

ENVIRONMENTAL LAW, SDGs, AND MONGOLIA

LEI AMBIENTAL, ODS E MONGÓLIA

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Abstract

Mongolia presents a compelling case study for examining the relationship between national environmental law and the implementation of the United Nations Sustainable Development Goals (SDGs). Despite possessing a constitutionally enshrined right to a healthy and safe environment under Article 16(2) of its 1992 Constitution, and a progressively developed legislative framework — including the Environmental Protection Law (1995), the Green Development Policy (2014), and Vision 2050 — Mongolia confronts persistent structural gaps between normative environmental commitments and their practical realization. This article examines the extent to which Mongolia's environmental legal framework advances SDG 13 (Climate Action), SDG 15 (Life on Land), and SDG 16 (Peace, Justice and Strong Institutions), employing comparative doctrinal legal analysis of international instruments, national legislation, and reports from UNECE, UNDP, and the World Bank. The findings reveal three critical deficiencies: enforcement fragmentation following the 2023 dissolution of the national inspectorate; systemic policy incoherence between mining-led development and environmental protection obligations; and inadequate institutional capacity for SDG monitoring and compliance. The article proposes a tiered normative reform framework designed to align Mongolia's environmental governance with

Resumo

A Mongólia apresenta um caso de estudo relevante para o exame da relação entre o direito ambiental nacional e a implementação dos Objetivos de Desenvolvimento Sustentável (ODS) das Nações Unidas. Apesar de possuir um direito constitucionalmente garantido a um ambiente saudável e seguro nos termos do Artigo 16(2) da sua Constituição de 1992, bem como um quadro legislativo progressivamente desenvolvido — incluindo a Lei de Proteção Ambiental (1995), a Política de Desenvolvimento Verde (2014) e a Visão 2050 —, a Mongólia enfrenta lacunas estruturais persistentes entre os compromissos ambientais normativos e a sua efetiva concretização. Este artigo examina em que medida o quadro jurídico ambiental da Mongólia é capaz de promover o ODS 13, o ODS 15 e o ODS 16, empregando análise jurídica doutrinária comparada de instrumentos internacionais, legislação nacional e relatórios de organizações internacionais. Os resultados revelam três deficiências críticas: a fragmentação da fiscalização após a extinção da agência nacional de inspeção em 2023; a incoerência sistêmica de políticas entre o desenvolvimento baseado na mineração e as obrigações de proteção ambiental; e a insuficiente capacidade institucional para o monitoramento dos ODS. O artigo propõe um quadro normativo de reforma destinado a alinhar a governança ambiental da



its international sustainable development commitments.

Keywords: Constitutional Environmental Rights. Environmental Law. Mongolia. Mining Governance. Sustainable Development Goals.

Mongólia com os seus compromissos internacionais.

Palavras-chave: *Direito Ambiental. Direitos Ambientais Constitucionais. Governança da Mineração. Mongólia. Objetivos de Desenvolvimento Sustentável.*

1 INTRODUCTION

Few countries illustrate the structural tensions of sustainable development governance as vividly as Mongolia. A landlocked nation of three million people spanning 1.56 million square kilometers of steppe, desert, and mountain terrain, Mongolia occupies a paradoxical position in international environmental law: its 1992 Constitution enshrines under Article 16(2) the citizen's right to a healthy and safe environment, placing Mongolia among the early adopters of constitutional environmental rights. Yet temperatures have risen at nearly three times the global average over the past seven decades, over 77 percent of its land surface is affected by degradation, and more than 76 percent of its territory has been touched by desertification (World Bank & ADB, 2021; Li *et al.*, 2024). These are not merely statistics; they are indictments of a governance system that has struggled to translate normative ambition into effective legal action.

The adoption of the 2030 Agenda for Sustainable Development in September 2015 arrived for Mongolia at a moment of acute developmental contradiction. The mining sector accounted for 28.7 percent of GDP, 92.1 percent of exports, and 31.6 percent of fiscal revenues in 2023 (East Asia Forum, 2025), making it the structural engine of economic growth — and simultaneously the primary driver of land degradation, water depletion, and conflict with nomadic herding communities. Mining licenses, of which approximately 2,700 were active in 2020, had made Mongolia the country with the highest extractive-industry percentage of GDP in the world (Sternberg *et al.*, 2024). The contrast with the environmental imperatives of SDG 13 (Climate Action), SDG 15 (Life on Land), and SDG 16 (Peace, Justice and Strong Institutions) could hardly be more stark.

The implementation of the SDGs through national environmental law has been impeded across the Global South by the structural asymmetry between the non-binding character of SDG commitments and the binding demands of economic development

(Rajamani, 2016). The Sustainable Development Report 2023 found all SDGs seriously off track, with environmental and governance targets facing the greatest obstacles (Sachs *et al.*, 2023). Mongolia is not an outlier — it is a particularly instructive illustration of challenges structurally embedded in the governance architecture of resource-dependent developing nations.

What makes Mongolia analytically distinctive is the convergence of three factors: a comparatively well-developed constitutional and legislative framework recognized by the United Nations Human Rights Council Special Rapporteur as incorporating strong environmental standards (OHCHR, 2018); genuine institutional engagement with the SDG framework through Voluntary National Reviews in 2019 and 2023 (Mongolia VNR, 2023); and its designation as host of UNCCD COP17 in 2026 — an unprecedented opportunity for law reform in the domain where the implementation gap is most acute. Yet despite this normative infrastructure, the 2025 UNECE Environmental Performance Review found EIA implementation inconsistent, environmental management plan follow-up insufficient, and the 2023 dissolution of GASI to have fragmented enforcement capacity across ministries, reducing their efficiency and effectiveness (UNECE, 2025).

This article poses a central research question: to what extent is Mongolia's environmental legal framework capable of advancing SDG implementation, and what structural legal reforms are necessary to close the implementation gap? The article argues that the Mongolian case reveals the resource-economy paradox — the structural condition in which a state's principal economic development pathway simultaneously constitutes its primary driver of environmental harm, creating a legal and political contradiction that formal environmental law frameworks alone cannot resolve. The analysis proceeds through four parts: theoretical framework, methodology, results and discussion, and a conclusion with policy recommendations.

2 THEORETICAL FRAMEWORK

2.1 Sustainable development in international law and the SDG normative architecture

The concept of sustainable development originates in the 1987 Brundtland Report, which defined it as development that meets the needs of the present without compromising the ability of future generations to meet their own needs (WCED, 1987), introducing the twin commitments of intergenerational equity and the integration of environmental protection with economic development. The 1992 Rio Declaration operationalized these commitments through twenty-seven principles: Principle 4 proclaimed environmental protection an integral part of the development process; Principle 7 codified the principle of common but differentiated responsibilities (CBDR), recognizing that states share environmental protection responsibilities differentiated by historical contributions to degradation and by financial and technological capacities; and Principle 15 established the precautionary approach (United Nations, 1992). For Mongolia — which has contributed minimally to historical greenhouse gas emissions yet faces warming at three times the global average — the CBDR principle represents a fundamental claim of distributive justice. As Barral demonstrated, sustainable development functions not as a single legally binding rule but as an integrative principle shaping the interpretation of other norms of international law, requiring reconciliation of competing developmental and environmental objectives (Barral, 2012).

The 2030 Agenda for Sustainable Development embodies a fundamental legal paradox: its normative ambition stands in structural tension with the weakness of its enforcement architecture (United Nations, 2015). The SDG framework is soft law — adopted through a General Assembly resolution that generates no binding legal obligations, establishes no compliance committee, and provides for no sanctions in cases of non-implementation (Rajamani, 2016). Tosun and Leininger demonstrate that SDG policy coherence depends critically on how national authorities translate SDG targets into domestic legal frameworks (Tosun & Leininger, 2017). Three SDGs are of direct and urgent relevance to Mongolia: SDG 13 (Climate Action), calling for implementation of the Paris Agreement; SDG 15 (Life on Land), requiring the halting and reversal of land

degradation; and SDG 16 (Peace, Justice and Strong Institutions), encompassing access to justice and the rule of law — preconditions for any effective system of environmental protection (Atta *et al.*, 2024).

2.2 Environmental rule of law and the resource-economy paradox

The concept of environmental rule of law, elaborated by UNEP in its landmark 2019 First Global Report, provides the most analytically productive framework for diagnosing the gap between Mongolia's normative commitments and their practical realization. The report's central finding — that despite a thirty-eight-fold increase in environmental laws since 1972, failure to implement and enforce those laws remains one of the greatest challenges to mitigating climate change, reducing pollution, and preventing biodiversity loss — describes precisely the governance dilemma Mongolia exemplifies (UNEP, 2019). UNEP's framework rests on three mutually reinforcing pillars: a robust substantive legal framework establishing clear standards, duties, and rights; effective implementation and enforcement through competent, well-resourced, and independent institutions; and meaningful access to environmental justice including access to information, public participation, and judicial remedies (UNEP, 2019). Atta and colleagues confirm that the connection between rule of law and environmental sustainability is influenced by multiple socio-economic factors including institutional capacity, political will, and financial resources (Atta *et al.*, 2024). UNEP's 2023 follow-up report confirmed that climate change remains a dominant context for environmental rule of law efforts globally, mapping directly onto Mongolia's exceptional vulnerability (UNEP, 2023).

This article introduces the resource-economy paradox as a supplementary theoretical framework specifically designed to capture the structural dynamics of resource-dependent, landlocked developing countries (LLDCs) — the category to which Mongolia belongs as one of 32 LLDCs recognized under the United Nations' special development framework (UN-OHRLLS, 2024). The resource-economy paradox describes the structural condition in which a state's principal economic development pathway — natural resource extraction — is simultaneously its primary driver of environmental degradation, creating a fundamental legal and political contradiction that

conventional environmental law frameworks cannot resolve alone. This contradiction operates at three levels: normative (tension between constitutional environmental rights and economic development guarantees); institutional (conflict between development-oriented and environment-oriented ministries); and enforcement (systematic regulatory forbearance against economically powerful mining actors) (Sternberg *et al.*, 2024). The Awaza Programme of Action for LLDCs 2024–2034 explicitly identifies the integration of environmental priorities into national SDG strategies as a priority action area, providing Mongolia with both external normative support and potential technical assistance (UNDP, 2025).

3 METHODOLOGY

3.1 Research design and data sources

The present article employs comparative doctrinal legal analysis as its primary research methodology. The methodological choice reflects the nature of the central research question: assessing the adequacy of a national legal framework for fulfilling normative obligations associated with the implementation of three specific SDGs. The comparative legal method involves the logical and inductive evaluation of legal experience across different jurisdictions, enabling the identification of structural patterns of success and failure that remain invisible when only a single legal system is examined (Bhat, 2020; Lohse *et al.*, 2023). The research design is deliberately qualitative and normative rather than quantitative, anchored in primary legal sources and supported by a critical engagement with peer-reviewed scholarship, official international organization reports, and comparative legal reference materials.

The empirical foundation rests on three categories of primary source material. First, primary sources of international environmental law: the UNFCCC and its Paris Agreement (2015), the Convention on Biological Diversity (1992), the UNCCD (1994), the 1992 Rio Declaration, the 2030 Agenda (United Nations, 2015), and United Nations General Assembly resolution A/RES/76/300 (2022) recognizing the human right to a clean, healthy and sustainable environment. Second, Mongolia's domestic primary legal sources: Article 16(2) and Article 17(4) of the 1992 Constitution as amended in 2019; the

Environmental Protection Law (1995); the Law on Environmental Impact Assessment; the Law on Natural Resource Use Payments; the Green Development Policy (2014); the Law on Development Policy, Planning and its Management (revised 2020); and Vision 2050. Third, authoritative institutional assessments: the second Environmental Performance Review of Mongolia conducted by the UNECE — whose review mission was carried out in September 2024 by seventeen international experts and whose recommendations were formally adopted at the ECE Committee's thirtieth session in November 2025 (UNECE, 2025); Mongolia's Voluntary National Reviews for 2019 and 2023; UNDP Biodiversity Finance Initiative reports; and the World Bank and ADB Climate Risk Country Profile (2021). Triangulation of these three source categories mitigates the risk of relying on any single source subject to particular institutional biases (Atta *et al.*, 2024).

3.2 Temporal scope and limitations

The temporal scope encompasses 2015 — the year of adoption of the 2030 Agenda and the Paris Agreement — to 2025, covering the first decade of Mongolia's SDG engagement, with particular attention to the institutional changes of 2020, 2023, and 2025. Three limitations deserve acknowledgment. First, Mongolia's primary legal sources are authored in Mongolian, and the analysis relies on official English translations and international organization reports, creating a degree of mediation between the analysis and primary legal materials. Second, the relative scarcity of Mongolian judicial environmental precedents in the scholarly literature limits the judicial dimension of the analysis — an identified gap that future scholarship with direct access to Mongolian-language judicial records should address. Third, the rapidly evolving institutional landscape following the adoption of the UNECE EPR recommendations in November 2025 means that subsequent institutional developments may require revision of specific factual assessments, though the structural analytical framework remains valid regardless of incremental changes.

4 RESULTS AND DISCUSSION

4.1 Mongolia's constitutional and legislative framework

4.1.1 *Constitutional environmental rights*

Mongolia's constitutional framework for environmental protection occupies an enviable position in comparative perspective. Article 16(2) of the 1992 Constitution recognizes the citizen's right to a healthy and safe environment and to protection against environmental pollution and ecological imbalance — a provision recognized by the United Nations Human Rights Council Special Rapporteur as incorporating strong environmental standards (OHCHR, 2018). Read alongside Article 17(4)'s duty to protect nature and the environment, this creates a bilateral normative structure in which environmental protection is simultaneously a right and a civic duty. The 2019 constitutional amendments further mandated that the exploitation of mineral deposits of strategic importance comply with the principle that natural wealth is subject to the people's control, and that the legal basis to allot a majority of benefits to the people be determined by law (Constitution of Mongolia, 1992, as amended 2019). At the international level, the 2022 United Nations General Assembly resolution recognizing the human right to a clean, healthy and sustainable environment (A/RES/76/300) further reinforces this constitutional framework.

4.1.2 *Legislative framework: strengths and SDG integration*

The Environmental Protection Law of 1995 constitutes the legislative cornerstone of Mongolia's environmental governance architecture. Its stated purpose — to guarantee the human right to live in a healthy and safe environment, an ecologically balanced social and economic development, the protection of the environment for present and future generations, and the proper use and restoration of natural resources — incorporates the Brundtland Report's core commitments (Environmental Protection Law, 1995, Art. 1). Subsequent amendments progressively strengthened the framework: provisions introducing the polluter pays principle established environmental liability compensation;

and 2023 EIA Law amendments introduced mandatory social impact assessment for mining companies — a reform driven by sustained civil society advocacy and Oxford University research documenting extensive community support despite dilatory official uptake (Oxford University, 2023; Sternberg *et al.*, 2024). At the strategic planning level, Vision 2050 integrates SDG commitments at the highest national planning level (UNDP, 2024), while Mongolia became one of the first countries globally to launch a comprehensive SDG Finance Taxonomy in June 2023, covering thirteen sectors and fifty-seven subsectors and creating regulatory infrastructure for directing private capital toward SDG-aligned investments (UNDP, 2023; ADB & UNDP, 2023).

4.2 Critical legal gaps in SDG implementation

4.2.1 Enforcement fragmentation: the dissolution of GASI

The most significant and immediate legal gap in Mongolia's environmental governance is the institutional fragmentation produced by the 2023 dissolution of the General Agency for Specialized Inspection (GASI). Prior to its dissolution, GASI functioned as a unified, specialized environmental inspection authority with cross-sectoral jurisdiction and concentrated technical expertise. Its dismantling distributed inspection functions across multiple sectoral line ministries, producing structural conflicts of interest: environmental inspectors in sectoral ministries operate under the primary mandate of those ministries — whose institutional interests typically prioritize developmental activities — rather than under a specialized environmental enforcement mandate. The UNECE EPR documents the consequences: implementation of EIA procedures is inconsistent, follow-up on environmental management plans is insufficient, and inspection services have been fragmented, reducing their efficiency and effectiveness (UNECE, 2025). Despite legal infrastructure strengthened by the 2017 Law on Infringements introducing administrative sanctions for environmental violations, the post-GASI architecture exemplifies what the UNEP 2019 report identifies as the core pathology of environmental rule of law failure: laws of impressive formal content whose practical enforcement is negligible (UNEP, 2019). The UNECE EPR's recommendation to consolidate inspectorates into a unified platform, adopted by the ECE Committee in

November 2025, provides authoritative multilateral mandate for institutional reform (UNECE, 2025).

4.2.2 *The mining-environment contradiction and policy incoherence*

The most structurally entrenched legal challenge confronting Mongolia's SDG implementation is the contradiction between constitutional environmental obligations and the economic imperatives of its mining-dominated development model. With mining accounting for 28.7 percent of GDP, 92.1 percent of exports, and South Gobi's large mines consuming 78.3 percent of regional water use in an already water-scarce area (East Asia Forum, 2025), the structural tension between the extractive economy and environmental law is a fundamental governance challenge reaching to the core of Mongolia's development model. Sternberg and colleagues document how mining licensing has systematically displaced herders from traditional grazing lands and undermined the environmental commons on which pastoral livelihoods depend (Sternberg *et al.*, 2024). United Nations investigators found that herders living near mines face violations of rights to a safe environment, clean water, protection of their livelihood, and access to justice and effective remedies (OHCHR, 2018). This contradiction is compounded by systemic policy incoherence: the 2013 Law on Investment makes no reference to sustainability obligations (OECD, 2024), and the absence of strategic environmental assessment (SEA) as a routine requirement means that major sectoral policies have been developed without systematic assessment of their cumulative environmental impacts. Tosun and Leininger demonstrate that policy coherence for sustainable development requires the active integration and alignment of legal instruments across sectors and institutional boundaries, a precondition Mongolia has yet to achieve (Tosun & Leininger, 2017).

4.3 Positive legal developments and institutional innovations

Against the backdrop of structural legal gaps, several positive legal developments demonstrate Mongolia's capacity for institutional innovation. The most financially significant is the strengthened implementation of the Natural Resource Use Payment Law (NRUP Law), which channels revenues from natural resource use into environmental

protection and rehabilitation. Revenues reached US\$11.9 million in 2023, a 170 percent increase compared to the 2016–2021 average, projected to reach US\$22.4 million in 2024, sufficient to close Mongolia's identified biodiversity funding gap of approximately US\$10 million per year (UNDP BIOFIN, 2024). This creates a self-financing mechanism for SDG 15 implementation that does not depend on volatile external assistance flows. The One Billion Trees national campaign, launched in October 2021 with commitment of at least one percent of GDP annually, aims to plant one billion trees by 2030 through a three-phase plan projected to reduce desertification-affected land by four percent, increase forest coverage to nine percent, and cut greenhouse gas emissions by 600,000 tonnes (ISS Mongolia, 2022). Mongolia's forthcoming hosting of UNCCD COP17 in 2026 represents a strategic governance catalyst: the anticipated international attention will create political pressure for legal reform accelerating the adoption of UNECE EPR recommendations and strengthening the SEA regime in a manner that pure technical advice cannot replicate (Li *et al.*, 2024).

4.4 Civil society and access to environmental justice

In the context of institutional fragmentation documented above, civil society organizations have emerged as indispensable actors in Mongolia's environmental governance ecosystem. The UNECE EPR documents growing civil society engagement: NGOs play a crucial role in monitoring projects and advocating for transparency (UNECE, 2025). UNDP's Environmental Governance Programme has facilitated the creation of Participatory Environmental Monitoring (PEM) Committees multi-stakeholder bodies bringing together herding communities, local government representatives, and mining companies in forums for environmental monitoring and conflict resolution (UNDP, 2022). These committees create a form of co-regulatory governance that partially compensates for the limited reach of state environmental inspection, directly relevant to SDG 16's mandate for accountable institutions and participatory governance. As Abbot and Lee demonstrate in their analysis of the Aarhus Convention, civil society agents are not passive beneficiaries of rights but strategic actors who can shape access to justice from the bottom up (Abbot & Lee, 2024). Yet access to environmental justice remains structurally constrained by geographic remoteness from

judicial institutions, financial barriers to litigation, scarcity of environmental law expertise outside the capital, and cultural and linguistic distance between formal legal institutions and nomadic communities (UNDP, 2022). The UNECE EPR finds that while environmental rights are enshrined in Mongolia's Constitution and laws, effective realization of Aarhus Convention principles requires stronger institutional capacity, inclusive participation at all governance levels, and a cultural shift towards transparency and accountability in environmental decision-making (UNECE, 2025).

5 CONCLUSION

The analysis presented in this article leads to conclusions that are simultaneously diagnostic and constructive. The Mongolian case, examined through the lenses of environmental rule of law, the SDG governance architecture, and the resource-economy paradox applicable to landlocked developing countries, reveals a governance configuration of considerable analytical richness: a state that has achieved a level of constitutional and legislative environmental norm-setting that compares favorably with many more developed nations, yet whose operational environmental governance remains systematically undermined by the structural imperatives of its extractive economic model, the fragmentation of its enforcement architecture, and the persistent gap between formal rights and their practical realization for the communities most directly affected by environmental harm.

Three principal findings emerge from the comparative doctrinal analysis. First, the paradox of normative sophistication and operational inadequacy: Mongolia's constitutional environmental rights, comprehensive legislative framework, and pioneering SDG Finance Taxonomy coexist with the persistent enforcement failures documented by UNECE's 2025 review, consistent with UNEP's global finding of a thirty-eight-fold increase in environmental laws unmatched by effective enforcement (UNEP, 2019; UNECE, 2025). Second, the resource-economy paradox as a structural governance constraint: the mining sector's dominance creates structural political economy conditions that systematically bias governance choices toward extractive priorities, a challenge that cannot be resolved by legal reform alone without addressing underlying economic incentive structures (Sternberg *et al.*, 2024; East Asia Forum, 2025). Third, the positive

legal innovations the NRUP Law's 170 percent revenue increase, the SDG Finance Taxonomy, and the One Billion Trees campaign represent genuine institutional progress and a foundation for comprehensive reform (UNDP BIOFIN, 2024; UNDP, 2023).

The findings generate concrete policy and legal reform recommendations. For the Government of Mongolia, three priorities are paramount. First, the reconstitution of a unified, independent environmental inspection authority: the 2023 dissolution of GASI represented a significant regression in environmental rule of law capacity, and consolidation of inspectorates into a unified platform with statutory protection from political interference is the single institutional reform most likely to improve operational effectiveness (UNECE, 2025). Second, the mandatory mainstreaming of strategic environmental assessment into all sectors of national policy development, embedded in the Law on Development Policy, Planning and its Management as a binding procedural requirement to ensure the integrated policy coherence that effective SDG implementation demands (Tosun & Leininger, 2017). Third, use of the strategic opportunity of UNCCD COP17 in 2026 to enact a comprehensive Land Degradation Neutrality Act establishing binding targets for land restoration consistent with NDC commitments under the Paris Agreement and creating enforceable rights for herder communities to participate in decisions affecting their land resources (Li *et al.*, 2024). For Mongolia's international development partners, the most productive area of support is the strengthening of environmental justice infrastructure: legal aid mechanisms for environmental cases, training of environmental law specialists and judges, and expansion of the PEM Committee system to all mining-affected communities (UNDP, 2022).

This article makes two principal contributions to the scholarly literature. First, it develops the concept of the resource-economy paradox as an analytical framework for understanding governance challenges in resource-dependent LLDCs — complementing and extending the existing literature on environmental rule of law in developing countries (Atta *et al.*, 2024; Ruppel & Murray, 2024). Second, it demonstrates that the gap between normative sophistication and operational adequacy is a structural product of the interaction between extractive economic incentives, institutional design choices, and the soft law character of the SDG framework. Future research directions include: a study of Mongolia's climate litigation landscape; a comparative analysis of environmental law and SDG implementation across Central Asian LLDCs; and a longitudinal study tracking

implementation of the UNECE EPR recommendations adopted in November 2025. The 2030 deadline is four years away. Mongolia's trajectory — marked by genuine normative ambition, significant institutional innovations, and persistent structural failures of enforcement and access to justice illustrates both the achievements and the limitations of the first decade of SDG governance (Atta *et al.*, 2025; Ruppel & Murray, 2024).

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