

## **LAW OF MONGOLIA ON INTERNATIONAL TREATIES**

### **CHAPTER ONE GENERAL PROVISION**

#### **Article 1. Purpose of the Law**

The purpose of this Law shall be to regulate the relations pertaining to the conclusion, implementation, supervision, and denunciation of bilateral and multilateral international treaties as well as the accession to and withdrawal from the existing multilateral treaties.

#### **Article 2. Legislation on International Treaties**

1. The legislation on international treaties shall consist of the Constitution of Mongolia, this Law, and other relevant legislation.
2. If an international treaty to which Mongolia is a party is inconsistent with this Law, then the provisions of the international treaty shall prevail.

#### **Article 3. Definitions**

For the purpose of this Law:

1. "International Treaty" means bilateral or multilateral agreements in writing which are related to international law and which determine the mutual rights and obligations of Mongolia, the State Ih Hural of Mongolia and the Government of Mongolia and their administrative bodies as well as those of international organizations.
2. "Termination of International treaty" means the unilateral denunciation of an international treaty due to the non-implementation or breach of obligations by a contracting party.
3. "Temporary suspension of operation of International Treaty" means the prevention of operation of all or some provisions of the international treaty in question for a limited or unlimited time.
4. "Instrument of Ratification" means the instrument ratifying the ratification and implementation by the State Ih Hural of Mongolia of the international treaty in question .

#### **Article 4. Scope of application of the Law**

1. This Law shall apply to any international treaty between states and governments regardless of their type and title.

2. This Law shall not apply to the conclusion of any agreements made by Ministries or their subordinate units or by the administrative bodies of aimags or by the capital City with similar organizations, natural persons, or the legal persons of the other States.

## **CHAPTER TWO CONCLUSION OF AN INTERNATIONAL TREATY**

### **Article 5. Conclusion of International Treaty.**

The competent authorities of Mongolia shall conclude an international treaty by giving its signature upon agreement with the text or upon the accession to or the ratification of multilateral-lateral treaties.

### **Article 6. Principles of concluding of international treaty**

An international treaty shall be concluded in conformity with the universally recognized principles and rules of international law on the basis of the purposes and principles of foreign policy as set forth in the Constitution of Mongolia.

### **Article 7. Organizations authorized to conclude an international treaty**

1. The President of Mongolia and the Government are authorized on behalf of Mongolia to conclude international treaties on issues falling within their powers.

2. The State Ih Hural of Mongolia is authorized to conclude the bilateral and multilateral treaties on inter-parliamentary co-operation.

3. The Government of Mongolia is authorized to conclude on behalf of the Government inter-governmental international treaties on issues falling within its own powers.

4. The Ministers and Departments are authorized to conclude on behalf of the Government of Mongolia the inter-governmental international treaties on issues falling within their powers.

### **Article 8. Decision making on conducting of negotiations on conclusion of international treaty and its signature**

1. The Government shall make the decision on the draft of an international treaty to be ratified by the State Ih Hural of Mongolia upon agreement with the State Ih Hural of Mongolia under the appropriate procedure.

2. The Government shall make the decisions on conducting negotiations on the draft of and signature of international treaties to be concluded on behalf of Mongolia and the Government itself.

**Article 9. Issue of authority**

1. The State Ih Hural of Mongolia or the Government shall make decisions on the conducting of negotiations on the draft of any international treaty and issue authority for its signatures.

2. The President of Mongolia, the Prime Minister, and the member of the Cabinet of Ministers in charge of external relations may conduct the negotiations on concluding an international treaty without any authority.

3. Upon decision by the State Ih Hural or the Government, the State Central Administrative organ which is in charge of external relations shall issue a letter of authority for conducting negotiations on concluding an international treaty and its signature to officials other than those in section 2 of this Article.

**CHAPTER THREE  
RATIFICATION AND APPROVAL OF  
AN INTERNATIONAL TREATY**

**Article 10. International Treaty for mandatory ratification**

The following international treaties are subject to mandatory ratification:

1. international treaties relating to the sovereignty, national security, territory of Mongolia, State frontiers, and personal human rights;

2. international treaties establishing rules other than those provided by Mongolian Law;

3. international treaties containing provisions requiring an allocation of additional funds out of the approved State budget;

4. treaties on general conditions for the loans to be extended by the foreign States and International organizations and other loan treaties which will be ratified by the State Ih Hural;

5. treaties agreed to by the Contracting parties at the moment of conclusion and ratification of an international treaty.

**Article 11. Proposal on ratification of international treaty**

1. The member of the Cabinet of Ministers in charge of external relations, the member of the Cabinet of Ministers, or the Chairman of the Department in charge of issues which are regulated by the international treaty in question, upon agreement with the member of the Cabinet of

Ministers in charge of external relations thereon, shall submit to the Government a proposal on the ratification of international treaty.

2. Upon discussion of the proposal on ratification of an international treaty and decision thereon, the Government of Mongolia shall submit such a proposal to the State Ih Hural.

**Article 12. Decision making on ratification of international treaty**

1. The State Ih Hural of Mongolia shall discuss and make a decision on the ratification of an international treaty submitted by the Government of Mongolia.

2. Upon ratification of international treaty, the State Ih Hural shall enact law or issue a decree if it did not ratify such a treaty.

3. The President of Mongolia shall sign and seal the instrument of ratification on the basis of the Law of Mongolia on Ratifying Treaties. The Member of the Cabinet of Ministers in charge of external relations shall also sign such an instrument of ratification.

**Article 13. Approval of International Treaty**

1. The member of Cabinet of Ministers in charge of external relations, a member of the Cabinet of Ministers, or the Chairman of Department in charge of issues regulated by the international treaty in question, upon agreement with the member of the Cabinet of Ministers in charge of external relations, shall submit to the Government a proposal on the approval of the international treaty.

2. Upon the discussion of the proposal on approval of international treaty the Government shall make the decision.

3. Upon approval of an international treaty, the Government shall enact a decree or make notes if it did not approve the treaty.

4. The State central administrative organ which is in charge of external relations shall give to the appropriate party a note of the Government's decision on approval of the international treaty through diplomatic channels.

**CHAPTER FOUR  
ACCESSION TO AN INTERNATIONAL TREATY**

**Article 15. Decision on accession to international treaty**

1. If Mongolia accedes to an international treaty by mandatory ratification, then the State Ih Hural shall enact a law.

2. If Mongolia accedes to international treaty on issues falling within the powers of Mongolia, then the Government shall enact a decree.

**Article 16. Accession to multilateral international treaty**

Any matters relating to Mongolia's accession to a multilateral international treaty shall be regulated in conformance with the provisions of Articles 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 of this Law.

**Article 17. Declaration and its withdrawal under a multilateral treaty**

1. If it is necessary to make a declaration at the time of accession to a multilateral treaty, then the decision by the State Ih Hural and the Government on its ratification or approval shall make a special provision.

2. The State central administrative organ in charge of external relations shall notify to the relevant state or depository if such a declaration is made as provided for in section 1 of this Article.

3. A declaration which is made at the time of accession to a multilateral treaty may be withdrawn if necessary.

4. A decision on the withdrawal of a declaration which is made at the time of accession to a multilateral treaty shall be taken by the organization which took the decision on such a declaration.

**Article 18. Modifications and amendments to International treaty**

1. An international treaty may be modified and amended by agreement with the other contracting party.

2. The State Ih Hural shall make the decision on the modifications and amendments to international treaties which were ratified by the State Ih Hural, and the Government shall take such a decision concerning treaties concluded or approved by the decision of the Government itself.

3. Any matters relating to the modifications and amendments to an international treaty shall be regulated by the provisions of Articles 11, 12, and 14 of this Law.

**CHAPTER FIVE  
IMPLEMENTATION, SUPERVISION OVER AND  
DENUNCIATION OF AN INTERNATIONAL TREATY**

**Article 19. Implementation of International Treaty**

The Ministers, Departments and other organizations of Mongolia falling within the issues which are covered by the international treaty in question shall ensure implementation of obligations of the Mongolian side.

**Article 20. Supervision over international treaty**

1. The State Ih Hural shall supervise the implementation of international treaties which are ratified by the State Ih Hural itself or that of any other international treaty considered to be necessary under the procedure preserved by Law.
2. The Government of Mongolia shall supervise the implementation of international treaties dealing with issues falling within its own powers.

**Article 21. Denunciation of international treaty**

1. An international treaty may be denounced under the procedures which are prescribed thereby or by agreement with the other contracting Party.
2. Mongolia may withdraw from multilateral international treaties to which it is a party in conformity with the procedure presented thereby or by universally recognized principles and norms of international law.

**Article 22. Termination of and temporary suspension of operation of an international treaty**

1. In case of non-implementation or breach of an international treaty by the other Contracting Parties, the member of the Cabinet of Ministers and the Chairman of Department in charge of issues regulated by the international treaty in question shall submit to the Government a proposal on the termination of or temporary suspension of the international treaty upon agreement with the member of the Cabinet of Ministers in charge of external relations.
2. The Government shall submit to the State Ih Hural a proposal on the termination of and temporary suspension of operation of an international treaty which was ratified by the State Ih Hural.
3. If a decision on the termination of and suspension of operation of an international treaty which was ratified by the State Ih Hural is taken, then the State Ih Hural shall enact a law and if the decision on the termination of or temporary suspension of operation of the international treaty which was concluded or approved by a decision of the Government is taken, then the Government shall enact a decree.

**Article 23. Termination of international treaty which was concluded contrary to law**

If the organizations and officials indicated in Article 7 of this Law concluded a treaty contrary to laws and regulations on the powers for conclusion of international treaty, then the following bodies shall consider and terminate the international treaty in question:

1. in respect of ratified international treaties - the State Ih Hural itself or the Constitutional Court;
2. in respect of international treaties which were concluded or approved by the Government - the State Ih Hural.

## **CHAPTER SIX REGISTRATION, PUBLICATION AND DEPOSITION OF AN INTERNATIONAL TREATY**

### **Article 24. Registration of an International Treaty**

In case of necessity, an international treaty shall be registered with the Secretariat of the United Nations upon a decision by the Government.

### **Article 25. Publication of International Treaty**

1. The rules on publication of Laws of Mongolia shall apply to the publication of international treaties which are ratified by the State Ih Hural, and the rules on publication of Government decrees shall apply to the publication of other international treaties.
2. The State central administrative organ in charge of external relations shall publish international treaties as a special publication.

### **Article 26. Deposition of International Treaties.**

1. The text of international treaties shall be deposited with the State external administration organ in charge of external relations.
2. The Ministries and Departments which concluded an international treaty themselves shall hand over to the State Central administrative organ in charge of external relations the text of the international treaty in question in a package with the following materials within 45 days from its conclusion or upon transmission of a certified copy to the appropriate organizations:
  - 1) the original draft treaty and the final draft agreed by the Mongolian side and the other side;
  - 2) records and minutes of meetings and negotiations on matters relating to the conclusion of treaty;
  - 3) intermediate decisions relating to the conclusion of the treaty;

- 4) letters of authority;
  - 5) notes, minutes, and documents concerning the signature of treaty and instruments of ratification, approval and accession thereof;
  - 6) photos if the photo was made at the time of signature ceremony;
  - 7) copies of the original text of the treaty;
  - 8) any other documents relating to the treaty.
3. Should Mongolia be designated as a depository of a multilateral treaty, then the State central administrative organ shall carry out this function.

## **CHAPTER SEVEN OTHER PROVISIONS**

### **Article 27. Modification and amendments to laws and other enactment's, connected to implementation of international treaties**

1. The State central administrative organ in charge of justice itself or in collaboration with the relevant ministries and departments shall submit to the Government a proposal on the modification and amendments to laws and other enactment's which are connected to the implementation of an international treaty.
2. Should it be necessary to make the modifications and amendments to the laws and regulations of Mongolia, then the Government shall submit to the State Ih Hural such proposal and draft decision.

### **Article 28. Language of International Treaty**

1. An international treaty shall be written in the Mongolian language and the language chosen by the Contracting Party.
2. If both of the contracting parties consider that the application of their own languages is not enough for understanding and interpretation of the treaty, then any of the official languages of the United Nations may be added in respect of the treaty in question.
3. Upon agreement with the other Contracting Party, an international treaty may be written in any of the official languages of the United Nations.

Chairman of the State Ih Hural of Mongolia

N. Bagabandi

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### **Law of Mongolia**

28 December 1993  
city

Ulaanbaatar

**Article 1.** The Law on rules concerning conclusion, implementation and denunciation of an international treaty of the MPR promulgated by Decree No. 95 of 28 March 1985, of the Presidium of the People's Ih Hural is considered hereby to be repealed from the date of entry into force of the Law of Mongolia on International Treaties of 28 December 1993.

Chairman of the State Ih Hural of Mongolia

N. Bagabandi