

An Analysis of Power Distribution in Mongolia's Multi-Level Environmental Governance

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Abstract

This article aims to analyze the national and subnational multilevel environmental governance regulatory norms, specifically from the perspectives of effectiveness and accountability in Mongolia. It will analyze that the vertical accountability link between national and sub-national governments is weak. Additionally, sub-national environmental governance faces challenges related to checks and balances, as well as duality, where governors and khurals (congresses) may prioritize economic performance over environmental protection. To address these challenges, it proposes enhancing check-and-balance mechanisms by strengthening national central vertical oversight and supervision over sub-national governments' environmental plan deliberation, monitoring, evaluation, and enforcement. Additionally, it calls for the establishment of target responsibility mechanisms to improve effectiveness.

Keywords

Multilevel Environmental Governance, Mongolia, Accountability, Governors

1. Introduction

Mongolia is located in Central and East Asia and covers 156.5 million hectares with a population of 3.5 million (National Statistics Office, 2023). It is a unitary state, and the 1992 Constitution defines it as a parliamentary republic. Its administrative system is comprised of four layers of government: national, capital/provincial, district/soum, and khoroo/bagh.¹ Except for one metropolitan city with a

¹Revised Law on Administrative, Territorial Units and their Governance of Mongolia (2020).

Duureg: Municipal sub-district in the capital city, Ulaanbaatar (total of 9, it includes a number of khoroods per duureg).

Khoroo: The lowest administrative unit in the capital city, Ulaanbaatar (total of 204 khoroods in the capital city).

Aimag: Province within Mongolia (total of 21 in the country).

Soum: District in rural areas, the administrative unit below aimag (330, each with a soum settlement).

population of 1.7 million and two major cities with populations of 106,000 and 89,000, respectively, Mongolia is predominantly composed of vast wild rural areas with scattered administrative units where mostly herders are dispersedly settled (National Statistics Office, 2023).

The newly elected Parliament established a working group in September 2024 to evaluate the implementation of environmental laws and analyze gaps for amendment (Lundeg, 2024). Many discussions currently focus on developing responsible mining practices (Bat-Erdene, 2024). However, currently, less emphasis is placed on state accountability in environmental protection and its improvement. A detailed analysis of the state's internal environmental institutional structure and accountability mechanisms is largely missing in the current discussions and literature. In particular, the proper combination of self-governance and state administration in environmental protection has not been studied yet (Zumberelkham, 2017).

Environmental laws and regulations are implemented through a combination of state administration and local self-governance at all levels. Mongolia adopted the Revised Law on Administrative, Territorial Units and their Governance in 2020. This Law is the primary legislation regulating the relationships between different public actors in environmental protection. It delegates environmental protection responsibilities to governors and local self-governing bodies at all levels. Importantly, the revision of the Law has addressed a wide range of critiques related to over-centralization, which had been seen as limiting local independence, flexibility, and incentives for economic development (UNDP & Office of the Parliament, 2019).

Despite all levels of local governments adopting and implementing environmental plans aligned with national goals, environmental degradation persists, and the implementation of environmental laws remains ineffective. In this regard, this article will identify substantive and procedural gaps through referential and normative analyses, aiming to strengthen vertical accountability in multilevel environmental governance. It examines the details of the relevant legal and institutional frameworks for environmental plan formulation, approval, implementation, inspection, and enforcement. The experiences of the People's Republic of China and the Republic of Kazakhstan will be reviewed only to the extent necessary to understand the gaps and shortcomings in Mongolian environmental institutional governance. Additionally, to provide broader perspectives, the key environmental governance accountability mechanisms of two unitary states, France and South Korea, will be briefly examined.

The People's Republic of China has implemented some degree of decentralized environmental governance, and its experience is particularly relevant given its shift toward centralization since 2016. The Republic of Kazakhstan, as a former Soviet Union country with an advanced economy in Central Asia, also provides a relevant case study. France's and South Korea's key vertical accountability mechanisms can further justify the need for vertical accountability reform in Mongolia.

Based on country-specific and comparative analyses, necessary legal and institutional improvements will be proposed for Mongolia's multilevel environmental governance framework.

The paper is organized as follows: it begins by reviewing and analysing Mongolia's relevant laws, with a focus on the legal relationships between central and local institutions. The effectiveness of environmental law implementation will be assessed through an examination of state audit reports. Additionally, potential conflicts within the current system that may hinder effective environmental protection will be identified. This is followed by a brief review of relevant theories and the experiences of China and Kazakhstan along with key insights from the governance mechanisms of France and South Korea. Next, Mongolia's approach will be analyzed from both comparative and normative perspectives. Finally, based on the identified gaps, recommendations will be proposed to strengthen vertical oversight and accountability in Mongolia's multilevel environmental governance.

2. Multilevel Environmental Governance in Mongolia

Central - local relations and local governance

The Constitution states that "...Governance of administrative and territorial units of Mongolia shall be organized on the basis of combination of the principles of both self-governance and state administration" (Constitution of Mongolia, 1992: p. 59). In line with that, the Revised Law on Administrative, Territorial Units and their Governance of Mongolia (Administrative and Territorial Units Law) defines a local unit governance as "...the system and actions in which the local self-government and state administration are implemented in the unit" (Revised Law on Administrative, Territorial Units and their Governance of Mongolia, 2020: 4.1.2). The Law defines "local self-governing body" as "...a Citizens Representatives Khural (khural) of an province, a soum, the capital city, or a district and Citizens General Khural with direct participation of citizens in baghs and kho-roos" (2020, 4.1.5). "State administration in units" means the activities of Governors of all levels to enforce legislation, decisions of the Government and higher-level organizations in their respective territories (2020, 4.1.4). All levels of governors thus represent the central state and implement state administration in units.

Local (unit) governance	
local self-government/khural (congress)	state administration/governors

Figure 1. Local governance (Administrative and Territorial Units Law, 4.1.2).

Consequently, the Mongolian local governance at all levels is administered by combination of competence and functions of local-self-governing bodies (khurals) and governors (Figure 1). Khurals perform both assigned and delegated functions simultaneously. The Law on Administrative and Territorial Units delegates a list of 26 state functions to governors and khurals at all levels. The list includes environmental protection, pollution, and rehabilitation; pastureland management,

land relations, management, planning, and oversight; and professional inspection among other things (2020, 27.5.8, 27.1, 27.5.10, 27.5.11, 27.5.17).

It can be understood that the state simultaneously delegates these state functions both to the state and local self-governing bodies to ensure effectiveness and balance of the central and local interests. This also means that all levels of governors and khurals share responsibility in these delegated matters, requiring close collaboration and consensus-building to achieve environmental goals (Figure 2). This type of delegation shall create a good proxy between the central government and local administration through local governors (executive heads). The Law states that the state shall ensure the funds required for implementation of delegated matters to units (2020, 27.2).

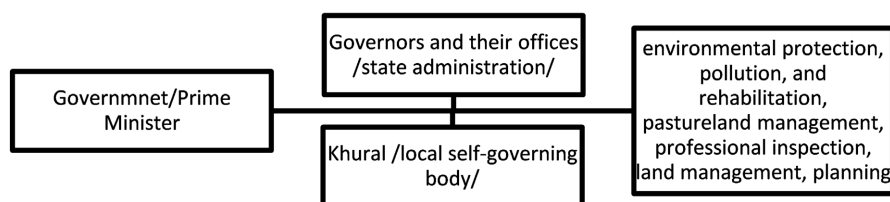


Figure 2. Delegation of state functions (Administrative and Territorial Units Law, 27).

The Law states that administrative units (headed by governors) and territorial units (headed by khurals) shall coordinate their policies and activities, exchange information, provide mutual assistance, and jointly implement projects and programs to support regional development. Particularly, the Law mentions the following principles in the pursuit of delegated matters: ensuring the unitary nature of the state structure, aligning state and local interests, separating functions between the state and local self-governing bodies, and following common principles in the resolution of issues (2020, 1-3, 8). The provincial and capital city governors conclude contracts with lower-level governors on the implementation of delegated functions downstream, and upstream with the Prime Minister (2020, 59.1.8, 60.1.7). The provincial khurals are obliged to coordinate their decisions with national policies in alignment with national interests when exercising their assigned competencies (2020, 70.1). They are also required to report to the government, ministries, and agencies on the implementation of delegated functions by the state (2020, 70.2).

Relations between khurals and governors

The legal relationship between khurals and governors is very specific, as this relationship is designed to facilitate a mutually balanced and beneficial combination of the interests of local self-governance and state administration (UNDP & Office of the Parliament, 2019: pp. 170-176). The appointment and dismissal of governors at all levels involve both the central government and khurals, as governors hold dual responsibilities—representing the central state while serving as local executive leaders (Figure 3).

Khurals nominate their governors within their respective jurisdictions (2020, 56.2). The Prime Minister appoints the governors of provinces and the capital city,

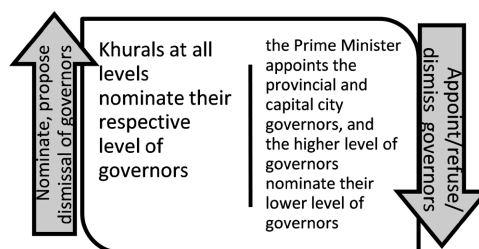


Figure 3. Nomination and appointment of governors
(Administrative and Territorial Units Law, 56, 64).

while in other cases, higher-level governors appoint their lower-level governors (2020, 56.6). The higher-level governors and the Prime Minister can refuse to appoint the nominated candidates (2020, 56.7). Governors can also be dismissed according to the same hierarchical order, based on the proposal of khurals, in cases of unsatisfactory performance (2020, 64; Diagram 3). If a proposal is not accepted, khurals shall not propose the resignation of the governor again within one year (2020, 64.4).

Governors at all levels have a duty to implement the decisions of their respective khural and are required to report annually to them on the implementation of the decisions (2020, 49.1- 49.4). Both the governor's office and the khural's office shall work together to implement the decisions of the khural (2020, 49.3). However, governors have the right to veto the decisions of a khural on legislated matters, either by themselves or as delegated by a higher-level governor or the Prime Minister (2020, 50). The Law further states that disputes arising between governors and khurals shall be resolved by a higher-level governor or the Prime Minister (2020, 73.2).

It also mentions that there should be no interference in the exercise of local self-governance, emphasizing the authority and accountability of local self-governing bodies to independently resolve issues of economic and social life based on the expression of the will of their citizens (2020, 12.1.4-12.1.7). These norms establish clear cooperation and separation lines between the central and local mandates, as well as the principle of non-interference in matters assigned to khurals. For instance, there was a case involving the dismissal of a district governor by the respective Khural. The district Khural decided to withdraw the governor, and the provincial governor approved this decision. However, the Supreme Court ruled that the Khural's proposal to dismiss the governor was a political decision falling under its exclusive authority. The approval of the decision was granted to the higher-level governor without specific criteria. The judge noted that "*the court cannot legally assess the validity of the governor's dismissal; judicial review in such administrative cases is limited to determining whether the Khural's decision-making process adhered to due legal procedures and grounds*" (Administrative Case Appellate Court of the Supreme Court, [Resolution No. 001/XT2022/0073, 2022](#)).

Role of Governors

The Constitution states that "*State administration in the territories of ... shall be exercised by their respective Governors*" (Constitution of Mongolia, 1992:

56.1). The Law similarly defines ‘*the Governor is a state representative responsible for ensuring compliance with the legislation, decisions of the Government, higher-level Governors, and implementing decisions of the relevant khural within their territory*’ (Revised Law on Administrative, Territorial Units and Their Governance, 2020: 72.1).

To enable the efficient implementation of legislation, governors can cooperate and coordinate their activities with ministries and agencies. They are also authorized to directly communicate with the Prime Minister on the joint implementation of activities with ministries (2020, 72.1). They can also propose and request the Parliament, Government, and central administrative bodies to support necessary social and economic measures that cannot be addressed with their local budget and capacity (2020, 72.1).

The governors of provinces and the capital city are required to submit their annual reports to the government, which will discuss and provide an evaluation during its session (2020, 20.2.4, 71.1.1). Additionally, all levels of governors are required to report annually to their respective khurals (2020, 59.1.4, 60.1.4, 62.1.4, 63.1.4). Lower levels of governors are not only accountable to their respective khurals but are also required to implement the decisions of their higher-level governors (2020, 58.1.1, 59.1.1, 60, 61.1.1, 62.1.1, 63.1.1). Overall, governors at all levels report on environmental matters to their respective khurals, higher-level governors, and, in the case of provincial and city governors, to the Prime Minister. Generally, governors hold both vertical and horizontal accountability for delegated matters (Figure 4).

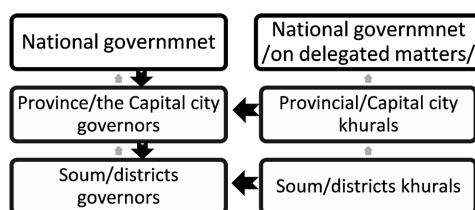


Figure 4. Khurals and governors (Administrative and Territorial Units Law, 49).

The Law on Administrative and Territorial Units defines the general framework of local governance, outlining the mandates and functions of actors and their relationships. Sectoral laws, such as the Framework Environmental Law, clearly define the roles of public actors and their specific legal relationships within their respective domains. The Environmental Protection Law states that all levels of governors are responsible for the implementation of environmental legislation, policies, and plans, including enforcement, sanctioning, compensation for harm, and the closure of harmful activities (Environmental Protection Law of Mongolia, 1995: 16.2.1, 16.2.4, 16.2.10). In this regard, the Law on Administrative and Territorial Units states that the Government shall determine and approve the organizational structure of the office of governors (Revised Law on Administrative,

Territorial Units and their Governance, 2020: 67.2). Each level of the governor's office has an environmental protection bureau (EPB) responsible for implementing environmental mandates. The EPBs across the country are responsible for implementing and enforcing laws at the grassroots level.

The office of governors and the environmental protection bureaus (EPBs)

EPBs are solely dependent on their county-level governments for financial and personnel support (*Environmental Protection Law, 1995: 16.2.5, 16.2.6, 17.2.5*). The heads of EPBs are appointed by their county-level governors in consultation with the Minister of Ministry of Environment and Climate Change, and are accountable to their respective governors (1995, 16.2.6). The heads of EPBs have the authority to allocate their budget, which is provided by their respective county-level governments (*UNECE, 2018*). Environmental inspectors are appointed by the heads of EPBs in consultation with their respective county-level governors (1995, 26.4.4). All provinces have EPBs, while soums/districts generally have one environmental state inspector and a couple of environmental protectors (1995, 17.2.5). Generally, EPBs, state environmental inspectors, and environmental protectors all operate under the authority of governors (*Law on State Inspection of Mongolia, 2012: 10.5*).

The Environmental Law specifies that the soum and district governors are obliged to protect natural resources on behalf of the state and safeguard the resource in their own territory; and fight against illegal use of natural resources, compensating for environmental damages and make claims to court (*Environmental Protection Law, 1995: 17.2.8, 17.2.9*). Therefore, it might be challenging for soum governors to make claims as they are not supported by EPBs, but rather by a single state inspector. Although, all levels of EPBs play an important role in law implementation and enforcement. However, the Framework Environmental Law does not explicitly mention the role of EPBs. It only outlines the procedure for appointing the heads and environmental inspectors, with the involvement of the Ministry of Environment. Only the Water Law specifically mentions the roles of EPBs in environmental protection and enforcement (*Water Law of Mongolia, 2012: p. 18*). It says all levels of EPBs are mandated to monitor the implementation of the Water Law and regulations (2012, 18).

Generally, it can be analyzed that governors play a leading role in policymaking, budgeting, implementation, and enforcement of centrally delegated matters. Their role and accountability are dual—both to the central state and local khurals—while balancing public and economic interests. This dual role and over-concentration of power can lead to challenges, as illustrated below.

Some practical conflicts and challenges arising from the overconcentration and the dual role of governors

Let's take a closer look at the mandate and authority of governors in environmental protection and mining matters as an illustration.

The Mineral Law states that exploration license holders are required to develop an environmental management plan in consultation with the local EPB and the

governor of the area where the exploration takes place (*Law on Minerals of Mongolia, 2006: 38.1.1*). The environmental protection plans of mining companies are solely approved by governors. Research suggests that this concentration of power can create rent-seeking risks on one hand, and on the other hand, it reduces community involvement and oversight (*Borgil & Munkhtogtokh, 2023: pp. 40-41*). The same principle applies to the approval and monitoring of environmental protection plan of common minerals regulated under the Common Minerals Law (*Law on Common Minerals of Mongolia, 2014: 27*). According to the Law on Minerals, the plan is delivered to EPBs after its approval by governors (*Law on Minerals of Mongolia, 2006: 38.1.4*). There was a case where a governor approved an improper environmental protection plan, which triggered community unrest and the issue was subsequently made public (*Saruul, 2024*). There were also cases where governors without any justifiable reasons were delaying the plan approval of mining companies. The mining companies had to initiate court cases to have their plans approved by governors (*B.T.D LLC v. Governor of Undurkhangaï Soum of Uvs Aimag, 2019; Resolution of Hearing of the Supreme Court of Mongolia, 001/XT2021/0011, 2021*).

The governors are responsible for monitoring of mining activities, including artisanal mining (*Law on Minerals of Mongolia, 2006: 12.2; Environmental Protection Law of Mongolia, 1995: 16.2.4*). Governors have the mandate to propose revoking mining licenses of companies to the Ministry of Environment too (*Law on Minerals of Mongolia, 2006: 56.1.5*).

Consequently, a governor is responsible for the approval, implementation, and monitoring of environmental plans of mining companies (*Law on Minerals of Mongolia, 2006: 12.2.5; Figure 5*).

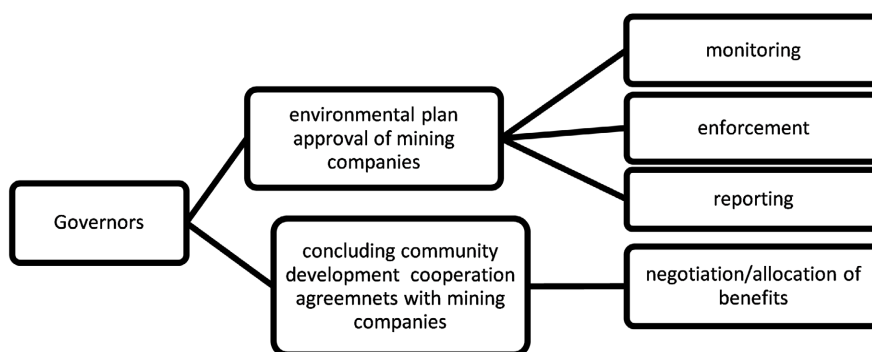


Figure 5. A wide mandate of governors (*Law on Minerals of Mongolia, 2006: 12.2.5, 42.1*).

The mining license holders are required to organize public hearing in cooperation with the local governments concerning the scope of the community cooperation agreements for matters related to environmental protection, mining, job creation, infrastructure development, social responsibility and provision of assistance in their respective jurisdictions (*Law on Minerals of Mongolia, 2006: 42.2*). Governors are fully mandated to conclude cooperation agreements with mining

companies ([Law on Minerals of Mongolia, 2006: 42.1](#)). It has been identified that it has become a standard and widespread practice that financial support is provided through these agreements to local administrations ([Battogtokh, 2022](#)).

The fact that governors approve environmental protection plans and simultaneously conclude cooperation contracts with mining companies can create a conflict of interest, balancing economic interests with environmental protection.

There was a court case where an environmental NGO claimed that the Governor did not organize public hearings when concluding cooperation agreements with mining companies ([“KHKHAT” NGO v. DGA’s D Soum Governor, 115/IIIII2020/0008, 2020](#)). The NGO claimed that the Governor was acting against the interests of the local citizens, particularly the herders, by not adequately considering the environmental implications of mining activities. The Governor defended his actions by emphasizing the economic benefits of the contract such as he argued the contract would bring, such as increased employment, higher tax income, local procurement of food and supplies, and the construction of a kindergarten for the soum. This justification highlighted the tension between economic development and environmental protection. This case can show the clear duality of the governor’s functions.

Interview with a citizen of Tsogttsetsiy soum, Umnugovi aimag extracted from the National Human Rights Commission Status Report on Human Rights and Freedoms: *“The local government has very poor oversight over whether mining companies are operating within the law. We think they work with mining companies for personal gain. The right of citizens to live in a healthy environment is being violated, the mine is only two kilometers away our homes. Children have difficulty breathing. The soum government, and the state do not take action”* ([National Human Rights Commission, 2018: p. 21](#)).

Further, in 2020, the Anti-Corruption Authority of Mongolia highlighted illegal land allocation in Erdene soum of Tuv province was a significant issue ([Anti-Corruption Agency, 2020](#)). Another investigation carried out by the Temporary Inspection Committee of the Parliament also uncovered illegal land allocations issued by governors in Khanbogd soum of Umnugovi province ([Daily Newspaper, 2023](#)). A notorious case happened where a Capital City Mayor illegally allocated land that distorted the river flow. There was a flood with significant magnitude and the impact of the flood was exacerbated by illegally allocated land which significantly damaged many citizens and private entities. The prosecutor successfully filed a lawsuit against the City Mayor and revoked the illegally allocated land rights ([General Prosecutor’s Office v. City Mayor, 128/IIIII2024/0074, 2024](#)).

The Environmental Law recently added an accountability provision for governors regarding environmental harm. It states that the conditions for dismissal could be met if an authorized professional organization officially determines that significant environmental damage has occurred due to the failure of governors to effectively fulfil their obligations ([Environmental Protection Law of Mongolia, 1995: 6.5; Revised Law on Administrative, Territorial Units and their Governance,](#)

2020: 64, 6.2.5). This norm might not be effectively implemented without external interventions, as governors themselves are responsible for the implementation, monitoring, enforcement, and reporting of environmental matters. Overall, this overconcentration of authority, monopoly of information, and broad mandate can, on the one hand, reduce effectiveness due to a lack of focused attention. On the other hand, it may create opportunities for economic and other interests to take precedence over environmental protection.

The dual role of khurals and the potential challenges in environmental protection

All levels of khurals are popularly elected through local elections, based on the principle of political accountability. The Revised Law on Administrative, Territorial Units and their Governance authorizes khurals to be responsible for analyzing the implementation results of plans, programs, and monitoring the activities of their governors (Revised Law on Administrative, Territorial Units and their Governance, 2020: 35.1). Environmental law narrowly stipulates that all levels of khurals are responsible for approving the environmental plans, programs and related budgets proposed by their governors (Environmental Protection Law of Mongolia, 1995: 13.2, 13.3, 16.1.1, 17.1.1). In this regard, this institution serves as the key oversight and checks-and-balances mechanism for governors at the local level.

The UNECE report noted that environmental inspectors, protectors, and river basin administrations lack the technical capacity throughout Mongolia to ensure their effective functioning and law enforcement (UNECE, 2018: p. 85). Since they lack adequate financial support, and sustainable cost recovery mechanisms (ADB, 2020: X). It stated that there are the lack of political will and commitment to support them among all levels of local governments (UNECE, 2018: p. 85).

Importantly, the Revised Law on Administrative, Territorial Units and their Governance of 2020 introduced economic decentralization, granting khurals economic authority, including powers over budget, taxes, and property management (2020, 20). Local governments have already begun establishing joint shareholder mining companies. An example of this is a joint company established in Bayankhongor province, where the local government holds 20% of the shares (Bataa, 2021). This trend could intensify due to economic decentralization and the increased capacity of local governments to participate in business affairs. Further, the Budget Law ensures 50 percent from the payment income of special license for mineral resources exploration for the 2019 fiscal year, 100 percent starting from the 2020 fiscal year, and 50 percent from the payment income of special license for mineral resources exploitation starting from the 2020 fiscal year to local governments (Law of Mongolia on Budget, 2011: 60.2.7).

Although the economic decentralization reform is recent and local governments are gradually gaining the capacity to stimulate the local economy, this could create trade-offs and put khurals under pressure to balance economic interests with environmental protection.

The Central state administration for environmental protection

The central state administration for environmental protection of Mongolia is the Ministry of Environment and Climate Change (Ministry of Environment). It functions directly under the Government and holds the primary mandate to protect the environment. The Ministry of Environment is responsible for adopting various plans, regulations, standards, and methodologies related to environmental protection ([Environmental Protection Law of Mongolia, 1995: 15.1](#)). The Ministry of Environment of Mongolia is mandated to implement and enforce environmental laws and regulations, as well as to ensure compliance with these standards (1995, 15.1.1, 15.1.2, 26.1). They mostly concentrate on the policy side rather than on implementation and grassroots enforcement, despite their broad legislative mandate and obligations.

There was a case concerning the accountability of the Ministry of Environment regarding law implementation and grassroots enforcement. The plaintiff, an environmental NGO, pursued the case through the First and Second Instances and the Supreme Court to resolve their claims. In this case, the NGO argued that the Ministry of Environment had an obligation to calculate the compensation amount for environmental damage caused by a mining company and disclose the compensation to the public ([Ongi River Movement NGO v. the Ministry of Environment 128/2017/0038/3, 2017](#)). The purpose of the claim was that the NGO sought to use the results of the calculation of environmental harm for its further court actions. The defendant, the Ministry of Environment, denied the claim, stating that a professional organization should carry out the calculation, and that the local government was responsible for disclosing the compensation information to the public. The courts upheld this position, confirming that the Ministry of Environment is not responsible for ordering a company to calculate the damage or inform the public of the compensation cost. The courts ruled that the respective governor of the jurisdiction is responsible for this obligation. They further stated that the NGO should direct its claim to the governor, not the Ministry of Environment.

Overall, the role of the Ministry of Environment is quite limited in terms of implementation, inspection, and enforcement. Despite the Prime Minister conclude accountability contracts with governors regarding the fulfilment of delegated functions, there is no effective independent inspection by the ministries/central government. It can be observed that, in the absence of clear legal norms for vertical supervision and enforcement, the Ministry of Environment is not responsible for cross-monitoring or double-enforcing compliance when the main responsible actor (i.e., the governor) is not in compliance with environmental regulations. This lack of independent oversight, supervision and accountability at the central level could potentially hindering the effectiveness of environmental governance as illustrated below.

Effectiveness of implementation of environmental laws

²Reports on Mining site recovery obligations at provincial levels, 1 report on the Water Law, 1 report on the Forest Law, 1 report on the Law on Special Protected Areas, 2 reports on the Waste Law, 1 National level report on environmental laws, 2 provincial level reports on environmental laws.

A total of 10² performance and compliance audit reports on environmental laws were conducted during 2017 to 2024 years (National Audit Office). The implementation of environmental laws has been evaluated as ineffective. The main findings were: 1) some provinces failed to formulate and approve their environmental program and waste management improvement programs; 2) some could not properly calculate mid-term planning budgets and targets and indicators in line with the central government policy; 3) some provinces failed to allocate the mandated portions of the budget derived from environmental resource use payments for environmental protection and restoration purposes; 4) some were incapable to manage the management of dangerous wastes (Dornogovi State Audit Office, 2023: 5, 6, 16, 17; Govisumber State Audit Office, 2022: 17, 18). The audit reports that assessed the implementation of mining recovery of Sukhbaatar and Umnugovi provinces in 2023, identified that 1) some mining companies operated without approved environmental impact assessments, environmental management plans, and other necessary environmental protection documents; 2) some mining companies abandoned their sites without fulfilling the required restoration obligations and properly handing them over to local governments; and 3) environmental protection offices and inspectors failed to assess the compliance and implementation of environmental management plans of mining companies at the end of each year (Sukhbaatar State Audit Office, 2023: 13, 14).

The Audit Office made also some inspections of the implementation of the Land Law (National Audit Office, 2019: pp. 65-70); Khuvsgul State Audit Office (2022: pp. 24-25). The major findings are as follow: 1) 110 illegal mining areas were discovered in 16 provinces without permits; 2) the Mineral Resources and Petroleum Authority and various levels of governors issued conflicting land rights, which necessitated significant state compensation; 3) issuance of land rights in water, forest, and special protection areas; and others. Overall, it has been evaluated that some provincial congresses and governors do not adequately fulfil their environmental obligations (National Audit Office: 2017, 27, 28; Dornogovi State Audit Office, 2023: p. 12). In this regard, the National Audit Office recommended that the Ministry of Environment to incorporate environmental obligations and accountability mechanisms into the contracts signed between the Prime Minister and provincial and city governors (National Audit Office, 2017: 27, 28) (Table 1).

Table 1. Allocation of powers in environmental protection.

	Plan/budget formulation	Plan/budget approval	Implementation	Enforcement Sanction	Reporting	Horizontal oversight	Vertical oversight
National	Government	Parliament	Government, the Ministry of Environment through delegation to <i>governors</i>	Government, the Ministry of Environment through delegation to <i>governors</i>	Government to the Parliament	The provincial/city State Audit/but ad hoc at all levels/	Parliament the Ministry of Environment, The State Audit /but ad hoc at all levels/

Continued

Provincial/city	<i>Governors</i>	Provincial/city khurals	<i>Governors</i>	<i>Governors</i>	<i>Governors to the Prime Minister and their khurals</i>	<i>Governors</i> Provincial/city khurals	The Prime Minister, the Ministry of Environment/ but ad hoc/
Soum/district	<i>Governors</i>	Soum/district khurals	<i>Governors</i>	<i>Governors</i>	<i>Governors to their Soum/ district khurals and provincial governors</i>	<i>Governors</i> Soum/district khurals	<i>Governors</i> Provincial/city
Relationship between levels	All levels shall follow the national framework	No direct link among levels on approvals of plans	No direct link among levels on implementation of plans	No direct link among levels on enforcement of plans	Horizontal and vertical links are ensured	Overlapping mandates of governors on plan formulation, implementation, enforcement, horizontal and vertical reporting	No direct links between different levels of khurals. Mere reporting based oversight from the Parliament, Government and the Ministry of Environment

Summary: Governors bear all responsibilities from plan formulation, implementation, monitoring, enforcement, to reporting, with both horizontal and vertical accountability. The checks and balances within this policy formulation and evaluation chain could be weak, as there is no additional oversight beyond the basic hearing of reports. The role of the Ministry of Environment is largely absent throughout these processes.

3. Experiences of Some Other Countries

The People's Republic of China

Before beginning our comparative analysis, we provide a brief summary of the theoretical concepts and empirical findings related to environmental centralization and decentralization in China (Table 2).

The Chinese decentralization in the economic and financial fields, has been considered one of the main drivers of its rapid economic growth (Zeng et al., 2023; Tan et al., 2024). It has been identified that although this system is beneficial for economic growth, it has led to conflicts between environment and economic preferences; as well as, reduced the efficiency and optimality in decision-making between the central and local governments (Zeng et al., 2023; Tan et al., 2024). To address the issue China initiated a vertical reform in 2016 aimed at centralizing environmental governance (Zeng et al., 2023; Tan et al., 2024).

To summarize the vertical reform (Tan et al., 2024; Meng et al., 2020): 1) The Central government is the designer of rules of environmental governance. 2) The county level governments retain only law enforcement power, while all other powers returned to the provincial government. 3) The supervisory and fiscal fund allocation, personal appointment and removal powers of prefecture level governments are returned to the provincial governments while other powers remain. 4) The performance of the environmental departments is assessed by the upper

Table 2. Pros and cons of environmental centralization and decentralization.

Pros of environmental decentralization (Zeng et al., 2023; Tan et al., 2024)	Cons of environmental decentralization	Pros of environmental centralization (Meng et al., 2020)
Can enhance local autonomy, accountability and initiatives.	Can lead local governments to prioritize economic growth over environmental concerns (Meng et al., 2020).	Can incentivize and motivate local governments, leaders, and industries in the implementation of central government policies.
Can strengthen the accountability of local governments and enhance public participation through citizens voting.	Can result in fiscal imbalances and a mismatch between local governments' powers and their expenditure responsibilities. The financial incentives created by substantial land transfer fees have been a major motivator for local governments to engage in land violations in order to address significant fiscal deficits (Ma & Zhang, 2024).	Can enhance accountability and effectiveness through a target responsibility system, dual-role positions, and lifelong accountability, supported by independent inspections and robust evaluation systems.
Can leverage the advantages of more adequate local information, better meet the public's expectations.	Can lead to deviations in environmental policy implementation, loss of efficiency, fragmentation, and rent seeking due to imperfect supervisions from the central government.	Can help address fiscal imbalances, and improve overall productivity.

governments and implemented by the local governments. The overall aim is to incentivize local governments to address pollution at source by centralizing environmental supervision, inspection, fiscal, personal appointment and other related powers. Environmental supervision and targets concepts were reformulated as from “supervising enterprises” to “supervising government” and “combined party and government responsibility” (Li et al., 2024).

As a result of the reform, the personal and financial separation of environmental protection bureaus was made from their respective county-level party governments (Du et al., 2024). Environmental protection bureaus at all levels are now overseen by their higher-level bureaus, with respect to financial management, personnel appointments, and performance evaluations (Du et al., 2024). Central control is upheld through bottom-up reporting and accountability, alongside top-down approval of plans and target-setting mechanisms. Public disclosure of adequate environmental information was a crucial factor in maintaining central oversight over lower-level bureaus and governments (Lan et al., 2011). Independent environmental administrations enable all levels of environmental protection bureaus to conduct grassroots monitoring and enforcement (Lan et al., 2011). This vertical supervision and inspection mechanism works in coordination with the horizontal implementation and monitoring efforts of local governments.

Several incentive and accountability-based mechanisms apply to all levels of government and their authorities. These include: 1) suspension of environmental impact assessment approvals for projects; 2) withholding Environmental Model City certification, which is tied to subsidies; 3) requiring governments that fail to meet targets to develop and implement plans detailing a timeline for achieving those targets; 4) interviews with principal responsible individuals conducted by

environmental protection bureaus at or above the provincial level, with the results disclosure to the public; 5) potential negative impacts on career prospects and reputation stemming from unfavourable performance evaluations of those interviewed; 6) among others (Kitagawa, 2017).

Despite some lessons learned, the empirical findings on environmental centralization have generally been very positive. It has facilitated changes in local government behaviour towards better environmental protection, provided incentives to comply with environmental obligations in exchange for funding, and encouraged innovative practices among firms to reduce pollution (Zeng et al., 2023; He & Quan, 2024) and others (Jiang & Cheng, 2024; Cao et al., 2022; Tan et al., 2024). It has also been identified that it can be complemented with financial and policy support for polluting firms to ensure balance and proportionality (He & Quan, 2024).

Overall, environmental centralization of China has very specific characteristics due to its unitary political system, where subordinates are appointed, and their tenure is assessed by their superiors (Tan et al., 2024).

The Environmental Protection Law states that “...*the state shall apply an objectives responsibility system and an evaluation and review system to environmental protection*”. *The people’s governments at and above the county level shall include the achievement of environmental protection objectives in the evaluation of their respective departments with environmental protection supervision and administration functions and the persons in charge thereof as well as the people’s governments at lower levels and the persons in charge thereof, as an important basis for the evaluation and review of them. The evaluation results shall be made available to the public...* (Environmental Protection Law of the People’s Republic of China, 2014: p. 26). It can be evaluated that the law establishes a chain of target determination, target setting, plan approval, reporting on target achievement, evaluation, and accountability mechanisms.

The Republic of Kazakhstan

The Republic of Kazakhstan’s representative local body, called maslikhats, are directly elected by the population. They oversee local public administration bodies, such as governors (akims). Maslikhats are responsible for approving and monitoring the implementation of economic, social, environmental programs, and budgets proposed by the akims. They also have the authority to approve or reject the candidates nominated by the President for akim positions at all levels. Additionally, maslikhats act as local executives of central administration (Emrich-Bakenova, 2020).

The relationship between maslikhats and local executive bodies, such as akims and akimats, is based on the principle of checks and balances. An akimat is a local executive body headed by the akim of the area (Emrich-Bakenova, 2020). Akims and akimats are accountable to maslikhats in matters that fall within the competency of the maslikhats. Akims function as both organs of state administration and self-government. This structure indicates that Kazakhstan has a dualistic local

government system (Emrich-Bakenova, 2020).

Akimats are responsible for implementing national policies in coordination with the Ministry of Environment and Natural Resources of the Republic of Kazakhstan (MENR) and the Committee for Environmental Regulation and Control (CERC) (Bigazin et al., 2024). The Ecological Code obliges the MENR to form and implement a unified state environmental policy and oversee its control through 1) coordination within their competence of the activities of central and local executive bodies in terms of their activities in the field of environmental protection; 2) coordination of action plans for environmental protection of local executive bodies of regions, cities of republican significance, the capital at the national level (Ecological Code of the Republic of Kazakhstan, 2021: 27.11, 27.2.2).

Local executive bodies akims, Akimats of regions, cities of republican significance, the capital shall take into account the approved target indicators for environment quality; and are responsible for implementing the state environmental policy at the local level (2021, 28.2). Local executive bodies shall undertake environmental measures on the basis of and in accordance with the action plans for environmental protection (2021, 29.5). The plan shall be a three year plan, shall be developed with the participation of representatives of the interested public, and shall be based on the standard list of measures provided in the Annex of the Ecological Code (2021, 29.5). The draft plan shall go through the public hearing procedure in accordance with the rules of public hearings, and shall be consolidated with the authorized body i.e. MENR and CERC. After all these procedures, the action plan for environmental protection is approved by the respective local representative body i.e. maslikhats. Akimats shall annually submit a report on implementation of the environmental protection action plan to the maslikhats and the MENR and CERC (2021, 29.6). The MENR shall develop the detailed procedure for developing and approving an action plan (2021, 29.5).

The Ecological Code explicitly defines the environmental quality target indicators (2021, 37.1). The Code further states that '*quality targets are set at the level of each region, city of republican significance and the capital*' and the respective local executive bodies are obliged to develop quality targets for each five-year period (2021, 37.2, 37.3). The developed indicators shall be consolidated with the MENR and CERC and be approved by the respective local representative body i.e. maslikhats (2021, 37.4).

The CERC is obliged to prepare an National analytical report on the state of the environment and on the use of natural resources on an annual basis in order to inform the population about the actual environmental situation and measures taken to improve it (2021, 23.1, 23.5).

In Kazakhstan, environmental enforcement competencies are divided between the central and municipal authorities. Akimats act as local enforcement authorities in their respective jurisdictions, such as they can issue local environmental permits and regulate the waste management (Nugumanova & Frey, 2017). The MENR is the main central executive authority responsible for enforcement. It has

a subordinate entity, the CERC, which operates in all regions of Kazakhstan as the territorial representation of the MENR management (Nugumanova & Frey, 2017). The CERC cooperates with its local environmental departments and akimats. The main functions are, improvement of the environment, conservation, implementation, permits, monitoring and control, supervision, information and data, administrative enforcement by environmental inspectors of CERC management (Nugumanova & Frey, 2017; Bigazin et al., 2024). The CERC shall carry out environmental monitoring on a systematic basis (Ecological Code of the Republic of Kazakhstan, 2021: 159.2). The scope of the monitoring and types of monitoring are clearly stipulated in the Code (2021, 159, 160, 161). The MENR and CERC have the obligation to eliminate environmental damage and make court claims (Ecological Code of the Republic of Kazakhstan, 2021: Section 136, 167).

The MENR has the competence to sue violators for compensation for environmental damage. In a recent high-profile case, the MENR claimed approximately USD 5.1 billion against the giant Kashagan oil venture, which had been keeping more than double the permitted amount of sulphur on the site. Additionally, the MENR successfully filed a claim against the state enterprise Atyrau Su Arnasy for river pollution, resulting in the court imposing both criminal and civil liability to recover damages for third parties (Bigazin et al., 2023).

The French Republic

The France Republic promotes the no-regression principle, which is enshrined in its Environmental Code. French environmental laws are implemented in a highly centralized manner (Lees & Viñuales, 2019: p. 180). In a unitary State, each echelon possesses only the powers delegated to them. The central government is represented at the regional level by regional departments and at the department (province) level by the prefect. Prefects serve as the main authority for environmental matters (Lees & Viñuales, 2019: p. 180). The Government relies on prefects as intermediaries for implementing its environmental and climate policies and objectives at the sub-state level. The role of the prefect is enshrined in the French Constitution, which asserts that “*within the territorial communities of the Republic, the representative of the State, representing each member of the Government, is charged with overseeing the national interests, administrative control and compliance with the law*” (Barichella, 2023: p. 130).

The centralized political system in France enables the national government to directly engage with local entities on environmental matters (Barichella, 2023). Prefects are appointed at the very top of the administrative apparatus of the Ministry of the Interior. All permitting, compliance monitoring, and administrative enforcement are formally carried out under the authority of the prefect (ICLG, 2009: p. 115). The prefect has considerable discretion in the application of enforcement powers (ICLG, 2009: p. 123). Compliance assurance activities are entirely funded by the State budget (ICLG, 2009: p. 123).

The role of the prefect and central coordination and supervision have been strengthened to effectively progress towards the EU climate change objectives. The Grenelle II Law legally enshrined and defined the main institutional

provisions regarding interactions between the national government and territorial communities on environmental and climate change matters. The law clarifies the legal relationship between territorial communities and the central government in the process of plan elaboration, implementation, and supervision (Barichella, 2023: p. 140).

The Grenelle II Law mandates that any territorial community with more than 50,000 citizens must have a territorial climate and energy plan. Prefects, specifically through their Environment and Energy Management Agency, are tasked with guiding departments in the elaboration process of these plans (Barichella, 2023: p. 142). Prefects are positioned beneath the communities and function as intermediaries in implementing national ambitions by closely interacting with the regional echelon (Barichella, 2023: p. 160).

Therefore, the Grenelle II Law requires each region to develop a Framework for Climate, Air, and Energy (SRCAE) plan to meet the EU climate objectives at the regional level. The Regional Prefect and the President of the Regional Council are required to jointly elaborate the design of the SRCAE by a specified deadline (Barichella, 2023: p. 144). The SRCAE must be open to public consultation for at least one month before being submitted to the Regional Council for approbation, and subsequently ratified by the Prefect. The Law clarifies both substantive targets (defined through various environmental, economic, social, and health indicators) and procedural norms (such as monitoring and observation techniques) to assess progress. The SRCAE shall be evaluated every five years, jointly by the Regional Prefect and the President of the Regional Council (Barichella, 2023: p. 147).

The plan elaboration, implementation, and evaluation will be carried out through close coordination among different echelons, with the facilitation of prefects (Barichella, 2023: p. 147). The national government's strategic role is emphasized in the formulation, approval, monitoring and evaluation of environmental and climate plans to ensure the effective development of a multi-level environmental and climate system (Barichella, 2023: p. 148).

The South Korea

The South Korea is a unitary state, where governmental power is delegated by the central government to sub-national governments. The Korean sub-national governmental system is two-tiered: the higher level consists of regional governments, and the lower level consists of local governments (Local Government, 2020). The Constitution states that local government heads and council members are directly elected by local residents and bear political accountability (Constitution of South Korea, 1948: p. 118).

It has a strong national government that delegates authority to regional and local government administrations, with direct central supervision (Local Autonomy Act of South Korea, 2017: p. 12). In environmental governance, the national government maintains centralized power over local governments through supervision by branch offices, and financial subsidies of delegated functions (Local Autonomy Act of South Korea, 2017: p. 12).

The principal authority responsible for the administration and enforcement of Korea's environmental policy is the Ministry of the Environment. Part of the responsibility and authority to implement detailed environmental policy and perform administrative investigations has been delegated to the eight regional environmental offices and local governments (Cho & Choi, 2019). The Ministry of the Environment has been primarily in charge of sustainable development policy, which affects overall economic and social policies (Cho & Choi, 2019). These authorities grant permits, impose sanctions, revoke or vary licenses, impose administrative fines, and issue subsidies in accordance with respective laws (Lee & Ko, 2020). The Ministry of the Environment and its affiliates may either routinely conduct inspections of regulated facilities or irregularly conduct investigations in the case of an incident (Lee & Ko, 2020). Local governments report to the governing national ministry when exercising delegated functions (Lee & Ko, 2020). In addition, the National Assembly conducts regular annual inspections that may target local governments, either through the examination of central government bodies to which local governments are responsible (Anderson, 2019). The core structure of Korean environmental law enforcement can be described as a systematic and complementary coordination between the Ministry of the Environment, its regional offices, and the Public Prosecutors' Office under the Ministry of Justice (Cho & Choi, 2019).

4. Issues and Implications for Improvement

It can be observed that China, Kazakhstan, France and South Korea all have independent central state oversight and supervision over local governments in environmental matters. In Mongolia, such oversight is provided through the various levels of governors and the EPBs under the governors' offices. Vertical checks and balances are maintained through the Prime Minister, while horizontal oversight is ensured by local khurals. However, Mongolia's environmental management supervision, monitoring, and inspection system may lack some essential checks and accountability mechanisms in its design.

In the countries studied, central involvement and oversight were particularly crucial at key stages, including target setting, plan elaboration, approval, monitoring, enforcement, and follow-up evaluations. Furthermore, the progressive target responsibility system is implemented through participatory and top-down environmental planning, enforcement, and evaluation systems.

In contrast, in Mongolia, governors are deeply involved in every aspect of the process chain—ranging from policy and plan formulation to implementation, enforcement, evaluation, and reporting. This concentration of authority may create opportunities for rent-seeking at the expense of environmental considerations, or it could overwhelm governors, ultimately reducing their effectiveness.

Second, while environmental matters fall under the central administration's mandate, local khurals have the authority to approve environmental programs and budgets, as well as to monitor and evaluate governors' performance. This dual responsibility may create trade-offs between environmental and economic

priorities for local khurals. It is also important to note that the growing economic capacity of local governments could further challenge khurals in balancing these roles, particularly in the context of limited resources and budgets.

Third, governors are accountable to both the central government and local khurals. Khurals play a crucial role in ensuring governors' accountability, as they have the authority to appoint governors, propose their dismissal, and evaluate their performance. This dual accountability may create trade-offs for governors, as their role involves balancing competing mandates and responsibilities.

Professor D. Zumbrellkhan criticized the current setup, highlighting the political and administrative duality of governors. He suggested that governors should be directly appointed by the central government and made stable administrative employees in a spirit of French prefects, rather than being appointed through cyclical elections based on local political representatives (Zumberellkham, 2017). Some other scholars expressed that two leaders should not be in one local government (UNDP & Office of the Parliament, 2019). Scholars generally highlight the specific differences between Mongolian self-government and the local self-government principles outlined in the European Charter of Local Self-Government (European Charter of Local Self-Government, 1985).

Mongolian scholars have yet to examine the effective implementation of the constitutional provision that combines self-governance with state administration in environmental matters. In light of this, the administrative and political duality of governors and local khurals may need to be reassessed in the context of environmental governance to avoid potential trade-offs arising from the economic decentralization policy. Additional legal safeguards could be necessary to address these concerns.

Fourth, EPBs operate directly under governors' offices, which can create a lack of vertical alignment with the Ministry of Environment. Audit reports have highlighted the lack of capacity and skills within local EPBs in environmental management. Moreover, despite sharing similar responsibilities, EPBs and the Ministry of Environment lack a unified accountability framework for the effective implementation and enforcement of environmental laws. This disconnect between central and local units in terms of accountability is evident in audit findings, where many local governments failed to develop environmental plans, set quality targets aligned with central policies, or adopt waste management plans, among other deficiencies.

The current accountability system, which relies solely on governors reporting to their respective khurals and the Prime Minister, appears to need improvement. All levels of EPBs are directly overseen by governors, creating a dependency that may reduce the focus on environmental effectiveness, given that governors hold dual responsibilities and considerable authority throughout the entire environmental governance process. To address these challenges, the following options could be explored to enhance accountability and oversight in environmental matters.

5. Discussions and Proposed Legal Improvements for Enhanced Effectiveness

This article explored the legal and institutional shortcomings in Mongolia's cooperative environmental governance mechanisms, focusing on the horizontal (sub-national) and vertical (national-to-sub-national) dimensions of environmental accountability. The analysis identifies gaps in checks and balances both at the sub-national level—comprising provincial, capital, and soum/district levels—and within the national-subnational vertical legal relationships.

Particularly, in Mongolia's administrative system, governors hold dual roles as both the primary state representatives in local governments and as local executive leaders. Their offices operate on two fronts: as part of the central government administration and as facilitators for local khurals. This dual mandate, while extensive, has led to gaps in checks and balances and accountability within local environmental governance. It concentrates power in the hands of governors, who are responsible for developing, implementing, monitoring, enforcing, and reporting on environmental plans. Moreover, the dual role of governors can overwhelm and create conflicting incentives, as they need to balance competing priorities between environmental protection and other local governance responsibilities.

Further, khurals play a crucial role in maintaining checks and balances within local governments by approving environmental plans, budgets, and programs, as well as monitoring and evaluating the performance of governors. This positions them as key players in environmental governance. They also have the authority to nominate, propose the removal and evaluation of governors. In principle, these two institutions—the governors and khurals—are designed to mutually monitor and support one another. However, the economic decentralization policy introduced in 2020 has introduced new challenges in balancing economic and environmental priorities at the local level. This policy granted local khurals the legal authority to engage in economic activities, including managing local property, taxes, budgets, and other financial matters within their jurisdictions. As a result, khurals have gained greater economic incentives, autonomy, and political accountability. The concern is that as khurals become more focused on their economic roles, environmental considerations may be sidelined in favour of economic development.

An incentive and pressure-based target evaluation system for governors, EPBs and khurals

To address these dualities, similar to China an incentive- and pressure-based target evaluation system can be applied for governors, EPBs and khurals to enhance their vertical accountability. Particularly, strengthening the environmental performance assessment process for governors and heads of EPBs, and using these assessments for their career prospects, reputation and allocation of other state remunerations, would align legal pressures with incentives. In this vein, the Framework Environmental Law should be amended to include an objective responsibility system and an evaluation and review system for environmental protection. More specifically, governors and EPBs should be collectively accountable for

environmental performance progress, which should be considered in their performance evaluations. Similarly, the national government should evaluate the environmental performance progress of sub-national governments, and sub-national governments should subsequently evaluate lower levels of government. With the introduction of an evaluation and review system, conditional central state funding based on environmental progress, and the suspension of environmental impact assessment approvals for projects in cases of insufficient environmental progress—could be designed and implemented similar to China. These target-based accountability measures could be realized through the existing contracting mechanism between the Prime Minister and provincial governors.

A well-structured accountability framework is essential to ensure that governors, EPBs and khurals are motivated to fulfil their responsibilities effectively. This system would address the dual roles of key actors and strengthen accountability for environmental progress.

Further, the Framework Environmental Law needs to be revised to include a legal mechanism for defining objectives, harmonized indicators, environmental plan development, progressive target setting, evaluation and review. Additionally, progressive target setting based on short to mid-term assessments should be incorporated to establish measurable and enforceable substantive obligations. Clear indicators and target-based adaptive planning, monitoring and evaluation mechanisms are at the core of making progress towards the environmental targets of local governments.

Target-setting mechanisms, while effective, can sometimes discourage efforts beyond the established targets. Therefore, a cyclical and progressive system for environmental quality objectives and planning should be implemented to ensure continuous progress. This change would require impartial management of environmental data and the transparent sharing of local government performance on environmental objectives to increase transparency and facilitate effective central and public oversight.

Formalizing and strengthening the Ministry of Environment's supervision and oversight role

Despite the Ministry of Environment's legislated roles and obligations, we observed that the Ministry of Environment plays a limited role in implementing and enforcing central government laws at the local level.

As observed in the countries studied, the state establishes a comprehensive, vertically integrated system for environmental target setting, planning, where sub-national governments develop their own plans with targets aligned with the national plan. These draft plans are then deliberated, approved, monitored, and evaluated by central authorities. In this regard, to address the identified legal and institutional accountability gaps, we conclude that enhanced oversight and supervision from the central government are necessary. Drawing on practices of the countries studied, we propose stronger checks and balances, coupled with vertical central oversight, at key stages of subnational environmental planning, deliberation,

approval, and evaluation to ensure effectiveness. The Framework Environmental Law needs to be amended to include the mandate of the Ministry of Environment to oversee these processes across all sub-national governments, ensuring effective vertical checks and balances. Sub-national governments would then apply the same process to their lower levels of government.

Namely, the roles of the Ministry of Environment in plan deliberation, approval (the ministry providing approval prior to khural approval), monitoring, and evaluation should be clearly defined in legislation. The national environmental vertical accountability system has become increasingly important in the context of the global mission to combat climate change and fulfil the nationally determined contributions under the Paris Agreement. The proposed vertical accountability system would ensure effective oversight over sub-national governments' key environmental target setting and planning stages.

Sub-national governments would be more effectively mobilized through these mechanisms. To facilitate smooth implementation, it is recommended to adopt standardized, disaggregated environmental indicators—not just for soil pollution, but also by location and substance—to improve administration, monitoring, reporting, and evaluation. This approach would allow the Ministry of Environment to dismantle the current dualistic system involving governors and local khurals, thereby reducing trade-offs in environmental governance.

Formalizing and strengthening the monitoring and enforcement role of the EPBs

Importantly, the mandate and accountability of EPBs should be explicitly defined in the Framework Environmental Protection Law. Currently, EPBs operate within the administrative framework of governors, meaning their role and mandate are not clearly legislated in the Environmental Protection Law. To ensure effective environmental governance, all levels of EPBs must be accountable for environmental management, monitoring, and enforcement, with the authority to take direct action against violators. Without these legal mandates, EPBs would face challenges in enforcement and implementation.

The option of transferring EPBs under the Ministry of Environment was not proposed, as this option carries risks. It could create a new form of duality for EPBs, as they would still operate within the subnational governors' implementation framework. Additionally, the Ministry may face challenges in effectively monitoring its branches due to the vast geographical distances involved.

Complementing impartial enforcement with the support of the National Audit Office

Given the vast geographical distances, the Ministry of Environment may face challenges in effectively monitoring and enforcing compliance among non-complying and low-performing local governments. The National Audit Office, with its nationwide branches, could scale-up and intensify conducting environmental performance audits. As an independent and well-functioning system, Mongolia's national audit inspection framework could complement and strengthen accountability,

thereby enhancing the Ministry of Environment's efforts to improve enforcement effectiveness. The Ministry of Environment can use the evaluation results to assess the performance of governors and EPBs, as well as to impose constraints on environmental impact assessments, state funding, and other limitations for local governments.

Involving communities in the development and implementation of environmental management plans

Concerned herders and local communities should actively participate in the development and monitoring of environmental management plans of mining companies to strengthen decentralized oversight. Their involvement ensures that environmental concerns are effectively addressed and that local knowledge contributes to sustainable resource management. The Law on Minerals, the Common Minerals Law, and the Environmental Impact Assessment Laws need to be revised to ensure the involvement of concerned herder communities and the incorporation of their comments in the development and monitoring stages of environmental management plans of mining companies, ensuring that mining exploration activities do not deteriorate the environment and grasslands. Importantly, this mechanism would help balance the extensive mandate of governors and ensure transparency and effectiveness with the support of concerned herders. Additionally, communities should be empowered to report non-compliance and inadequate performance by local governments to the Ministry of Environment, thereby enhancing accountability and enforcement efforts.

Overall, the goal of revising the current vertical environmental institutional and accountability mechanisms in environmental multilevel governance is to establish a system that incentivizes all stakeholders to collectively share responsibility for environmental conservation. The above mentioned proposed legal amendments, once implemented, can significantly enhance environmental performance effectiveness compared to the existing multilevel governance accountability mechanism.

6. Limitations

This article acknowledges that it does not propose specific institutional restructuring solutions related to the dual mandates of governors and local khurals. A greater degree of compromise might be anticipated due to the increasing economic capacity of local governments, which could potentially result in environmental trade-offs. However, this paper proposes strengthening the role of the Ministry of Environment to provide central oversight and supervision, along with implementing a progressive target responsibility system to ensure better environmental performance across sub-national governments. Addressing deeper institutional restructuring requires more comprehensive legal, economic, social, and political analyses, as the issue intersects with the constitutionally granted functions of governors. Particularly, in-depth empirical research can be conducted to analyze the work pressure, effectiveness, and challenges that governors face in

balancing competing interests, as well as their relationships with khurals in environmental protection from both legal and management perspectives. Similarly, the effectiveness of khurals and their challenges in balancing competing interests can also be empirically analyzed.

Conflicts of Interest

The author declares no conflicts of interest regarding the publication of this paper.

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