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THE STATE BORDER DOCUMENTATION POLICY AND ITS IMPLEMENTATION

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ABSTRACT

The international community considers the border policy to be a crucial aspect of the country's security and political strategy. The resolution of the state border issue has been in accordance with agreements, domestic laws, programs, and projects related to Mongolia's international border.

Therefore, the Mongolian government developed and approved the document "The basis of the Mongolian government's border policy" in 2002 to establish a legal framework for coordinating state border activities, addressing related issues, and ensuring border protection.

This document is based on the provisions of the Constitution, National Security and foreign policy concepts, and aims to evaluate the implementation of laws and international agreements while optimizing the legal environment. The document remains in force since its approval by the National Assembly in 2002.

This supporting document outlines an ideological system that upholds the state's independence, sovereignty, territorial integrity, and the inviolability of its borders. It also includes mechanisms for ensuring state border security, as well as the goals, objectives, principles, and main directions for its implementation. This document has been crucial in maintaining the continuity of government policy.

In an era of increasing complexity in the global and regional security landscape, countries are focusing on safeguarding border security, addressing potential threats and risks, and maintaining national borders and territorial integrity. This underscores the significance of emphasizing unity, shared interests, and collective security over individual national interests and security.

From ancient times (Great Mongolia) to the present day, Mongolia has consistently prioritized its border security and has implemented various policies and activities to safeguard the integrity of its borders.

There has always been a requirement to create policy documents for border protection and enhance legal capabilities to safeguard the integrity of the state border, as well as to coordinate and oversee national border protection efforts based on societal needs, aims, and objectives.

In light of Mongolia's development policy and legal reform, the state military and institutions with special functions are undergoing reform. A series of state policy and legal documents have been updated and approved, establishing a legal framework. Consequently, there is a pressing need to review the government's border policy, which has remained unchanged for two decades.

KEYWORDS

Government Policy on Borders, Government Agencies, Security, Borderlines, Border Regions, Neighboring Nations, Borderlands, Border Incursions, Border Disputes

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Introduction.

In Mongolia, the Constitution and over 680 laws that have been revised to align with it currently govern social relations. Among these, more than 70 laws specifically pertain to the state border, its safeguarding, border military services, and related activities, with an additional 30 laws indirectly addressing these issues. Given the historical context of the legal system and the duration of its enforcement, Mongolia has faced challenges in maintaining border security and coordinating state border protection on a national scale.

Improving the legal regulation of state borders, border relations, and border protection organizations is a pressing need. A special law was enacted to address these issues, known as the "Border protection Law of the Mongolian People's Republic," which was approved by Decree number 161 on July 16, 1973, by the leaders of the People's Great Khural of the Mongolian People's Republic.

This law played a crucial role in establishing a comprehensive legal framework for managing border relations in Mongolia.

It seems you are discussing key historical events in Mongolia, particularly focusing on the Democratic Revolution of 1990, the subsequent constitutional changes in 1992, and the legal reforms that addressed national integrity and border security.

The Democratic Revolution marked a significant shift from a one-party socialist system to a multiparty democracy, enabling greater political freedom and international engagement. The 1992 Constitution established a legal framework for governance and emphasized the importance of national sovereignty and territorial integrity. In 1992, the Constitution affirmed that "the territorial integrity and border of Mongolia shall be inviolable" and "the border of Mongolia shall be safeguarded by law".

During the legal and military-technical reform period, Mongolia focused on strengthening its national defense capabilities and ensuring the protection of its borders, which was crucial given its geographical position and historical dynamics with neighboring countries. This period likely involved revising military policies, enhancing border security measures, and fostering international partnerships to safeguard the nation's interests.

The Democratic Revolution of 1990 occurred in our country, the Constitution was ratified in 1992, and the law established the objectives of "the integrity of Mongolia's territory and the inviolability of its state borders," along with the political, social, economic, and legal regulation of social relations within the country. This marked the beginning of extensive legal and military-technical reforms, during which Mongolia's borders, defense, and related issues were addressed as part of this reform process.

Furthermore, the policy of military reform intensified, with parties, coalitions, associations, and non-governmental organizations of the time voicing their opinions regarding the state border. Citizens traveled to neighboring countries and beyond, while young border police officers left their posts to enter the market. In 1993, a new "Border Law" was drafted and enacted in response to issues such as personnel instability and a significant rise in crimes and serious violations at the state border.

This law ensures the protection of Mongolia's border and its inviolability during the transition period, organizes the state's border and its safeguarding under new conditions, stabilizes the structure, organization, and operations of the Border Protection Organization, and clarifies the main functions and powers of the border guard organization. Additionally, it addresses the involvement of state administrative and local organizations, as well as citizens, in border protection, and successfully resolves the provision of social security for border guards. Its principles and ideals continue to be implemented today.

The border policy serves as the foundational document of the state, underpinning Mongolian laws and international treaties and agreements related to national borders, the inviolability of those borders, and the security of border areas, all grounded in the Constitution. The structure and content of the Mongolian government's border policy are as follows:

- a shared foundation outlining the content, goals, objectives, and terms of the border policy;
- the fundamental direction that illustrates the development and enhancement of mechanisms for upholding the state border, ensuring the inviolability of the border, securing the territory adjacent to the border, and refining the structure and operations of border protection and control organizations;
- the framework, including the conditions for executing the policy.
- This document outlines a comprehensive and ongoing Mongolian state policy that encompasses the social, political, organizational, economic, diplomatic, military, intelligence, and legal frameworks pertaining to the country's borders and security.

The policy's key provisions emphasize the importance of maintaining open and peaceful borders, ensuring their inviolability through the intensive development of border areas, and safeguarding the borders

with specialized border guards and advanced technical equipment. It primarily relies on political and diplomatic methods while enhancing the involvement of government institutions and citizens.

The following aspects are included:

- to enhance the legal framework in which the state policy on border issues is unified and activities are coordinated;
- creating conditions to ensure the established border remains unchanged and its inviolability is upheld;
- articulated the official stance of the Mongolian government, which aims to resolve any border issues through peaceful means;
- defining the government's vision for the border area, its development, and ensuring social security for those who work and reside there;
- to align the laws and regulations applicable to all organizations involved in state border protection with the interests of state border security, and to establish a mechanism for coordinating their activities;
- to highlight the importance of widely implementing control and detection equipment in state border protection, utilizing efficient and cost-effective methods whenever possible;
- to enhance the functions, jurisdiction, structure, composition, armament, and supply of state border protection organizations, increasing their role in state border security, and ensuring the enhancement of independent operations, opportunities, and capabilities;
- organizations engaged in state border protection and implementing measures aimed at improving the social welfare and security of citizens.

The Border Protection Organization and Development Trends.

To understand how the concept of border protection organizations (BPO) is defined internationally, we can examine examples from various countries. The concepts and developmental approaches of border protection organizations in nations with tense border situations, high rates of cross-border conflicts and crimes, and advanced technological and economic development differ significantly. By comparing these approaches, we can gain insights into the future direction of international border protection organizations.

The state's border policy aims to address the challenges emerging in all aspects of life within the border region. The need for implementing this policy is influenced by both external and internal factors. For instance, in the case of the United States, there are conflicting issues in its relations with Mexico and Caribbean nations. Similarly, European countries face challenges related to the forced occupation of border territories and the non-recognition of current citizenship and territorial claims.

- The following main factors influence the Russian Federation:
 - Some sections of the state border with neighboring countries remain undetermined;
 - Ongoing border conflicts could escalate into significant disputes between nations;
 - The "Iron curtain" border policy of the former Soviet Socialist Republic has been abandoned;
 - The Russian Federation urgently needs to safeguard its external borders, as well as those of independent commonwealths;
- Factors such as the expanded responsibilities of the Federal Border Service of the Russian Federation, increased accountability for combating illegal immigration, and cross-border international crimes at state borders and border areas;
 - In contemporary times, every country has a state border policy sanctioned by its head of state, which must be implemented.

This crucial political document outlines the primary directions for the country to engage with neighboring nations and address any complex border issues

The Russian Federation has incorporated 17 state ministries, agencies, and offices into the Border Policy Organization of the Permanent Commission of the Security Council to ensure the state's border policy and its execution.

This indicates that national border protection is not solely the responsibility of the Border Service organization. It is a domain that integrates and interacts with various other sectors, including the economy, nation, society, politics, military, ecology, technology, culture, worldview, spirituality, and more.

According to the 1973 resolution of the State Council and the Central Military Council of the People's Republic of China, the Border State Policy applicable to Mongolia, the Soviet Union, Korea, Vietnam, Laos, Pakistan, and Nepal, as well as the Border State Policy established in 1983 for India, Bhutan, and Burma, along with the Law on foreigners visiting the People's Republic of China, the Law on border entry of citizens of the People's Republic of China, the Law on nationality, the Law on ports, and the Law on land borders of the

People's Republic of China, approved in 2020, encompasses border security and inspection while coordinating the activities of the office accordingly.

"State Border Policy" serves as the foundation for state border protection policies and activities, fulfilling the primary functions of ensuring the inviolability of the state border, maintaining border security, and safeguarding the territory surrounding the border. It is believed that the historical significance of this strategic and border policy document has been realized.

The legal documents concerning Mongolia's border protection and the establishment of a unified implementation system have been thoroughly enacted; however, their practical application remains inadequate. It is well-known that citizens are losing faith in the activities of specialized organizations, which face ongoing criticism for not fulfilling their fundamental responsibilities as outlined by the law.

Every year, the State Great Khural is obligated to report on its implementation and fulfillment, determine the additional budget and funds necessary for execution, and make additions, changes, and clarifications in line with the current circumstances that have arisen; however, none of these actions have been carried out to date.

To ensure the inviolability of the state border and to organize and manage state border protection at the national level, based on the needs, goals, and objectives of society, there is a necessity to enhance the policy documents according to the evolving time and demand.

To ensure border security and the safety of the border area, the border protection organization must adhere to the following measures in line with the aforementioned policy of the Mongolian government regarding the border:

- Establishing and participating in international treaties and agreements to uphold the inviolability of the state border and the security of the territory surrounding it, while respecting and enhancing relevant laws and regulations;
- Improving the ownership of border areas and strips in accordance with the regional development concept, and implementing social and economic measures for the advancement of the border area;
- Preserving traditional Mongolian names and historical and cultural monuments located within the state border and its vicinity;
- to maintain the natural resources and strategically important assets in the border area under state control;
- to enhance relations established with relevant institutions of neighboring countries regarding border issues;
- to prevent armed attacks and aggression along the country's borders, prioritizing peaceful resolutions to conflicts and confusions arising from border matters;
- to collaborate with neighboring and other countries in combating cross-border crime, preventing the spread of natural disasters, highly contagious diseases affecting humans and animals, and addressing humanitarian and ecological challenges in border areas;
- comprehensive implementation of measures to prevent, promptly detect, halt, and resolve activities threatening the inviolability of the state border and the security of the surrounding territory;
- to avert chaos in border areas and at border crossings;
- based on the principles of equal and mutually beneficial cooperation, operate border ports with infrastructure and facilities that meet the requirements for conducting border inspections;
- qualification of personnel within the state border protection organization;
- will focus on fostering citizens' patriotism and respect for state borders, border regimes, and procedures.

In addition to these directions and measures, border security represents a unified policy and coordinated political, legal, diplomatic, economic, and environmental strategies of the state authorities aimed at safeguarding national interests in border areas and executing the policies adopted by the government concerning the border. Comprehensive activities of intelligence and state border protection should be ensured.

By fully implementing the "State Border Policy" of the Government of Mongolia, the Border Guard Organization, and related entities, the policy to be adhered to will be organized, its continuity will be ensured, and it will serve as a guiding document throughout any government period, addressing issues related to the state border. The primary objective of this document is to facilitate comprehensive solutions and to establish a foundational concept for the creation of laws and international agreements on this matter.

The policy adopted by the state to ensure border security is grounded in the social, political, and economic conditions of the country, as well as the military-political landscape of the region and neighboring nations. Its implementation is significantly influenced by the following factors:

- the military-political situation of regional and neighboring countries and interstate relations;
- the stability of the country's government and society, along with its international standing;
- disparities in the social and economic development of neighboring countries and their border protection status;
- state borders and the conditions of border regime agreements;
- the nature, climate, geographical features of border areas, and local administrative structures;
- population density in border regions and the composition of communities residing there (ethnicity, customs, criminality, etc.);
- border infrastructure (engineering structures such as mesh barriers, fortifications, ditches, etc.);
- the personnel and departmental status of the border protection organization;
- the provision of weapons and equipment;
- and the status of information.

From this, it is evident that the state border and its security are crucial measures for ensuring the country's independence, national security, and territorial integrity.

Conclusions.

It is natural that the implementation of the state's policy regarding the state border and its security should be ensured by concentrating the policy activities of the entities responsible for the inviolability of the state border on the border itself and in the surrounding areas, aligning them with real factors and enhancing the outcomes of joint interaction.

Regarding the border and its security, the government of Mongolia should primarily respect the independence of other countries while safeguarding its own nation's independence, ensuring national security and territorial integrity, and maintaining the inviolability of the national border as a vital link between countries.

In the current context, where terrorism and transnational organized crime in the information age have raised alarms not only for the country but also for the region, our nation must focus on enhancing its policies and activities to ensure security at its borders and reforming the legal regulations governing border security. The main functions of the Border Protection Organization have been altered by the revision of the Law on Borders, along with provisions to guarantee national and border security in the border areas.

Given the current political and social landscape in the world and the region, along with the defense strategies of neighboring nations, Mongolia's border security is not under immediate threat. However, there is a potential long-term risk that needs to be addressed. Therefore, it is essential to focus on the following policy matters to enhance border security.

1. Article 102 of the United Nations Charter requires that any treaty or international agreement made by a UN member be promptly registered and published by the Secretariat. This will enable subsidiary bodies, such as the International Court of Justice, to address the matter. Therefore, it is essential to register the relevant provisions of the Mongolian-Russian border agreement with the UN. This will establish an international legal framework for resolving any disputes concerning Mongolia's northern border.

2. Form and participate in interstate agreements aimed at preventing military threats, tensions, and armed and unarmed conflicts along the country's borders and in border regions ("Agreement on Mutual Cooperation on Border Issues of the Member States of the Shanghai Cooperation Organization");

3. Present Article 3.1.2.8 of the third chapter "Components of National Security and Ways to Ensure it" of the Concept of National Security of Mongolia, "Inviolability and Integrity of Borders and Territories," to the State Great Khural and incorporate amendments stating that "we will collectively safeguard national border security under the principle of 'one border, two countries' through mutual trust and understanding with neighboring nations."

4. Amendments to the Law on the Government of Mongolia, the Law on National Security, the Concept of National Security, the State Policy on Borders, and other related laws "On Border Security" will be made.

5. The Government of Mongolia will implement Clause 5.4 of Article 5 of the Law on Borders by issuing "Procedures for creating a unified system for ensuring border security and coordinating civilian activities of organizations" to ensure mutual border security of organizations with special functions for national security.

6. Due to the low population concentration in Mongolia's border regions leading to potential neglect, measures will be taken to provide tax, health, and social care services for citizens residing in these areas, along with establishing a legal framework for incentives in remote regions.

By addressing these concerns, Mongolia will establish a new legal framework for its borders, guarantee border security, and effectively enforce government border policies.

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