

THE CONSTITUTION OF MONGOLIA

January 13, 1992
Ulaanbaatar city

(Turiin medeelel #1, 1992)

We are the people of Mongolia:

- Strengthening the independence and sovereignty of the state,
- Cherishing human rights and freedoms, justice and national unity,
- Inheriting the traditions of national statehood, history and culture,
- Respecting the accomplishments of human civilization,
- And aspiring toward the supreme objective of building a human, civil and democratic society in our homeland

Hereby proclaim the Constitution of Mongolia.

CHAPTER ONE SOVEREIGNTY OF THE MONGOLIAN STATE

Article One

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

Article Two

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

Article Three

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

Article Four

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

3. Stationing of foreign troops in the territory of Mongolia, allowing them to cross the state frontier for the purpose of passing through the country's territory shall be prohibited unless an appropriate law is adopted.

Article Five

1. Mongolia shall have an economy based on different forms of property consistent to universal trends of world economic development and own country's specifics.

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

3. The owner's rights shall be limited exclusively by grounds specified in the law.

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

5. The livestock is national wealth and shall be protected by the State.

Article Six

1. In Mongolia the land, its subsoil, forests, water, fauna and flora and other natural resources shall be subject to people's power and State protection.

2. The land except that given to the citizens of Mongolia for private ownership, as well as the subsoil with its mineral resources, forests, water resources and wildfowl shall be the property of the State.

3. The State may give for private ownership plots of land, except pasturage and land under public utilization and special use, only to the citizens of Mongolia. This provision shall not apply to the ownership of the subsoil thereof. Citizens shall be prohibited to transfer the land in their ownership to foreign citizens and stateless persons by way of selling, bartering, donating or pledging as well to transfer it to others for possession and use without permission from competent State authorities.

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

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

Article Seven

1. The historical, cultural, scientific and intellectual heritage of the Mongolian people shall be under State protection.

2. Intellectual values produced by citizens are the property of their authors and the national wealth of Mongolia.

Article Eight

1. The Mongolian language is the official language of the State.

2. Paragraph 1 of this Article shall not affect the right of national minorities of other tongues to use their native languages in education and communication and in the pursuit of cultural, artistic and scientific activities.

Article Nine

1. The State shall respect the religions and the religions shall honor the State.

2. State institutions shall not engage in religious activities and Church shall not carry out political activities.

3. The relationship between the State and the Church shall be regulated by law.

Article Ten

1. Mongolia shall adhere to the universally recognized norms and principles of international law and pursue a peaceful foreign policy.

2. Mongolia shall fulfill in good faith its obligations under international treaties to which it is a Party.

3. The international treaties to which Mongolia is a Party shall become effective as domestic legislation upon the entry into force of the laws on their ratification or accession.

4. Mongolia shall not abide by any international treaty or other instruments incompatible with its Constitution.

Article Eleven

1. The duty of the State is to secure the country's independence, ensure national security and public order.

2. Mongolia shall have armed forces for self-defense. The structure and organization of the armed forces and rules of military service shall be determined by law.

Article Twelve

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

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

3. The State Emblem shall be of circular shape with the white lotus serving as its base and the "Never-ending Tumen Nasan" pattern forming its outer frame. The main background is of blue color signifying the eternal blue sky, the Mongols

traditional sanctity. In the center of the Emblem a combination of the Precious Steed and the Golden Soyombo sign is depicted as an expression of the independence, sovereignty and spirit of Mongolia. In the upper part of the Emblem the Chandmani (Wish-granting Jewel) sign symbolizes the past, the present and the future. In the lower part of the Emblem the sign of the Wheel entwined with the silk scarf Khadag in an expression of reverence and respect, symbolizes continued prosperity. It is placed against the background of a "hill" pattern conveying the notion of "Mother Earth".

4. The traditional Great White Banner of the unified Mongolian State is a state ceremonial attribute.

5. The State Flag shall be a rectangle divided vertically into three equal parts colored red, blue and red. The blue color of the center of the flag, symbolizes "the eternal blue sky" and the red color on both sides symbolizes progress and prosperity. The Golden Soyombo sign shall be depicted on the red stripe nearest to the flag pole. The ratio of the width and length of the Flag shall be 1:2.

6. The State Seal having a lion-shaped handle, shall be of a square fore with the state Emblem in the center and the words "Mongol Uls" (Mongolia) inscribed on its both sides. The President shall be the holder of the State Seal.

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

Article Thirteen

1. The capital of the State shall be the city in which the State Supreme bodies permanently sit. The capital city of Mongolia is the city of Ulaanbaatar.

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

CHAPTER TWO HUMAN RIGHTS AND FREEDOMS

Article Fourteen

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

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

Article Fifteen

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

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

Article Sixteen

The citizens of Mongolia are guaranteed to enjoy the following rights and freedoms:

1) the right to life. Deprivation of human life shall be strictly prohibited unless capital punishment is imposed by due judgement of the Court for the most serious crimes, pursuant to Mongolian Criminal law.

2) the right to healthy and safe environment, and to be protected against environmental pollution and ecological imbalance.

3) the right to fair acquisition, possession, ownership and inheritance of movable and immovable property. Illegal confiscation and requisitioning of the private property of citizens shall be prohibited. If the State and its bodies appropriate private property on the basis of exclusive public need, they shall do so with due compensation and payment.

4) the right to free choice of employment, favorable conditions of work, remuneration, rest and private farming. No one shall be subjected to forced labor.

5) the right to material and financial assistance in old age, disability, childbirth and childcare and in other circumstances as provided by law.

6) the right to the protection of health and medical care. The procedure and conditions of free medical aid shall be determined by law.

7) the right to education. The state shall provide basic general education free of charge; Citizens may establish and operate private schools if these meet the requirements of the State.

8) the right to engage in creative work in cultural, artistic and scientific fields and to benefit thereof. Copyrights and patents shall be protected by law.

9) the right to take part in the conduct of State affairs directly or through representative bodies. The right to elect and to be elected to State bodies. The right to elect shall be enjoyed from the age of eighteen years and the age eligible for being elected shall be determined by law according to the requirements in respect of the bodies or positions concerned.

10) right to form a party or other mass organizations and freedom of association to these organizations on the basis of social and personal interests and opinion. All political parties and other mass organizations shall uphold public order and state security, and abide by law. Discrimination and persecution of a person for joining a political party or other mass organization or for being their member shall be prohibited. Party membership of some categories of state employees may be suspended.

11) men and women shall enjoy equal rights in political, economic, social, cultural fields and in family relationship. Marriage shall be based on the equality and mutual consent of the spouses who have reached the age determined by law. The State shall protect the interests of the family, motherhood and the child.

12) the right to submit a petition or a complaint to State bodies and officials. The State bodies and officials shall be obliged to respond to the petitions or complaints of citizens in conformity with law.

13) the right to personal liberty and safety. No one shall be searched, arrested, detained, persecuted or restricted of liberty except in accordance with procedures and grounds determined by law. No person shall be subjected to torture, inhumane, cruel or degrading treatment. Where a person is arrested his/her family and counsel shall be notified within a period of time established by law of the reasons for and grounds of the arrest. Privacy of citizens, their families, correspondence and homes shall be protected by law.

14) the right to appeal to the court to protect his/her rights if he/she considers that the rights or freedoms as spelt out by the Mongolian law or an international treaty have been violated; to be compensated for the damage illegally caused by others; not to testify against himself/herself, his/her family, or parents and children; to self-defense; to receive legal assistance; to have evidence examined; to fair trial; to be tried in his/her presence; to appeal against a court decision, to seek pardon. Compelling to testify against himself/ herself shall be prohibited. Every person shall be presumed innocent until proved guilty by a court by due process of law. The penalties imposed on the convicted shall not be applicable to his/her family members and relatives.

15) freedom of conscience and religion.

16) freedom of thought, opinion and expression, speech, press, peaceful assembly. Procedures for organizing demonstrations and other assemblies shall be determined by law.

17) the right to seek and receive information except that which the state and its bodies are legally bound to protect as secret. In order to protect human rights, dignity and reputation of persons and to ensure State defense, national security and public order secrets of the State, organization or individuals, which are not subject to disclosure shall be determined and protected by law.

18) the right to freedom of movement and residence within the country, right to travel and reside abroad and to return to home country. The right to travel and reside abroad may be limited exclusively by law in order to ensure the national security and the security of the population and protecting public order.

Article Seventeen

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

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

2. It is a sacred duty for every citizen to work, protect his/her health, bring up and educate his/her children and to protect nature and environment.

Article Eighteen

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

2. Mongolia shall adhere to the principle of reciprocity in determining the rights and duties of foreign citizens in an international treaty being concluded with the country concerned.

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

4. Foreign citizens or stateless persons persecuted for their beliefs, political or other activities pursuing justice, may be granted asylum in Mongolia on the basis of their well-founded requests.

5. In allowing the foreign citizens and stateless persons under the jurisdiction of Mongolia to exercise the basic rights and freedoms provided for in Article 16 of this Constitution, the State may establish by law relevant restrictions upon the rights other than the inalienable rights spelt out in international instruments to which Mongolia is a Party, out of the consideration of ensuring the national security, the security of the population, and public order.

Article Nineteen

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

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

3. In exercising his/her rights and freedoms one shall not infringe the national security, rights and freedoms of others and violate public order.

CHAPTER THREE

STATE SYSTEM OF MONGOLIA

ONE. THE STATE IKH KHURAL

Article Twenty

The State Ikh Khural of Mongolia is the highest organ of State power and the legislative power shall be vested solely in the State Ikh Khural.

Article Twenty one

1. The State Ikh Khural shall have one chamber and consist of 76 members.

2. The members of the State Ikh Khural shall be elected by citizens eligible for election, on the basis of universal, free, direct suffrage by secret ballot for a term of four years.

3. Citizens of Mongolia who have reached the age of twenty five years and are eligible for elections shall be elected to the State Ikh Khural.

4. The procedure of the election of members of the State Ikh Khural shall be determined by law.

Article Twenty two

1. If extraordinary circumstances arising from sudden calamities occurred in the whole or a part of the country, the imposition of martial law or the outbreak of public disorder prevent the holding of regular election the State Ikh Khural shall retain its mandate until the extraordinary circumstances cease to exist and the newly elected members of the State Ikh Khural are sworn in.

2. The State Ikh Khural may decide on its dissolution if not less than two thirds of its members consider that the State Ikh Khural is unable to carry out its mandate, or if the President, in consultation with the Chairman of the State Ikh Khural, proposes to do so for the same reason. In case of such a decision, the State Ikh Khural shall exercise its mandate till the newly elected members of the State Ikh Khural are sworn in.

Unless otherwise specified in the Constitution State Ikh Khural shall decide on its dissolution or President of Mongolia shall issue decree on dissolution of State Ikh Khural if the State Ikh Khural fails to appoint Prime Minister within 45 days since submission of proposal of his/her appointment to the Ikh Khural.

Article Twenty three

1. A member of the State Ikh Khural shall be an envoy of the people and shall represent and uphold the interests of all the citizens and the State.

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

Article Twenty four

1. Chairman and Vice-Chairman of the State Ikh Khural shall be nominated and elected from among the members of the State Ikh Khural by open ballot. Each party and coalition group formed as a result of election shall elect the Vice-Chairman of the State Ikh Khural.

2. The term of office of the Chairman and Vice-Chairman of the State Ikh Khural shall be four years. They can be relieved of or removed from their posts before the expiry of their terms on grounds specified by law.

Article Twenty five

1. The State Ikh Khural may consider on its initiative any issue pertaining to domestic and foreign policies of the State, and shall keep within its exclusive power the following issues and decide thereon:

- 1) to enact laws, make amendments to them;
- 2) to define the basis of the domestic and foreign policies of the State;
- 3) to set and announce the date of elections of the President and the State Ikh Khural and its members;
- 4) to determine and change the structure and composition of the Standing Committees of the State Ikh Khural, the Government and other bodies directly accountable to it according to the law;

5) to pass a law recognizing the full mandate of the President after his/her election and to relieve or remove the President;

6) to appoint, replace or remove the Prime Minister, members of the Government and other bodies responsible and accountable to the State Ikh Khural as provided for by law;

7) to define the State's financial, credit, tax and monetary policies; to lay down the guidelines for the country's economic and social development; to approve the Government's program of action, the State budget and the report on its execution;

8) to supervise the implementation of laws and other decisions of the State Ikh Khural;

9) to fix the State frontier;

10) to set the structure, composition and power of the National Security Council;

11) to approve and change the administrative and territorial division of Mongolia on the Government submission;

12) to determine the legal basis of the system, organization and activities of local self-governing and administrative bodies;

13) to institute State titles, orders, medals and higher military ranks, to determine the table of ranks in some special fields of State service;

14) to issue acts of amnesty;

15) to ratify and denounce international treaties to which Mongolia is a Party, to establish and sever diplomatic relations with foreign States on the Government submission;

16) to hold national referendums. To verify the validity of a referendum in which the majority of citizens eligible for election has taken parts, and to abide by and give effect to the decision which has obtained a majority of votes;

17) to declare a martial law in case the sovereignty and independence of the State are threatened by armed actions on the part of a foreign State, and to rescind it;

18) to declare a state of emergency or a martial law in the whole or some parts of the country in special circumstances described in paragraph 2 and 3 of this Article and to approve or nullify the President's decree to that effect.

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

1) natural disasters or other unforeseen dangers which threaten or may threaten directly the life, health, well-being and security of the population in the whole or a part of the country's territory;

2) if State authorities are not able within legal limits to cope with public disorders caused by organized, violent, illegal actions of an organization or a group of people threatening the Constitutional order and the existence of the legitimate social system.

3. The State Ikh Khural may declare a martial law if public disorders in the whole or a part of the country's territory result in an armed conflict or create a real threat of an armed conflict, or if there is an armed aggression or a real threat of such an aggression by a foreign state.

4. The other power, organization and the procedures of the State Ikh Khural shall be determined by law.

Article Twenty six

1. The President, member of the State Ikh Khural and the Government shall exercise the right to initiative a law.

2. Citizens and other organizations shall forward their suggestions on drafts of the law to those entitled to initiate a law.

3. National laws shall be subject to official promulgation by the State Ikh Khural through publication and, unless law provides otherwise, shall enter into force 10 days after the date of publication.

Article Twenty seven

1. The State Ikh Khural shall exercise its power through its sessions and other organizational forms.

2. Regular sessions of the State Ikh Khural shall be convened once in half year and last not less than 50 working days.

3. Extraordinary sessions may be convened at the demand of more than one third of the members of the State Ikh Khural or at the initiative of the President and the Chairman of the State Ikh Khural.

4. The President shall convoke the first sessions of the State Ikh Khural within 30 days following the election. Other sessions shall be convoked by the Chairman of the State Ikh Khural.

5. In case of the proclamation by the President of a state of emergency or martial law, the State Ikh Khural shall be convened for an extraordinary session within 72 hours without prior announcement.

6. The presence of a majority of members shall be required to consider a session of the State Ikh Khural and Standing Committee valid, and decisions shall be taken by majority votes of all members present. The Prime Minister's and Government members appointment and other issues shall be decided by open ballot unless other laws provide otherwise.

Article Twenty eight

1. The State Ikh Khural shall have Standing Committees dealing with specific fields of its activity.

2. The State Ikh Khural shall determine the power, organization and procedures of the work of Standing Committees.

Article Twenty nine

1. Members of the State Ikh Khural shall be remunerated from the State budget during their term and shall not hold concurrently any posts and employment other than those assigned by law except for the post of the Prime Minister and member of the Government.

2. The immunity of members of the State Ikh Khural shall be protected by law.

3. Question concerning the involvement of a member of the State Ikh Khural in a crime shall be considered by the session of the State Ikh Khural, which shall

decide whether to suspend his/her mandate. If a court rules that the member in question to be guilty of crime, the State Ikh Khural shall terminate his/her membership in Legislature.

TWO. THE PRESIDENT

Article Thirty

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

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

Article Thirty one

1. Presidential elections shall be conducted in two stages.

2. Political parties which have obtained seats in the State Ikh Khural shall nominate individually or collectively Presidential candidates, one candidate per a party or a coalition of parties.

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

4. The State Ikh Khural shall consider the candidate who has obtained a majority of all votes cast in the first voting as elected the President and shall pass a law recognizing his/her mandate.

5. If none of the candidates obtains a majority vote in the first round, second voting shall take place involving the two candidates who have obtained the largest number of votes in the first round. The candidate who wins a majority of all votes cast in the second ballot shall be considered as elected the President and a law recognizing his/her mandate shall be passed by the State Ikh Khural.

6. If neither of the candidates wins a majority of votes in the second ballot, Presidential elections shall be held a new.

7. The President can be re-elected only once.

8. The President shall not be Prime Minister, a member of the State Ikh Khural or a member of the Government and shall not concurrently hold any other posts and pursue any occupation not relating to his duties assigned by law. If the President holds another office or a post he/she shall be relieved of it from the date on which he/she is taken oath..

Article Thirty two

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

2. Within 30 days after the election the President shall take following oath before the State Ikh Khural: "I swear that I shall guard and defend the independence and sovereignty of Mongolia, freedom of the people and national unity and I shall

uphold and observe the Constitution and faithfully perform the duties of the President".

Article Thirty three

1. The President shall exercise the following power:

1) to exercise right to veto against a part or whole laws and other decisions adopted by the State Ikh Khural. The laws or decisions shall remain in force if two thirds of the members of the State Ikh Khural present in the session do not accept the President's veto;

2) to propose to the State Ikh Khural the candidature for the appointment to the post of Prime Minister nominated from the majority party or coalition in the State Ikh Khural; if none of them has majority a candidate nominated from the party/coalition which has the largest number of seats in consultation with other parties; if such party failed to propose a candidate on consultation with other parties, a candidate who received majority of votes from parties and coalition which sits in State Ikh Khural within 5 days

3) to instruct the Government on issues within his/her power. If the President issues a relevant decree it shall become effective upon signature by the Prime Minister;

4) to represent the State with full power in foreign relations and, in consultation with the State Ikh Khural, to conclude international treaties on behalf of Mongolia;

5) to appoint and recall heads of plenipotentiary missions to foreign countries in consultation with the State Ikh Khural;

6) to receive the Letters of Credence or Recall of Heads of diplomatic missions of foreign states to Mongolia;

7) to confer state titles and higher military ranks and award orders and medals;

8) to grant pardon;

9) to decide matters related to granting and withdrawing Mongolian citizenship and granting asylum;

10) to head the National Security Council of Mongolia;

11) to declare general or partial conscription;

12) to declare a state of emergency or a martial law on the whole or a part of the national territory and order the deployment of armed forces when emergency circumstances described in paragraphs 2 and 3 of the Article 25 of the Constitution arise and the State Ikh Khural concurrently is in recess. The State Ikh Khural within 7 days shall consider the Presidential decree declaring a state of emergency or a martial law and shall approve or disapprove it. If the State Ikh Khural does not make a decision on the matter, the Presidential decree shall be void.

2. The President shall be the Commander-in-Chief of the armed forces of Mongolia.

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

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

Article Thirty four

1. The President within his/her power shall issue decrees in conformity with law.
2. If a Presidential decree is incompatible with law, the President himself/herself or the State Ikh Khural shall invalidate it.

Article Thirty five

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

Article Thirty six

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

Article Thirty seven

1. In the temporary absence of the President his/her full power shall be exercised by the Chairman of the State Ikh Khural.
2. In the event of the resignation, death or voluntary retirement of the President his/her full power shall be exercised by the Chairman of the State Ikh Khural pending the inauguration of the newly elected President. In such a case the State Ikh Khural shall announce and hold Presidential elections within four months.
3. The procedure of the exercising the duties of the President by the Chairman of the State Ikh Khural shall be determined by law.

THREE. THE GOVERNMENT

Article Thirty eight

1. The Government is the highest executive body of the State.
2. The Government shall implement the State laws, in accordance with duties to direct economic, social and cultural development, shall exercise the following power:
 - 1) to organize and ensure nation-wide implementation of the Constitution and other laws;
 - 2) to work out a comprehensive policy on science and technology, guidelines for economic and social development, the State budget, credit and fiscal plans and to submit these to the State Ikh Khural and to execute decisions taken thereon;
 - 3) to elaborate and implement comprehensive measures on sector, inter sector, as well as regional development;

- 4) to undertake measures on the protection of the environment and on the rational use and restoration of natural resources;
- 5) to provide efficient leadership of central state administrative bodies and to direct the activities of local administrations;
- 6) to strengthen the country's defense capabilities and to ensure national security;
- 7) to take measures for the protection of human rights and freedoms, strengthening of public order and prevention of crime;
- 8) to implement the State foreign policy;
- 9) to conclude and implement international treaties in consultation with and subsequent ratification by the State Ikh Khural as well as to conclude and abrogate intergovernmental treaties.

3. The specific competences, organization and procedure of the Government shall be determined by law.

Article Thirty nine

1. The Government shall comprise the Prime Minister and members.
2. The Prime Minister in consultation with the President, shall submit his/her proposals on the structure and composition of the Government and on the changes in these to the State Ikh Khural. If the Prime Minister has not reached consensus with the President within 7 days he/she shall submit proposals to the State Ikh Khural by himself/herself.
3. The State Ikh Khural shall consider the candidates proposed by the Prime Minister one by one and take decision on their appointment.

Article Forty

1. The term of the mandate of the Government shall be four years.
2. The terms of office of the Government shall start from the date of the appointment of the Prime Minister by the State Ikh Khural and terminate upon the appointment of a new Prime Minister.

Article Forty one

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

Article Forty two

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

Article Forty three

1. The Prime Minister may tender his/her resignation to the State Ikh Khural before the expiry of his/her terms of office if he/she considers that the Government is unable to exercise its power.

2. The Government shall step down in its entirety upon the resignation of the Prime Minister or if half of the members of the Government resign at the same time.

3. The State Ikh Khural shall consider the matter and make a final decision within 15 days after taking initiative to dissolve the Government or receiving the President's proposal or the Prime Minister's statement on resignation.

4. The State Ikh Khural shall consider and take decision on the dissolution of the Government if not less than one fourth of the members of the State Ikh Khural formally propose the dissolution of the Government.

Article Forty four

If the Government submits a draft resolution requesting a vote of confidence, the State Ikh Khural shall proceed with the matter in accordance with paragraph 3 of Article 43.

Article Forty five

1. The Government in conformity with legislation and within its power shall issue resolutions and ordinances which shall be signed by the Prime Minister and the Minister responsible for its application.

2. If these resolutions and ordinances are incompatible with legislation, the Government itself or the State Ikh Khural shall invalidate them.

Article Forty six

1. Ministries and other government offices shall be constituted in accordance with law.

2. Genuine civil servants shall be Mongolian citizens. They shall strictly abide by the Constitution and other laws and work for the benefit of the people and in the interests of the State.

3. The working conditions and social guarantees of civil servants shall be determined by law.

FOUR. THE JUDICIARY

Article Forty seven

1. In Mongolia the judicial power shall be vested exclusively in courts.

2. The unlawful establishment of a court under any circumstances and exercise of judicial power by any organization other than court shall be prohibited.

3. Courts shall be established solely under the Constitution and other laws.

Article Forty eight

1. The judicial system shall consist of the Supreme Court, Aimag and capital city courts, Soum, inter-soum and District courts. Specialized courts such as criminal, civil and administrative courts may be formed. The activities and decisions

of these specialized courts shall not but be outside the supervision of the Supreme Court.

2. The organization of courts and the legal basis of their activities shall be determined by law.

3. The courts shall be financed from the State budget. The State shall ensure economic guarantee of the court's activities.

Article Forty nine

1. Judges shall be independent and subject only to law.

2. Neither a private person nor any official including the President, Prime Minister, members of the State Ikh Khural and the Government, officials of political parties or other mass organizations shall interfere with the exercise by the judges of their duties.

3. The General Council of Courts shall function for the purpose of ensuring the independence of the judiciary.

4. The General Council of Courts, without interfering in the activities of courts and judges, shall deal exclusively with the selection of judges from among legal professionals, protection of their rights and other matters pertaining to the ensuring of conditions for guaranteeing the independence of the judiciary.

5. The organization and procedures of the General Council of Courts shall be determined by law.

Article Fifty

1. The Supreme Court shall be the highest judicial organ and shall exercise the following power:

1) to try at first instance criminal cases and legal disputes under its jurisdiction;

2) to examine decisions of lower-instance courts through appeal and supervision;

3) to examine and take decision on matters related to the protection of law and human rights and freedoms therein and transferred to it by the Constitutional court and the Prosecutor General;

4) to provide official interpretations for correct application of all other laws except for the Constitution;

5) to make judgements on all other matters assigned to it by law.

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

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

Article Fifty one

1. The Supreme Court shall comprise the Chief Justice and judges.
2. The President shall appoint the judges of the Supreme Court upon their presentation to the State Ikh Khural by the General Council of Courts, and appoint judges of other courts on the proposal of the General Council of Courts. The President shall appoint the Chief Justice of the Supreme Court for a term of six years on proposal of the Supreme Court from among its members.
3. A Mongolian citizen who has reached thirty five years of age with higher education in law and a professional career of not less than 10 years may be appointed as a judge of the Supreme Court. A Mongolian citizen who has reached twenty five years of age with higher education in law and a professional career of not less than 3 years may be appointed as a judge of the other courts.
4. Removal of a judge of a court of any instance shall be prohibited except in cases he/she is relieved at his/her own request or removed on the grounds provided for in the Constitution and/or the Law on the judiciary and by a valid court decision.

Article Fifty two

1. Courts of all instances shall consider and make judgement on cases and disputes on the basis of collective decision-making.
2. In passing a collective decision on cases and disputes, the courts of first instance shall allow representatives of citizens to participate in the proceedings in accordance with the procedures prescribed by law.
3. A judge alone may decide those cases, which are specifically singled out for such trial by law.

Article Fifty three

1. Court trials shall be conducted in the Mongolian language.
2. A person who does not know Mongolian shall be acquainted with all the facts of the case through translation and shall have the right to presentation on his/her native language at the trial.

Article Fifty four

Court trials shall be open to the public except in cases specified by law.

Article Fifty five

1. The accused shall have a right to defend himself/ herself.
2. The accused shall be accorded legal assistance according to law or at his/her request.

Article Fifty six

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

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

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

CHAPTER FOUR ADMINISTRATIVE AND TERRITORIAL UNITS OF MONGOLIA AND THEIR GOVERNING BODIES

Article Fifty seven

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

2. Legal status of towns and villages within the administrative and territorial units shall be determined by law.

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

Article Fifty eight

1. Aimag, the capital city, Soum and District are administrative, territorial and socio-economic complexes with their functions and administrations provided for by law.

2. Borderlines of Aimags, the capital city, Soums and Districts shall be approved by the State Ikh Khural on the Government submission.

Article Fifty nine

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

2. The self-governing bodies in Aimag, capital city, Soum and District shall be Khurals of Representatives of the citizens of respective territories; in Bagh and Khoroo - Public Meetings of citizens. In-between the sessions of the Khurals and Public Meetings their Presidiums shall assume administrative functions.

3. Khurals of Aimags and the capital city shall be elected for a term of four years. The members quantity of these Khurals as well as those of Soums and Districts and the procedure of their election shall be determined by law.

Article Sixty

1. State authority shall be exercised on the territories of Aimags, the capital city, Soums, Districts, Baghs and Khorooos by their respective Governors.

2. Candidates for Governors are nominated by the Khurals of respective Aimags, the capital city, Soums, Districts, Baghs and Khorooos. Governors of Aimags and the capital city are appointed by the Prime Minister; Governors Soum and District by the Governors of Aimags and the capital city; Governors of Baghs and Khorooos by the Governors of Soums and Districts respectively for a term of four years.

3. In case the Prime Minister and Governors of higher levels refuse to appoint the gubernatorial candidates, new nominations shall be held in the manner prescribed in Paragraph 2 of this Article. Pending the appointment of a new Governor the previously appointed Governor shall exercise his/her mandate.

Article Sixty one

1. While working for the implementation of the decisions of a respective Khural, a Governor, as a representative of State authority, shall be responsible to the Government and the Governor of higher instance for proper observance of national laws and fulfillment of the decisions of the Government and the respective superior body in his/her territory.

2. Governor shall have a right to veto decisions of respective Aimag, capital city, Soum, District, Bagh and Khoroo Khurals.

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

4. Governors of Aimag, the capital city, Soum and District shall have secretariats /Offices of the Seal/. The Government shall determine the structure and staff limit of these offices individually or by a uniform standard.

Article Sixty two

1. Local self-governing bodies besides making independent decisions on matters of socio-economic life of the respective Aimag, the capital city, Soum, District, Bagh and Khoroo shall organize the participation of the population in solving problems of national scale and that of higher territorial units.

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

3. If the State Ikh Khural and the Government deem it necessary they may delegate some matters within their power to the Aimag and capital city Khurals and Governors for their solution.

Article Sixty three

1. Khurals of Aimag, the capital city, Soum, District, Bagh and Khoroo shall adopt resolutions and Governors shall issue ordinances within their power.

2. Resolutions of the Khurals and ordinances of the Governors shall be in conformity with law, Presidential decrees and decisions of the Government and other superior bodies, and shall be binding within their respective territories.

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

CHAPTER FIVE THE CONSTITUTIONAL COURT OF MONGOLIA

Article Sixty four

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

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

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

Article Sixty five

1. The Constitutional court shall consist of 9 members. Members of the Constitutional court shall be appointed by the State Ikh Khural for a term of six years upon the nomination of three of them by the State Ikh Khural, three by the President and the remaining three by the Supreme Court.

2. A member of the Constitutional court shall be a Mongolian citizen who has reached forty years of age and has high political and legal qualification.

3. The Chairman of the Constitutional court shall be elected from among 9 members for a term of three years by a majority vote of the members of Constitutional court. He/she can be re-elected once.

4. If the Chairman or a member of the Constitutional court violates law, he/she may be withdrawn by the State Ikh Khural based on decision of the Constitutional court and on suggestion of the institution which nominated him/her.

5. The President, member of the State Ikh Khural, the Prime Minister, members of the Government and justice of the Supreme Court shall not be a member of the Constitutional court.

Article Sixty six

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

2. The Constitutional court in accordance with Paragraph 1 of this Article shall make and submit conclusion to the State Ikh Khural on:

1) the conformity of laws, decrees and other decisions of the State Ikh Khural and the President, as well as Government decisions and international treaties to which Mongolia is a party with the Constitution;

2) the conformity of national referendums and decisions of the Central election authority on the elections of the State Ikh Khural and its members as well as on Presidential elections with the Constitution;

3) whether the President, Chairman and members of the State Ikh Khural, the Prime Minister, members of the Government, the Chief Justice of the Supreme court and the Prosecutor General breached the law;

4) whether the grounds for the removal of the President, Chairman of the State Ikh Khural and the Prime Minister and for the recall of members of the State Ikh Khural existed.

3. If a conclusion submitted in accordance with sub-paragraph 1 and 2 of Paragraph 2 of this Article is not accepted by the State Ikh Khural, the Constitutional court shall re-examine it and make final judgement.

4. If the Constitutional court decides that the laws, decrees and other decisions of the State Ikh Khural and the President as well as Government decisions and international treaties to which Mongolia is a party are inconsistent with the Constitution, the laws, decrees, instruments of ratification and decisions in question shall be considered invalid.

Article Sixty seven

Decisions of the Constitutional court shall enter into force immediately.

CHAPTER SIX

AMENDMENT TO THE CONSTITUTION OF MONGOLIA

Article Sixty eight

1. Amendments to the Constitution shall be initiated by organization and officials enjoying the right to legislative initiative and could be submitted by the Constitutional court to the State Ikh Khural.

2. A national referendum on constitutional amendment may be held on the concurrence of not less than two thirds of the members of the State Ikh Khural. The referendum shall be held in accordance with the provisions of sub-paragraph 16 of Paragraph 1, Article 25 of the Constitution.

Article Sixty nine

1. An amendment to the Constitution shall be adopted by not less than three fourths of votes of all members of the State Ikh Khural.

2. A draft amendment to the Constitution which has twice failed to win three fourths of votes of all members of the State Ikh Khural shall not be subject to consideration until the State Ikh Khural sits in a new composition following general elections.

3. The State Ikh Khural shall not undertake amendment of the Constitution within 6 months prior to the next general elections.

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

Article Seventy

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

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

Learn and Abide

THE STATE IKH HURAL OF THE MONGOLIAN PEOPLE'S REPUBLIC

13 January 1992, Ulaanbaatar