	27	28	19	20	21	22	23	24	25
		29	30	31					26	27	28	29	30	31	
8	Entrance to UB (Bayanzurkh bridge)	1	2	3	4	5	6	7				1	2	3	4
		8	9	10	11	12	13	14	5	6	7	8	9	10	11
		15	16	17	18	19	20	21	12	13	14	15	16	17	18
		22	23	24	25	26	27	28	19	20	21	22	23	24	25
		29	30	31					26	27	28	29	30	31	

	Target area (Markets)	Inspection days							Inspection days						
		December							January						
		Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun
9	Gunt, Khalzangiin Davaa, Uliastai (Ulaanbaatar area)	1	2	3	4	5	6	7				1	2	3	4
		8	9	10	11	12	13	14	5	6	7	8	9	10	11
		15	16	17	18	19	20	21	12	13	14	15	16	17	18
		22	23	24	25	26	27	28	19	20	21	22	23	24	25
		29	30	31					26	27	28	29	30	31	
10	Baganuur District	1	2	3	4	5	6	7				1	2	3	4
		8	9	10	11	12	13	14	5	6	7	8	9	10	11
		15	16	17	18	19	20	21	12	13	14	15	16	17	18
		22	23	24	25	26	27	28	19	20	21	22	23	24	25
		29	30	31					26	27	28	29	30	31	
	Weekend														
	Inspection														

Appendix 13D: Sample Data Form Used by Multi-Agency WTCU Pilot Patrol Teams and One Example

PATROL FORM

1. General information

Observer's name: Date:

Time: Start End

Area name by observed, controlled:

Waypoints: _____ Latitude: N Longitude: E

2. Transportation

Type: on foot; horse; bike; car; vehicle; boat; others:

Total time/length of patrol:

3. Violation's information

Violation

Quantity and harm

Quantity of collected items

Quantity of fine

Type of violation and quantity

Name and number of items:

Status of items:
live, dead, carcas etc

Cost of items: Document:
Selling, buyin, providing etc photo, video, notes etc

Source of items:

Offerder's name/sex:

Citizens, address:

Identification info :
ID card#, drivers ID #, other.

Person's appearance:
Counter and container #, color, permission documents etc

Purpose of travel :

From: To:

Weapons, tecnique:

Weapons	FIREARM	KNIFE	TRAP	NET	FISHING POLE	OTHER
Number:	automatic rifle	long: <input type="text"/> <i>sm</i>	quant.: <input type="text"/>	quant.: <input type="text"/>	quant.: <input type="text"/>	
	single action rifle		type: <input type="text"/>	type: <input type="text"/>	type: <input type="text"/>	
	Warrior					
	Hunting					
	others					
Owner's certificate:						
Heard/Observed:						

NOTES:

Team members:

Attentions: Every patrol has to fill this form.

ЭРГҮҮЛ ХЯНАЛТЫН ХУУДАС

①

1. Ерөнхий мэдээлэл

Ажиглагчийн нэр: А.Баярбат Огноо: 2008.12.19
 Цаг: Эхэлсэн 14:50 Дууссан 15:55
 Хяналт, шалгалт хийсэн газрын нэр: У.Б. хот, СХД. 13-р хороо. "Илэр үзвэ" ХХК "Wood arc" 8x8
 Цэгийн №: _____ Өргөрөг: N 47° 53' 21.8 Уртраг: E 106° 35' 21.0

2. Тээврийн хэрэгсэл

Төрөл: явган; мориор; моторт дугуй; суудлын машин; ачааны машин; завь; бусад: _____
 Эргүүл хийсэн нийт зам/хугацаа: _____

3. Зөрчлийн тухай мэдээлэл

Зөрчил: Баярбатын арьс-1ш, ирвэсний арьс-1ш,
 Арга хэмжээ: түүгээр аргаасан
 Хураасан эд зүйлийн тоо хэмжээ: Баярбатын арьс-1ш, ирвэсний арьс-1ш
 Торгуулийн тоо хэмжээ: _____
 Нөхөн төлбөрийн хэлбэр, тоо хэмжээ: _____
 Эд зүйлийн нэр, тоо: Баярбатын арьс-1ш, ирвэсний арьс-1ш.
 Эд зүйлийн байдал: Баярбатын арьс 2 ширүүний явсаг дивээдүүлсэн, ирвэсний арьс агаар дивээдүүлсэн
 Эд зүйлийн үнэ: _____ Баримтжуулсан эсэх: зургаар авсан
зарж байсан, авч байсан, дамласан г.м. зураг, видео, тэмдэгтэй г.м.
 Эд зүйлийн гарал үүсэл: Мингэлтэй иргэдийн байрлаар байрлуулсан
 Зөрчил гаргагчийн нэр/хүйс: "Илэр үзвэ" ХХК
 Иргэншил, хаяг: Хяск. Төмдөөчирэн- "Илэр үзвэ" ХХК-ийн захирал
 Үнэмлэхний дугаар: _____ Регистрийн дугаар: _____
иргэний үнэмлэх #, ажиллагчийн үнэмлэх # бусад.
 Онцлог шинж, тэмдэг: Баярбатын арьс - хялалт дивээдүүлсэн, ирвэсний арьс агаар дивээдүүлсэн
лагсан болон чингээгийн дугаар, онго, зөвшөөрлийн бичиг г.м.
 Зорилго: Беренд үнэмтэй байрлаар байрлуулсан (Хянагд харсан)
 Хаанаас: _____ Хаашаа: _____
 Хэрэглэсэн зэвсэг, техник: _____

Багаж хэрэгсэл	ГАЛТ ЗЭВСЭГ	ХУТГА	ХАВХ	ТОР	ЗАГАСНЫ УУРГА	БУСАД
Тоо:	автомат буу	тоо:	тоо:	тоо:	тоо:	
	автомат биш буу	урт:	төрөл:	төрөл:	төрөл:	
	байлдааны буу					
	ангийн буу					
	бусад		см			
Эзэмшигчийн гэрчилгээ, дугаар: _____						
Сонссон/Ажигласан: _____						
Тусгай тэмдэглэл: <u>Модтолгойд байсан.</u>						

Багийн гишүүд: _____
 Анхаар: Зөрчил, хэрэг болгонд энэ хуудасыг хөтлөнө.

Appendix 14: Example Incident Reports from Multi-Agency WTCU Pilot Patrols

1) Date: December 4, 2008

Inspection Sites:

Emeelt - raw materials market

(Warehouse of Mr. M. Boldbaatar, known wildlife trader)

Bayanzurkh - food market

Ulaanbaatar Entrance Point 22

Warehouse of M. Boldbaatar which is located in Emeelt market (this offender was detected during last years students survey who is selling and buying every time wildlife and its parts.

Team Members:

N. Bayarmagnai (Police)

B. Batdemberel (SSIA)

A. Bayarbat (Buyant-Ukhaa airport border inspection)

B. Ganbold (Police)

D. Tuvshinjargal (WCS)

Vehicles: 2 vehicles from SSIA and Police

Detected Violations: Illegal Trade

All illegal trade was detected in Emeelt raw materials market

Red fox: carcass - 1

Corsac fox: carcass - 6

Tolai hare: carcass - 2

Grey wolf: fresh skin - 3

Grey wolf: old skin -10

Grey wolf: skull - 2

Siberian marmot: skin -13

Siberian marmot: bone - 500g to1kg

Siberian marmot: meat - 500g

Siberian marmot: oil - 5 bottles (500g each)

Brown bear: oil - 500g

Eagle: feathers

Unknown: horn - 1

Law Violated:

None of the traders were able to provide certificates of origin for any of the wildlife products

Measures Taken:

All items listed above were confiscated

Fines collected = 703,000 MNT

Notes:

Signs distributed by WWF about illegal wildlife trade were present in all markets visited. Most of the dealers were aware of the illegal nature of wildlife trade. The market veterinarian of Bayanzurkh market reported attending a training organized on illegal wildlife trade organized by WWF. After her training she held a special meeting with traders and dealers in Bayanzurkh market and gave them information about the legislation governing the trade in wildlife. One trader, a Mr. Khuderchuluun, is still reported to be trading wildlife and wildlife products illegally in Bayanzurkh market as was recorded in 2007/2008.

2) Date: December 12, 2008

Inspection Sites:

Altai Chandmani market of Nalaikh district – raw materials
Ulaanbaatar Tsaiz market – raw materials
Narantuul food market

Team Members:

B. Batdemberel (SSIA)
Kh. Badam (SSIA and Mongolian Professional Hunters Society)
A. Bayasgalan (MNET-CITES National Authority)
D. Tuvshinjargal (WCS)
B. Ganbold (Police)
Batbaatar (Police)

Vehicle: 1 vehicle from Police

Detected Violations: Illegal Trade

Altai Chandmani market:
Red fox: skin – 4

*This was the market where 200 red fox skins were confiscated in January 2008

Ulaanbaatar Emeelt market:

Significant wildlife trade activity was detected in the Ulaanbaatar Emeelt market but the team felt unprepared to take enforcement action as they were previously unaware of the volume and nature of trade occurring at this market. They decided to organize a later enforcement patrol with 2 teams (reinforcements) which occurred on December 19, 2008, as described below.

Measures Taken:

An official warning and penalty of 25,000 MNT was issued to the director of the market. Items were confiscated from the trader

3) Date: December 17, 2008

Inspection sites:

Emeelt raw materials market
Mercury food market
Guntiin davaa – north entrance of Ulaanbaatar

Team members:

J. Badamkhand (Municipal SIA)
A. Bayarbat (Buyant - Ukhaa airport border inspection)
B. Ganbold (Police)
Todgerel (Police)
D. Tuvshinjargal (WCS)

Vehicles: 2 vehicles from Municipal SIA and Police

Detected Violations: Illegal Trade

Illegal trade discovered in Emeelt raw materials market:
Grey wolf: skin – 3
Siberian marmot: skin – 1

Measures Taken:

The items listed above were confiscated from the traders. Official letters of warning were issued to the owners of three warehouses advertising the buying and selling of wildlife and wildlife products on sign boards posted on their facilities.

Note: Traders at the Mercury food market reported attending the illegal wildlife trade training provided by WWF. The signs from the WWF campaign against illegal wildlife trade were distributed throughout the market.

4) Date: December 19, 2008**Inspection Sites:**

Ulaanbaatar Tsaiz raw materials market
“Wool Aroc” bar

Team Members:

J. Badamkhand (Municipal SIA)
A. Bayarbat (Buyant – Ukhaa airport border inspection)
N. Bayrmagnai (Police)
B. Ganbold (Police)
A. Battungalag (Police)
Radnaabazar (Police)
Todgerel (Police)
D. Tuvshinjargal (WCS)

Vehicles: 2 vehicles from Police and 1 vehicle from WCS

Detected Violations: Illegal Trade

Illegal trade in wildlife was detected at the Ulaanbaatar Tsaiz raw materials market

Red deer: fresh tails (female) - 2

Brown bear: fresh paws - 4

Musk deer: musk pods – 2

Illegal possession and display of wildlife skins was detected in the “Wool Aroc” bar

Snow leopard: skin (pelt) -1

Brown bear: skin (pelt) -1

Measures Taken:

The trade detected in the Ulaanbaatar Tsaiz raw materials market (red deer, brown bear and musk deer) was classified as a criminal act. A criminal case was opened and is being pursued by the Ulaanbaatar Municipal Police.

Attempts were made to confiscate the pelts (snow leopard and brown bear) on display in the “Wool Aroc” bar by the Municipal SIA and WTCU team. The team was then pressured into reversing their decision and action was not taken.

Note:

The Ulaanbaatar Tsaiz market inspection and actions taken (confiscation of wildlife) was broadcast on National TV channels, MNT and UBS.

5) Date: December 26, 2008

Inspection Sites:

Chinggis Restaurant (Korean)
State Department Store
Flower Center

Team Members:

Kh. Badam (SSIA and Mongolian Professional Hunters Society)
Ts. Tumurbaatar (SSIA)
T. Tumenjargal (Police)
D. Tuvshinjargal (WCS)

Vehicle: 1 vehicle from SSIA

Detected Violations: Illegal Trade

Illegal trade of wildlife detected in the Nomin State Department Store:

Lynx: skin (pelt) with head and feet -1

Red fox: skin - 7

Corsac fox: skin - 2

Red fox: jackets (possible imports of farmed fur)

Red fox: hats (possible imports of farmed fur)

Lynx: jackets and cushions (origins unknown)

Illegal possession and display of wildlife in Chinggis Restaurant (Korean)

Snow leopard: skin (pelt) - 1

Brown bear: skin (pelt) - 1

Red deer: antlers - 2

Argali sheep: horn -1

Measures Taken:

Items confiscated from the Nomin State Department Store included the lynx skin (pelt) with head and feet, 7 red fox skins and 2 corsac fox skins.

Items confiscated from the Chinggis Restaurant included all items listed above (1 snow leopard skin, 1 brown bear skin, 2 sets of red deer antlers and 1 set of Argali sheep horns)

Note:

The Nomin State Department Store continues to sell and buy wildlife despite participation in the WWF campaign to stop the illegal trade in wildlife.

6) Date: December 29, 2008

Inspection "Sites":

These "inspections" were carried out based on information gathered by reviewing the Ulaanbaatar-based media outlets (newspaper, TV and radio) for reports of wildlife

Team members:

J. Badamkhand (Municipal SIA)

B. Ganbold (Police)

D. Tuvshinjargal (WCS)

Vehicle: WCS vehicle

Detected Violations: Illegal Trade

Sale of wild boar
Sale of brown bear
Sale of wild birds
Sale of Siberian marmot

* The multi-agency WTCU team contacted (in-person) all of the sellers advertising the wildlife listed above. In each case the wildlife was reported to be sold and no longer available.

Measures Taken:

No measures could be taken against the individuals advertising the sale of wildlife because no evidence of the actual sale could be gathered.

7) Date: January 6, 2009**Inspection Site:**

Baganuur district of Ulaanbaatar

Team members:

N. Bayarmagnai (Police)
Ts. Naymdorj (Municipal SIA)
G. Tsetsegdelger (Municipal SIA and Emergency team)
G. Badamkhand (Municipal SIA)
B. Ganbold (Police)
D. Tuvshinjargal (WCS)

Vehicle: 1 vehicle from Municipal SIA and 1 from WCS

Detected Violations: None

No evidence of wildlife trade was found on this WTCU pilot enforcement patrol. Traders reported that all wildlife and wildlife products had been collected just before the new year and were being transported to the border, primarily the Chinese-Mongolian border, for export.

**Appendix 15A: Members of the 2008/2009 Student-Led
Observational Wildlife Trade Market Survey Teams**

No	Name	Sex	University	Contact Information	December 2008 (Team)*	January 2009 (Team)*
1	B. Turkhoo	M	NUM Biotechnology 2 course	99861518	Khulan Taimen	Falcon
2	B. Sodonzul	F	Medical University 3 course	88975678	Marmot	Marmot
3	M. Namuunaa	F	NUM Ecology 1 course	99070972	Khulan Fox	Falcon
4	D. Batmunkh	M	NUM Biotechnology 2 course	88620704	Falcon Fox	Khulan
5	B. Serod-damba	M	NUM forestry 3 course	99616603, 97600021	Falcon	Khulan Fox
6	L. Maygmarjav	M	NUM Ecology 2 course	99960886	Falcon	Khulan Taimen
7	E. Tsend- Ayush	F	NUM Ecology 2 course	99677696	Khulan Taimen	Falcon
8	E. Margarjav	M	Agriculture University 2 course	99799517	Falcon	Khulan Taimen
9	B. Khureltogtokh	M	NUM Biotechnology 2 course	98165153	Khulan	Falcon Fox
10	Bolorsarnai	F	Medical University 3 course	99699849	Marmot	Marmot

*Survey Teams: 1) Falcon – Raw Materials Markets (Emeelt, Tsaiz Ulaanbaaar, Tsaiz Nalaikh); 2) Khulan – Food Markets (Bayanzurkh, Narantuul, Mercury) 3) Taimen – Restaurants and Souvenir Shops; 4) Marmot – Hospitals

Appendix 15B: Schedule for the 2008/2009 Student-Led Observational Wildlife Trade Market Surveys

No.	Market Name	December 2008 Surveys							January 2009 Surveys						
		December							January						
		Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun
1	Emeelt	1	2	3	4	5	6	7				1	2	3	4
		8	9	10	11	12	13	14	5	6	7	8	9	10	11
		15	16	17	18	19	20	21	12	13	14	15	16	17	18
		22	23	24	25	26	27	28	19	20	21	22	23	24	25
		29	30	31					26	27	28	29	30	31	
2	Tsaiz Nalaikh	1	2	3	4	5	6	7				1	2	3	4
		8	9	10	11	12	13	14	5	6	7	8	9	10	11
		15	16	17	18	19	20	21	12	13	14	15	16	17	18
		22	23	24	25	26	27	28	19	20	21	22	23	24	25
		29	30	31					26	27	28	29	30	31	
3	Tsaiz Ulaanbaatar	1	2	3	4	5	6	7				1	2	3	4
		8	9	10	11	12	13	14	5	6	7	8	9	10	11
		15	16	17	18	19	20	21	12	13	14	15	16	17	18
		22	23	24	25	26	27	28	19	20	21	22	23	24	25
		29	30	31					26	27	28	29	30	31	
4	Bayanzurkh	1	2	3	4	5	6	7				1	2	3	4
		8	9	10	11	12	13	14	5	6	7	8	9	10	11
		15	16	17	18	19	20	21	12	13	14	15	16	17	18
		22	23	24	25	26	27	28	19	20	21	22	23	24	25
		29	30	31					26	27	28	29	30	31	

No.	Market Name	December 2008 Surveys							January 2009 Surveys						
		December							January						
		Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun
5	Narantuul	1	2	3	4	5	6	7				1	2	3	4
		8	9	10	11	12	13	14	5	6	7	8	9	10	11
		15	16	17	18	19	20	21	12	13	14	15	16	17	18
		22	23	24	25	26	27	28	19	20	21	22	23	24	25
		29	30	31					26	27	28	29	30	31	
6	Mercury	1	2	3	4	5	6	7				1	2	3	4
		8	9	10	11	12	13	14	5	6	7	8	9	10	11
		15	16	17	18	19	20	21	12	13	14	15	16	17	18
		22	23	24	25	26	27	28	19	20	21	22	23	24	25
		29	30	31					26	27	28	29	30	31	
8	Restaurants	1	2	3	4	5	6	7				1	2	3	4
		8	9	10	11	12	13	14	5	6	7	8	9	10	11
		15	16	17	18	19	20	21	12	13	14	15	16	17	18
		22	23	24	25	26	27	28	19	20	21	22	23	24	25
		29	30	31					26	27	28	29	30	31	
9	Souvenir Shop	1	2	3	4	5	6	7				1	2	3	4
		8	9	10	11	12	13	14	5	6	7	8	9	10	11
		15	16	17	18	19	20	21	12	13	14	15	16	17	18
		22	23	24	25	26	27	28	19	20	21	22	23	24	25
		29	30	31					26	27	28	29	30	31	

No.	Market Name	December 2008 Surveys							January 2009 Surveys						
		December							January						
		Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun
10	Trauma Center	1	2	3	4	5	6	7				1	2	3	4
		8	9	10	11	12	13	14	5	6	7	8	9	10	11
		15	16	17	18	19	20	21	12	13	14	15	16	17	18
		22	23	24	25	26	27	28	19	20	21	22	23	24	25
		29	30	31					26	27	28	29	30	31	
11	Burn Center	1	2	3	4	5	6	7				1	2	3	4
		8	9	10	11	12	13	14	5	6	7	8	9	10	11
		15	16	17	18	19	20	21	12	13	14	15	16	17	18
		22	23	24	25	26	27	28	19	20	21	22	23	24	25
		29	30	31					26	27	28	29	30	31	
12	Baganuur	1	2	3	4	5	6	7				1	2	3	4
		8	9	10	11	12	13	14	5	6	7	8	9	10	11
		15	16	17	18	19	20	21	12	13	14	15	16	17	18
		22	23	24	25	26	27	28	19	20	21	22	23	24	25
		29	30	31					26	27	28	29	30	31	

Weekend



Scheduled Survey



Appendix 15C: One Summary Report from a Student-Led Wildlife Trade Market Survey

Date: December 28, 2008

Team Members:

B. Turkhuu
E. Tsend-Ayush
B. Khurelsukh
M. Namuunaa

Survey Target: Food markets

Narantuul
Mercury
Bayanzurkh

Detected Wildlife, Parts and Products;

Lenok
Khuvsgul white fish
Carp
Marmot oil
Badger oil
Brown Bear oil

Note: The marmot oil, badger oil, and brown bear oil is on sale in special booths in the Bayanzurkh market. Also on sale in these booths are medicinal plants.

Appendix 16: Presentation Summarizing the Main Activities of the WCS NEMO II 2008 Project “Protecting Mongolia’s Wildlife through Wildlife Trade Law Enforcement”

NEMO II (2008)
Protecting Mongolia’s Wildlife
Through Wildlife Trade Law
Enforcement

12 February, 2009
Ministry of Nature, Environment & Tourism
Ulaanbaatar



1

Project Support:
World Bank’s Netherlands-
Mongolia Trust Fund for
Environmental Reform, Phase II:
NEMO II

12 February, 2009
Ministry of Nature, Environment & Tourism
Ulaanbaatar



2

Project Participants:
State Specialized Inspection
Agency, Municipal Inspection
Agency, National Police, Airport
Customs Inspection, MNET
WWF-MPO, and other
Environmental NGOs

12 February, 2009
Ministry of Nature, Environment & Tourism
Ulaanbaatar



3

Project Components:
Improving the Legal
Environment for Wildlife Trade
Law Enforcement,
Wildlife Trade Law Enforcement
Staff Training & Capacity
Building

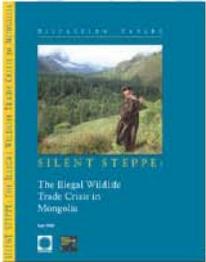
12 February, 2009
Ministry of Nature, Environment & Tourism
Ulaanbaatar



4

Background:
Silent Steppe Report 2006

- Official Records
- Literature Review
- Surveys
 - Household
 - Traders
- National Conference
- Wildlife Trade & Species Decline in Mongolia




5

Silent Steppe “Next Steps”

- “Law enforcement is the single most critical factor in controlling the unsustainable and illegal hunting that is causing dramatic declines in Mongolia’s wildlife”
-Silent Steppe Report




6

Silent Steppe "Next Steps" Approach

- Multi-Agency Collaborative Wildlife Projection and Law Enforcement
 - Start: Ulaanbaatar Markets & Collection Points
 - Future: Aimag Market & Collection Points
 - Future: International Borders
 - State Border Defense Agency
 - Border Customs




Goal: Protecting Mongolia's Wildlife through Wildlife Trade Law Enforcement




Multi-Agency Teams

- detect illegal wildlife trade;
- take action against illegal wildlife trade (i.e. fines, arrests other enforcement opportunities);
- direct enforcement resources at critical points in the illegal trade chain; and
- coordinate enforcement efforts across agencies and jurisdictional boundaries



Main concepts of project

- Identify core group of team members
 - Representatives from multiple agencies
- Coordinate wildlife trade patrols in Ulaanbaatar and eventually Mongolia
- Learn about approaches in other parts of Asia
- Develop standardized enforcement, information collection and sharing



Project Activities

- First Introduction meeting- Multi-Agency team building – August 2008
- MNET
- SSIA, Buyant-Ukhaa airport
- Municipal SIA
- Emergency Team
- General Police
- NGOs
 - WWF-Mongolia Programme Office
 - Mongolian Professional Hunters Society





Pilot Patrols: Marmot Hunting & Trade

- September 2008
- Municipal SIA, Police
 - UB markets - Tosoo, Emeelt, Bayanzurkh
 - UB "Green Zone" - Baga nuur, Partizan, Argunt, Bogd khan uul, Nalaikh
 - UB Fur Factory - Master door





Results of Marmot Inspections

- A Marmot Hunting Ban has been implementation but...
- Marmot barbeque is on sale (more expensive than skin)




Results of Marmot Inspections

- Mongolian laws broken:

- Ministers order of Marmot ban
- Law on Hunting - 7.7.1; 15.1.9
- Law on Fauna article - 8.8.1
- Law on hunting license and fee - 5.2.2
- Law on Weapons - 8.1




Results of Marmot Inspections

- 21 Cases (Violations of Law) Detected
- Confiscations
 - 24 dead marmots (prepared for BBQ)
 - 4 fresh skins
 - 15 guns
 - 6 traps
- Ecological Assessment 1,000,000 MNT




Multi-Agency Inspection-WCTU team

- Patrol plan- Approval SSIA
- Target markets in UB
 - -Emeelt
 - -Tsaiz (US and Nalaikh)
 - -Baganuur
 - -Guntiin davaa
 - -Partizan
 - -22-n Tovchoo
 - -Bayanzurkh tovchoo




Multi-Agency Inspection-WCTU team

- Food Markets
 - Narantuul, Bayanzurkh, Mercury
- Tourist Shops
 - State Department Store, Flower center
- Restaurants
 - Chinggis - Korean restaurant
 - "Wool Arc" Bar




Multi-Agency Inspection-WCTU team

1. Grey wolf (*Canis lupus*): skin, meat, parts
2. Brown bear (*Ursus arctos*): paw, skin, oil
3. Marmot (*Marmota sibirica*): skin, oil, bone, parts
4. Red deer (*Cervus elaphus*): parts, horn, female tail
5. Snow leopard (*Uncia uncia*): skin
6. Lynx (*Lynx lynx*): skin
7. Argali (*Ovis ammon*): horn
8. Ibex (*Capra sibirica*): horn
9. Red fox (*Vulpes vulpes*): skin
10. Corsac fox (*Vulpes corsac*): skin
11. Mongolian gazelle (*Procapra gutturosa*)




Multi-Agency Inspection-WCTU team

- Action
 - 15 Violations (detected and recorded)
 - 8 Confiscations
 - 6 Penalties & Warnings
 - 1 Crime (reported to Municipal Police)
- Additional Activities
 - UBS and MNT Broadcasts
 - SSIA special meeting and press conference on results of WCTU inspection




Students Surveys in UB Markets (2008-2009)

- Dec. 2008 - Jan. 2009
- NUM Ecology Erdem Club-10 students
- Patrol plan, patrol form
- Survey method
- **Raw materials markets;**
 - Emeelt
 - Tsaiz (UB, Nalaikh)
 - Tsganuur




Student Surveys in UB Markets (08-09)

Food markets;

Narantuul
Bayanzurkh
Mercury

- Restaurants
- Hospitals
- Souvenir shops
- Media advertisements




Students Surveys in UB markets (08-09)

1. Чоно /бутан бие, арьс, мах, эд эрхтэн/
2. Баавгай /савар, арьс, тос/
3. Тарвага /арьс, тос, яс, эд эрхтэн/
4. Буга / авар/
5. Ирвас /арьс/
6. Шилүүс /арьс/
7. Аргал /авар/
8. Янгир /авар/
9. Унаг /арьс/
10. Хяро /арьс/
11. Туулай /арьс/
12. Шар шувуу /ед, мах/1
13. Цагаан аэр /шилбэ/
14. Бор гөрөөс /авар, толгой/
15. Хойлогны мах
16. Зэрлэг гахай /мах/
17. Дорго /цус, тоо/
18. Зараа /ус/
19. Шилүүс /арьс/
20. Цагаан загас
21. Нохой сугас
22. Байгалийн оморь
23. Ердийн цулбуурт
24. Алгана




Student Surveys in UB markets (08-09)

- Markets: repeating illegal wildlife trade
- Detected 28 species (except for fish and wild boar)
- Protected by Hunting, Fauna laws, Red data book, Red list and CITES
- Trade (number of species detected) is decreased compared to last year (51 species)
- Prices for wildlife are similar



Student Surveys in UB markets (08-09)

- Possible Reasons for Decline (fewer species detected) in Trade
 - Enforcement Activities; WCTU
 - Public Awareness; WWF-MPO
 - Less Survey Effort (shorter time frame)
 - More "Hidden" Trade; especially protected species
 - Economic Conditions
- Further Analysis Needed!



Multi-Agency Wildlife Trade Law Enforcement Study Tour



Lao PDR: January 10-20, 2009
 Hosts: WCS Lao office and Vientiane Capital City Illegal Wildlife Trade Unit (Committee) and Lao Department of Forestry



Study Tour Activities: Meetings

- WCS Lao office staff
- Forestry Department
- Forestry Inspection Department
- Vientiane Capital Agriculture and Forestry Department
- Vientiane Capital City Wildlife Trade Enforcement Unit (Committee)




Study Tour Activities: Market Visits

- Huay Mor of Van Vieng
- Phahom
- Morning market
- Danexang
- Pakson
- Tongnamy




Study Tour Activities: Protected Areas

- Houy ghang PA of Vientiane city
- Nam kading NP
- Bolikhamsay PAFO
- Vientiane Zoo
- Check points:
- Lao-Vietnam International border
- Nadee forest check point




Multi-Agency Wildlife Trade Law Enforcement Study Tour

- Comparison of Wildlife Trade Situation in Mongolia and Laos
 - Demand in China---across borders
 - Species, products and trade routes
- Comparison of Legal Structure for Wildlife Trade Law Enforcement
 - Wildlife and Aquatic Life Law, Dec. 2007
 - Agreement: Organization and Role of Dept. of Forest Inspection, March, 2008



Multi-Agency Wildlife Trade Law Enforcement Study Tour

- Comparison to Market and Field Patrols
 - Multi-Agency Market Patrol Teams
 - Ranger and Police Field Patrols
 - Transit Route Check Points
- Comparison of Data Collection and Analysis
 - WCS Laos 5-year Observational Surveys
 - Tracking of violations, warnings, penalties



Multi-Agency Wildlife Trade Law Enforcement Study Tour

- Comparison of Resources and Personnel to Conduct Wildlife Trade Law Enforcement
 - Limited resources; large areas to patrol
- Team Building for Mongolia WTCU