

LAW OF MONGOLIA

8 June 2001

Ulaanbaatar

ON PROTECTION OF CULTURAL HERITAGE

CHAPTER ONE

General

Article 1. Purpose of the Law

- 1.1. The purpose of this law is to govern relations pertaining to investigation, registration, study, ranking, evaluation, conservation, protection, publicizing, restoration, perpetuating transmission, ownership, possession and utilization of cultural heritages.

Article 2. Legislation on Protection of Cultural Heritage

- 2.1. The legislation on protection of cultural heritage shall consist of the present law and other legal acts of legislation enacted in conformity therewith.
2.2. If an international agreement to which Mongolia is party provides otherwise than the provisions of this law, the former shall prevail.

Article 4. Intangible Cultural Heritage

- 4.1. The intangible cultural heritage of Mongolia includes intellectual cultural properties possessing significance in the areas of history, ethnography, folk wisdom, customs, artistry, techniques, art and science, which have been transmitted through traditional non-physical means, and which are clear expressions of folk talent, knowledge and experience:
- 4.1.1. Mother language, script and associated culture;
 - 4.1.2. Oral literature;
 - 4.1.3. Folk songs (short and long songs) and epics, and the techniques of singing or narrating them;
 - 4.1.4. Labor-related songs and chants;
 - 4.1.5. Khoomii (throat singing), whistling, clicking of the lips and palate, and other non-vocal musical forms created with the mouth and speech organs;
 - 4.1.6. The techniques of producing and playing traditional musical instruments, and the techniques of melodic notation;
 - 4.1.7. Traditional folk dance and physical expression (bii, biyelgee);
 - 4.1.8. Techniques of expressions of gifted performers of contortion and circus acts;
 - 4.1.9. Folk school of handcrafts production;
 - 4.1.10. Traditional folk customs and ceremonies;
 - 4.1.11. Traditional folk knowledge and wisdom;
 - 4.1.12. Traditional folk symbolism.

- 5.5....upon proposal of the professional committee, the Cabinet Member in charge of cultural and science affairs shall approve the list of gifted and talented persons who inherited intangible cultural heritages to a high level of mastery and a revision or amendment to be made to this list.
- 5.6.The state central administrative agency in charge of cultural and science affairs shall be responsible for facilitating inclusion of some extremely valuable historical and cultural heritages in the World Heritage List compliant to the relevant procedure.

CHAPTER TWO

State registration and database of cultural heritages

Article 6. Structure of the state integrated registration and database of cultural heritages

- 6.1.The structure of the state integrated registration and database of cultural heritages (hereinafter referred to as “registration database”) shall be as follows:
 - 6.1.1. Registration databases at the organizations that store cultural heritages;
 - 6.1.2. Registration databases of soums, aimags and the capital city;
 - 6.1.3. State integrated registration database;
- 6.2.The cultural heritage registration databases of aimags and the capital city shall be under the jurisdiction of the governors’ offices and the state integrated registration database shall operate under the jurisdiction of the state central administrative agency in charge of cultural and science issues.

Article 7. Composition of the registration databases

- 7.1.A registration database shall consist of the description of the cultural heritage, summary report of the researches, photos, slides, audio/video tapes and CD’s, and the executive summary of restoration works made.
- 7.2.A registration database base shall include comprehensive information necessary for determining the ranking, conservation, protection, perpetuating transmission, as well as sufficient for facilitating restoration of historical and cultural heritages in the event of disappearance or failure of perpetuation intangible cultural heritages.

Article 8. Registration of cultural heritages

- 8.4.The amiang and the capital city governors shall be responsible for organizing registration of cultural heritages in the registration database.
- 8.5.The cabinet member in charge of cultural and science affairs shall establish the procedure for constituting of a registration database and registration of cultural heritages in the therein.

- 8.6....a certificate of possession of a cultural heritage of outstanding human creative genius shall be conferred to the owners or successors of the cultural heritage within 30 days after the approval of the list specified in Provision 5.5.
- 8.8. The aimag and the capital city governors shall monitor the accession and composition of the registration databases of organizations attending local historical and cultural heritages and submit research works, reports and other relevant information to the state integrated registration database.
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- 8.10. In the event that a foreign organization or citizen or a foreign citizen, at one's discretion, hands over cultural heritage properties related to Mongolian history or culture, the cabinet member in charge of cultural and science affairs shall set the procedure for registering and evaluating the property handed over as such.

CHAPTER THREE

Investigation/identification, study, publicizing and utilization of cultural properties

Article 9. Investigation and study of cultural heritages

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- 9.2. Professional scientific research organizations or persons shall undertake the activity of investigation/identification and study of cultural heritages compliant with the relevant regulations and procedures.
- 9.3. The procedure for investigating and studying cultural heritages shall be stipulated by the cabinet member in charge of cultural and science affairs.
- 9.4. Upon receipt of permission of the state central administrative agency of cultural and science affairs, a research organization may conduct study and research activities on the state owned extremely valuable historical and cultural heritages based on an agreement.
- 9.5. When making detailed study of a historical or cultural heritage, the professional research organization that explored and discovered that heritage shall exercise a preferential right.
- 9.6. The summary report of a research and study work shall be kept by the aimag or the capital city registration database.
- 9.7. The state central administrative agency shall issue the consolidated annual report of study of cultural heritages and incorporate in the state integrated registration database.

Article 10. Publicizing and utilization of cultural heritages

- 10.1. Historical and cultural heritages in the ownership of the state shall be utilized for publicizing, study and training purposes.
- 10.2. When utilizing cultural heritage properties stored in museums and libraries for the purpose of publicizing, research and training, any deterioration to or loss of the property shall be strictly avoided.

- 10.5. The government shall establish the procedure for duplication of or production of souvenir items resembling a historical and cultural heritage, or production of films, video recordings, photos, postage stamps, post cards and albums of or about such heritages.
- 10.6. Based on an agreement with the owner or possessor of a cultural heritage registered in the registration database, the state central administrative agency or a cultural organization authorized by the latter may exhibit or perform the cultural heritage in the exhibitions or performances organized nationally or internationally on a temporary basis. The agreement shall specify the utilization conditions, terms, price, insurance premium, amount of payment to the owner or holder, responsibilities of the utilizing party and protection guarantee.

Article 15. Rights and duties of the holder of the state owned historical and cultural heritages

- 15.1. The holder of a historical and cultural heritage shall exercise the following rights:
 - 15.1.1. Compliant to the agreement made with the owner, exhibit and publicize the historical and cultural heritages registered in the registration database and take a certain proportion of the income produced by such activities;
 - 15.1.2. With regard to the rank of the historical heritages, temporarily exchange or purchase the heritages involved;
 - 15.1.3. Investigate, collect and make further study of historical and cultural heritages.
- 15.2. The holder of a historical and cultural heritage shall have the following duties:
 - 15.2.1. Duties set forth in Provision 14.2.1, 14.2.3 and 14.2.4;
 - 15.2.2. Subject the tangible historical and cultural heritages to an insurance policy, and ensure intactness and protection;
 - 15.2.3. Avoid transferring one's right to hold or utilize the historical and cultural heritages to other persons without permission of the owner.

CHAPTER SIX

Chapter 18. Perpetuation of transmission of intangible cultural properties to the next generation

- 18.1. The state central administrative agency or the governor of the relevant administrative level shall organize the activity of studying, publicizing, succession and protection of the intangible intellectual cultural properties inherited by the persons specified in Provision 5.5 herein with regard to the history, customs, traditions and living conditions of the ethnic group to which the involved person belong.
- 18.2. The state central administrative agency in charge of cultural and science affairs shall organize national folklore festival in every five years with a purpose to enhance the talents and skills of the successors of intangible cultural heritages, and to promote, publicize, and discover new talents.

CHAPTER SEVEN

Other

Article 22. Incentives and awards for individuals, economic entities and organizations that took active part in protection of cultural heritages

22.1. The state central administrative agency in charge of cultural and science affairs shall organize the activity of advertising and awarding individuals, economic entities and organizations that made contribution to cultural heritage protection efforts including investigation, identification, preservation, and accession/expanding of the funds of museums, archives and libraries.

22.2. The procedure for advertising/promoting and awarding the individuals, economic entities and organizations specified in the above provision shall be established by the government.

Article 22¹. Monitoring of cultural heritages

22¹.1. Monitoring of cultural heritages shall be undertaken by the state specialized inspection agency, state inspectors and governors in all administrative levels.

22¹.2. The organization that undertakes professional monitoring shall oversee the implementation of the laws, statutory acts, regulations, procedures and relevant norms and standards pertaining to protection of cultural heritages.

Article 23. Responsibilities and penalties for persons violating the legislation

23.1. In case where a violation of the law on protection of cultural heritages is not subjected to criminalization, a judge, state inspector of cultural heritage, and governors of soum or district shall impose the following penalties on the responsible person:

L. ENEBISH

SPEAKER
PARLIAMENT OF MONGOLIA

(Revisions and amendments made on 30 November 2001, 2 January 2003 and 16 April 2004 are included).

Note: This is the translation of a part of the Law on Protection of Cultural Heritages that related only to intangible and non-physical cultural heritage was