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THE CURRENT RISK ANALYSIS OF BORDER PORTS IN MONGOLIA

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ABSTRACT

Mongolia, a country with a low population density and an area of 1.56 million square kilometers, shares borders with Russia to the north and China to the south. Mongolia's border crossings play a crucial role in an economy heavily reliant on mining exports and constrained by limited land area.

The fast-paced growth of the global economy, shifts in border management at the state border and border regions from foreign countries, the rise in operations and output of private businesses in border regions and zones domestically, the swift increase in the transportation of raw materials and products across state borders, and the movement of individuals, all have a direct impact on the country's economic performance. These factors have influenced Mongolia's economic security, which is fundamental to its existence, as well as border security, particularly border control activities carried out by organizations. Despite the Port Revitalization Policy's anticipated role in addressing the growing burden of border checkpoints and associated risks at ports, Mongolia's border checkpoints continue to operate with the same staffing levels and structure as in the 1980s and 1990s, resulting in unchanged throughput capacity. During that period, the number of passengers and vehicles crossing the Mongolian border was significantly lower, and the infrastructure and capacity were sufficient. However, the current workplace capacity is inadequate, leading to high workloads for border control agency employees. Additionally, there is no differentiation between vehicles entering and exiting customs, complicating the duties of border checkpoint employees and creating conditions for disorder.

KEYWORDS

Border Ports, Border Risk, Border Law, Economic Security, Infrastructure

CITATION

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Introduction.

Mongolia is a landlocked country with a population of approximately 3.3 million people in 1.56 million square kilometers, bordered by Russia to the north and China to the south. Border crossings play a crucial role in Mongolia's export-driven economy, particularly in the mining sector, which includes coal, copper, and uranium. In 2023, mining products made up 81 percent of Mongolia's exports and contributed 28.2 percent to its GDP. [Coface, 2023]

However, these border crossings face various risks, such as geopolitical dependencies, economic vulnerabilities, environmental challenges, security threats, and inadequate infrastructure. This article offers a comprehensive risk analysis of Mongolian border crossings and proposes potential solutions to mitigate these risks.

The Border Protection Agency is responsible for maintaining border security as outlined in Article 35, Section 35.1.6 of the Mongolian Border Law. This includes checking passengers and vehicles crossing the state border, enforcing regulations at border ports, and detecting and preventing cross-border crimes to ensure public safety and security.

As per the "Agreement between the Government of Mongolia and the Government of the People's Republic of China on the Border Regime of Mongolia and China" ratified by the Parliament on October 21, 2010, a "border violation" refers to any action in the border region that contravenes this Agreement, other agreements related to border matters between the Parties, and their respective national laws. [China–Mongolia Border Agreement, 2010].

In accordance with Article 31 of the Agreement, the border representatives and designated organizations of the Parties are required to collaborate in the prevention and resolution of the specified border violations:

- Alterations in the direction and trajectory of the border line due to natural or other influences;
- Disruption, relocation, or destruction of border markers and other border structures;
- Trespassing across the border for shooting purposes;
- Infliction of harm on the life and well-being of individuals from the other side without crossing the border or while crossing it;
- Theft, robbery, or vandalism of others' property while crossing the border;
- Unauthorized crossing of individuals and vehicles (including aircraft, watercraft, vehicles, and ice vehicles), crossing the border with livestock and pets;
- Unauthorized border crossing for agricultural, mining, hunting, and other activities;
- Illegal trafficking of individuals and goods;
- Unlawful trafficking of drugs, narcotics, weapons, and firearms;
- Transmission of infectious diseases among people, animals, and plant pests across the border;
- Dissemination of flood, water, and fire hazards across the border;
- Intentional modification of the course and contamination of border rivers and waters;
- Other violations of border regulations.

According to the Mongolian Border Law, the following actions are deemed as border violations:

1. Crossing or attempting to cross the state border by land, water, or air at a non-designated crossing point;
2. Crossing or attempting to cross the state border at a designated crossing point without a valid or with an invalid document;
3. Crossing the state border by land;
4. Unlawfully bringing or attempting to bring vehicles or objects into the state border at a non-designated crossing point.

Cross-border crimes between Mongolia and China mainly consist of illegal activities such as livestock smuggling, smuggling of prohibited and restricted goods, products, vehicles, historical and cultural relics, and raw materials of animal origin, as well as illegal hunting, fishing, and exploitation of natural resources. These activities continue to occur to some extent.

The implementation of risk management in the border and defense sectors is a novel concept for Mongolia. In 2019, the Border Guard conducted a risk assessment of border crossings in the country. Based on the findings, the following conclusions were made, classifying them as:

Risks associated with citizens crossing state borders via border checkpoints and risks of non-compliance with regulations at border checkpoints.

Risks associated with citizens crossing state borders via border checkpoints:

Based on the professional skills, personal interests, technical capabilities, availability, and satisfaction of the inspectors, the use of forged documents to enter the border was restricted and prohibited. The risk assessment identified a high level of risk for foreign citizens entering Mongolia through the state border, with a probability of occurrence being assessed as "Sometimes". The risk was determined to be present at border checkpoints throughout the year, but advancements in information technology and the electronic environment have reduced the likelihood of this risk due to the shift towards electronic control and inspection activities. A survey conducted by the border guard organization over the past 3 years recorded 237 violations, with 59 occurring in 2019. [Border Guard Report, 2019].

Risk of breaching border regulations:

The risk of intentional or unintentional violation of border regulations by various individuals and entities at border crossing points is considered to be high, with a likelihood of occurrence being occasional. This risk is ongoing throughout the year and has resulted in 226 violations over the past three years, with 85 occurring in 2019. [Border Guard Report, 2019].

The increasing number of passengers and vehicles crossing the border indicates a growing strain on border checkpoints, suggesting a trend towards an increase in this type of risk. Therefore, it is crucial to identify, prevent, and mitigate risks at border checkpoints to address this issue effectively.

In 2024, the Border Guard detected 25 individuals who breached the border in 21 instances, 32 violations of border regulations, and 258 breaches of the border regime at the Mongolian border. These incidents were handled in accordance with international agreements on border matters and relevant laws. The data from border monitoring indicated a significant decrease in border violations by 2.0 times, border regulation breaches by 2.1 times, and border regime violations by 29.7 percent compared to the same period in the previous year. The detection rate was 96.1 percent, and the resolution rate was 98.7 percent. [Border Guard Infographic, 2024].

A total of six million passengers from 153 countries and four million 300 thousand vehicles from 78 countries were screened and allowed entry through the state border. During this process, 13 individuals without proper state border entry documents, four individuals using fraudulent documents, six individuals obtaining documents under false identities, and seven individuals with forged state border entry documents were identified and addressed, totaling 30 border violations. Additionally, a radio relay line has been installed in specific border areas, and infrastructure for implementing border technology has been established. The Mongolian Border Guard Regulations are currently under review and implementation. The Mongolian government has initiated efforts to reform its border policy, aligning with the "Regional Border Guard" program approved by the Mongolian Government in 2012, which supports the regional development policy implemented by the current Government, creating a conducive environment for Border Guard development.

The Border Protection Agency is currently working on the redevelopment of border crossings in Zamyn-Uud, Altanbulag, Sukhbaatar, Gashuunsukhait, Bichigt, and Borshoo to increase inspection capacity and facilitate the passage of passengers and vehicles. This project is being carried out in collaboration with relevant professional organizations, and expansion, modernization, and construction work are in progress. [Coface, 2023].

In addition, efforts are being made to enhance border crossing security by implementing a policy to equip border crossings with an "Integrated Signal, Control, and Protection System" in stages. Special task forces responsible for port security are being provided with dedicated vehicles, weapons, special equipment, and specialized clothing, along with intensive training. Special equipment, such as the non-lethal Grand Power T-12, M-09, Stryker-X Black, and Armed Gladiator models, is being used to maintain port security and handle potential public disorder situations. [Border Guard Report, 2024]. Special cabins have been installed at border ports to increase throughput capacity, and the contracted border guard service will take over operations in 2017-2019.

While the Port Revitalization Policy is seen as crucial for addressing the issue of border checkpoint capacity being overwhelmed by increasing traffic each year, resulting in emerging risks at the ports, Mongolian border checkpoints continue to operate with outdated structures and staffing levels from the 1980s-1990s, leading to unchanged throughput capacity. [Vision 2050, 2020]. An assessment of the current situation identified potential risks at the border checkpoints, including:

- Congestion of passengers and vehicles at the state border crossings due to inadequate facilities and staffing levels that do not meet the demands of Mongolia's growing economic activities, particularly in trade.
- Operational risks within border control organizations, which operate independently under their own regulations, leading to inconsistencies in working conditions, salaries, benefits, and living expenses among employees.
- Risks related to the infrastructure of border ports, such as reliance on electricity from neighboring countries and the need for private investment in roads and other facilities.
- Social challenges faced by border port workers and their families, including limited access to education and social services.
- Addressing these risks and challenges through the implementation of the Port Revitalization Policy could help improve the efficiency and effectiveness of border operations and enhance the overall security and well-being of border port workers and their communities.

As per the Border Law, local authorities are responsible for constructing port infrastructure. However, due to regulations that transfer budget revenues to the central government, the infrastructure issues at most border crossings remain unresolved. Consequently, it has become common practice for local governments and border inspection agencies to receive assistance from neighboring entities, such as aimags and khoshuus, to address these challenges. This includes constructing port buildings and staff housing, importing energy due to infrastructure deficiencies, and utilizing the Chinese telephone network for communication with the central

government. For instance, the Bichigt, Shiveekhuren, Gashuun Sukhait, and Sumber border crossings were built with assistance from the Chinese side. [Mongolia's Long Borders, 2023].

Additionally, five sandwich houses for the Department of Foreigners and Citizenship Affairs were constructed with Chinese support at five border crossings in Dornod, Umnugovi, and Sukhbaatar aimags. Unfortunately, these structures are of substandard quality, not suitable for the local climate, and have unresolved issues with electricity and heating. These challenges pose daily risks for border control personnel.

Table 1. Comparison table of risk assessments at border checkpoints
(Altanbulag, Zamyn-Uud, and Gashuunsukhait ports are examples of border crossings)

Indicator	Altanbulag	Zamyn-Uud	Gashuun Sukhait
Port type	International	International	On both sides
Main Direction	Russia-Ukraine	China-Ulaanbaatar	Mining product exports
Operational Load	Middle	High	Very high (mainly coal transport)
Risk Factors	<ul style="list-style-type: none"> - Cold weather management issues - Illegal goods transport - Software failures 	<ul style="list-style-type: none"> - Overload - Poor coordination - Bureaucracy 	<ul style="list-style-type: none"> - Desertification - Traffic accidents - Congestion - Occupational safety
Risk level (high , medium , low)	Middle	High	High
Impact	<ul style="list-style-type: none"> - Border and customs delays - Export/import disruptions 	<ul style="list-style-type: none"> - Affects international trade flows 	<ul style="list-style-type: none"> - Delays mining exports - Impacts economic flows - Affects international obligations
Mitigation Strategies	<ul style="list-style-type: none"> - Modernize port systems - Automate controls 	<ul style="list-style-type: none"> - Improve coordination - Implement load-sharing - Digital migration 	<ul style="list-style-type: none"> - Regulate coal transport - Enhance occupational safety - Improve internal standards

Based on the findings, it can be inferred that:

- Zamyn-Uud and Gashuunsukhait ports are identified as high-risk areas.
- Zamyn-Uud port is influenced by various factors that directly impact international trade flows, necessitating close attention.
- Gashuunsukhait port serves as a crucial export gateway, highlighting the importance of stability in the mining industry.
- Altanbulag port poses a moderate level of risk, with Russian policies and winter conditions being significant factors.
- Given that a large portion of coal transportation occurs through Gashuunsukhait port, a thorough assessment of border port operations and risk identification is essential. A survey was conducted through interviews to gather insights, involving 286 individuals from the port, transport, and mining sectors. Among them, 58 percent were from the transport sector, 14 percent from the port sector, and 13 percent from the mining sector. Additionally, 51 percent were employed in government institutions, while 44 percent worked in the private sector.

The 62 percent of respondents believed that it was essential to revise the legal agreements concerning road transport and border ports between Mongolia and the People's Republic of China. Among them, 40.8 percent felt the need to amend the "Road Transport Agreement between the Government of Mongolia and the People's Republic of China," while 35.2 percent felt the need to revise the "Border Port Agreement between the Government of Mongolia and the People's Republic of China." Additionally, 78.8 percent of respondents thought it was necessary to streamline the functions of state institutions at the Gashuunsukhait Port. Regarding the National Port Revitalization Committee, 50.7 percent of respondents found their efforts to be inadequate, 26.8 percent believed they had made some progress, and 7 percent considered their achievements to be sufficient. [Border Guard Survey, 2024].

This article provides a detailed risk analysis of Mongolia's border ports, focusing on their strategic importance, current challenges, and potential mitigation strategies.

Regulations governing border crossing operations in Mongolia

The Constitution of Mongolia affirms that the country's borders are to be safeguarded by law and shall remain inviolable. In 1993, the independent Law on the Border of Mongolia was enacted to uphold this principle, ensure border security, and establish a legal framework. Alongside supporting documents such as international treaties and conventions, the National Security Concept of 2010 and the State Border Policy of 2002, the Parliament amended the Border Law in 2016. As part of the "New Revival Policy" to implement the long-term development policy "Vision 2050," six initiatives are being pursued in 2020, including the revitalization of ports. Given that port revitalization is crucial for Mongolia's regional development, the Regional Development Concept will also be enshrined in law.

Border crossing operations are entities that carry out activities related to border security. These activities are essential for safeguarding national security at the state border and surrounding areas. The primary objective of border security is to protect the state, society, and citizens from both external and internal threats. This includes upholding national interests in border regions, adhering to state and international agreements, fostering cooperation with neighboring countries, and establishing measures to prevent and address potential threats. Key goals of border security include maintaining territorial integrity, upholding state independence, promoting peaceful relations in border areas, respecting international legal norms, and preventing unauthorized changes to border boundaries. Additionally, border security involves enforcing border regulations and procedures for individuals and organizations.

The National Committee for Port Revitalization, which is not permanent, is currently focused on developing, implementing, and coordinating policies for border port development. Under this policy framework, a total of 6 sets of port revitalization projects have been approved. These projects include initiatives such as railway connections, upgrades to the railway network, construction of new railways, paving roads to connect border ports, increasing airport and border port capacities, and constructing terminals. These projects aim to enhance cargo and passenger flow, boost exports and trade volume, and support the tourism industry. Furthermore, the gradual establishment of free economic zones and dry ports will enhance the competitiveness of transportation and logistics, laying the groundwork for the country to potentially become a "Transit Country" in the future. [Vision 2050, 2020].

The documents above have received approval, and the rehabilitation activities at the port have been intensified with the support of the state budget, foreign loans, and other investments. While there is no specific law governing the activities of border ports or border inspection services independently, they are regulated to some extent by the Mongolian Border Law and other laws based on the Constitution of Mongolia. For instance, Article 28 of the Border Law outlines the regulations concerning border ports and the procedures to be followed there, including the establishment and closure of new border ports, entry suspension, duties of the state border protection organization, procedures at border ports, and security measures.

Additionally, Article 29 of the law governs the management of border ports, the National Committee for Port Rehabilitation, the General Authority for Border Protection, and their respective powers. The National Border Port Authority has approved the "General Rules to be Followed at Border Ports" as an appendix to Resolution No. 001 of 2017. (Government Resolution No. 142, 2022). The General Authority for Border Protection operates in accordance with the "Rules of Procedure of the General Authority for Border Protection" approved as an appendix to Government Resolution No. 142 of 2022. (Resolution No. 001, 2017). These regulations outline port management, security measures, and procedures for handling violations.

Conclusions

This article highlights the significant impact of the surge in global trade, investment, and movement of people across borders on border crossings. The increased traffic is a result of globalization, economic growth, regional cooperation, and enhanced international relations. This has put immense pressure on border checkpoints.

Mongolia's border crossings play a crucial role in supporting mining exports and are of significant economic and strategic importance. However, they are exposed to various risks, including geopolitical dependencies on China and Russia, economic vulnerabilities such as supply disruptions and price volatility, environmental challenges like desertification and dzud, security threats from illegal trafficking, human trafficking, and cyber threats, as well as infrastructure limitations with outdated roads and equipment. To address these risks effectively, a comprehensive approach is needed, including diversifying trade partnerships,

upgrading infrastructure and technology, and enhancing security measures. By implementing these strategies, border crossings can become more stable and efficient, contributing to economic growth and national security.

This analysis highlights that this increase in workload and environmental changes have a direct impact on the country's economic performance, which in turn has a direct and indirect impact on economic security, which is the basis of Mongolia's existence, as well as on the overall security of the border, and the security of the most vulnerable point, the border crossings. This situation complicates the activities of state agencies that implement control, inspection, and entry at border crossings, and poses urgent problems for them to resolve.

While significant national policies like the "Port Revitalization Policy" are being put into action to alleviate the strain on border crossings, the current capacity of Mongolia's border crossings has not kept pace with the growing demand. Our assessment reveals that many border crossings are equipped with outdated infrastructure and technology that do not meet contemporary standards, along with antiquated organizational setups and staffing levels, hindering the ability to enhance crossing capacity.

A thorough risk assessment validates the aforementioned concerns, highlighting the inability of road ports to effectively manage the large influx of passengers and vehicles. Outdated equipment and inadequate infrastructure fail to meet the necessary standards for safe and efficient operation, resulting in frequent malfunctions and operational delays, thereby heightening operational and security risks. One of the main conclusions of the risk analysis is that the Zamyn-Uud and Gashuunsukhait highway ports are identified as having the highest risk. The Zamyn-Uud port is especially significant as it directly affects international trade flows, while the Gashuunsukhait port is a crucial export gateway and is closely tied to the stability of the mining sector. Altanbulag port, on the other hand, is considered to have a moderate level of risk. However, it is noted that the dominant factors are the policies of the Russian side and the impact of the cold season. The high risk associated with these strategically important ports could result in challenges for port operations and various negative outcomes, including delays in the national economy, decreased budget revenues, and heightened risks of illegal activities such as smuggling and border violations.

The issue of borders in any country is a complex social and political matter that requires cooperation with neighboring countries and validation through international legal agreements. The Mongolian government has prioritized the construction of border ports and export transportation in recent years, implementing measures to address urgent issues. This includes the redevelopment, expansion, and modernization of ports like Zamyn-Uud, Altanbulag, Sukhbaatar, Gashuunsukhait, Bichigt, and Borshoo. Alongside infrastructure development, efforts have been made to establish a unified cooperation mechanism with neighboring countries through the creation of a border port management cooperation commission. This has led to positive outcomes such as port type changes, special exits, and joint inspections, all aimed at reducing risks.

Based on the 2024 infographic released by the Border Guard Service, the detection and resolution of border violations, border regime violations, and border region regime violations are at a relatively high level. This suggests that the efforts to mitigate risks are proving effective. Nevertheless, with the emergence of new risks stemming from technological advancements and the political landscape in neighboring countries, it is crucial to remain vigilant and continually enhance preventive measures.

Recommendations

To address the various risks facing Mongolia's border ports, the following recommendations for mitigating risks at Mongolia's border ports offer a strategic approach to improving operational efficiency, resilience, and security while minimizing trade disruptions and enhancing connectivity:

Expand Trade Partnerships to Reduce Geopolitical Dependency

- Strengthen economic ties with "third neighbor" countries like the United States, Japan, France, and Germany through bilateral agreements focused on mining cooperation and trade diversification.
- Pursue diplomatic initiatives to maintain Mongolia's neutrality in Sino-Russian geopolitical rivalries and ensure foreign policy autonomy.
- Explore alternative trade routes, such as enhancing connectivity with Central Asian nations like Kazakhstan, to reduce reliance on China and Russia for export markets and import supplies.

Enhance Economic Resilience Through Process and Infrastructure Improvements

- Implement automated, zero-contact export and customs processes at key border ports like Gashuunsukhait and Zamyn-Uud to reduce delays and improve efficiency.
- Increase investment in transport infrastructure, including railways and intermodal platforms, to support smoother trade flows and mitigate supply chain disruptions.

- Strengthen customs administration through technology adoption and personnel training to streamline processes, enhance transparency, and reduce corruption risks.

Mitigate Environmental Risks Through Proactive Measures

- Develop early warning systems and weather-resistant infrastructure at border ports to minimize disruptions from sandstorms, droughts, and dzud events, especially in the Gobi Desert region.
- Collaborate with international organizations like the World Meteorological Organization to enhance weather forecasting and preparedness for extreme weather events.
- Promote sustainable land management practices in border regions to combat desertification and support local economic stability.

Strengthen Border Security to Address Smuggling and Trafficking

- Enhance border security with advanced surveillance technologies like CCTV, drones, and radiation portal monitors in collaboration with international partners.
- Provide specialized training for border protection personnel to combat smuggling, trafficking, and other illicit activities in high-risk areas.
- Develop robust cybersecurity infrastructure to protect digital systems used in port operations and customs processes.

Modernize Infrastructure to Increase Port Capacity and Efficiency

- Prioritize investments in rail and road infrastructure to improve connectivity between mining sites and border ports.
- Upgrade customs facilities with digital systems to enhance operational efficiency and transparency.
- Modernize key ports like Gashuunsukhait and Shiveekhuren to accommodate growing trade volumes and reduce delays.

Foster International and Regional Cooperation

- Strengthen collaboration with neighboring countries through frameworks like the China-Mongolia-Russia Economic Corridor to secure funding for infrastructure upgrades.
- Engage with international organizations and partners to access technical expertise, funding, and advanced technologies for border port modernization.
- Establish joint border management mechanisms with China and Russia to streamline inspections and reduce cross-border violations.

Implement Comprehensive Risk Management Systems

- Conduct regular risk assessments to identify and prioritize emerging risks at border ports.
- Develop a national border port risk management framework that considers geopolitical, economic, environmental, security, and infrastructural factors.
- Establish a permanent National Committee for Port Revitalization to coordinate policy implementation, monitor progress, and address stakeholder concerns.

A thorough and evidence-based examination of the existing border port risks is essential for laying the groundwork for a comprehensive border port risk management system. This analysis will support the development of relevant legislation and policies, enhance port infrastructure, technology, and organization, foster international collaboration, and facilitate the implementation of effective measures to mitigate emerging risks.

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