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THE LEGAL FRAMEWORK OF NATIONAL SECURITY IN MONGOLIA AND AN ANALYTICAL ASSESSMENT

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ABSTRACT

This article examines the legal framework for ensuring national security in Mongolia and provides an analytical assessment of its structure, governance effectiveness, and reform needs. Drawing on contemporary security studies and human security theory, the study conceptualizes national security as a multidimensional governance system encompassing individual, societal, and state security. Using doctrinal legal analysis, systems analysis, and normative evaluation, the article assesses the coherence between constitutional provisions, national security policy documents, and sectoral legislation.

The findings indicate that while Mongolia's national security legal framework is formally comprehensive, it remains functionally constrained by weak policy-law-implementation linkages, fragmented institutional responsibilities, and limited accountability mechanisms. In addition, emerging non-traditional security threats-including information insecurity, socio-economic vulnerability, and declining public trust-are insufficiently addressed within binding and enforceable legal norms. Human security principles, although present in strategic discourse, remain largely declarative rather than operationalized in law. The article argues that advancing a human-centered, adaptive, and accountable legal governance model is essential for strengthening national resilience. By focusing on Mongolia as a small state operating in a complex security environment, the study contributes to broader debates on national security governance and legal reform in transitional and developing contexts.

KEYWORDS

National Security, Legal Framework, Human Security, Security Governance, Legal Reform, Mongolia

Introduction

National security constitutes a foundational condition for state survival, the preservation of sovereignty, and the pursuit of sustainable development. In its traditional conceptualization, national security was predominantly associated with military power, territorial defense, and the protection of state borders against external aggression. This state-centric understanding, rooted largely in realist traditions of international relations, framed security primarily as a matter of coercive capacity and strategic deterrence.

However, contemporary security studies have significantly expanded this conceptual horizon. Scholars increasingly recognize that threats to national security extend well beyond conventional military risks and encompass economic instability, social fragmentation, information insecurity, environmental degradation, and the vulnerability of individuals and communities. As Buzan, Wæver, and de Wilde (1998) argue, security should be understood as a multidimensional phenomenon operating across political, economic, societal, and environmental sectors, with the referent object of security no longer limited exclusively to the state. Within this broader analytical framework, human-centered approaches to security have gained prominence, emphasizing the protection of individuals from both violent and structural forms of insecurity.

For Mongolia, these theoretical developments are particularly relevant. Mongolia's national security environment is shaped by a unique combination of structural factors, including its landlocked geopolitical position between two major powers, a relatively small population, economic dependence on external markets, and the ongoing consolidation of democratic and governance institutions. These conditions generate a complex security context in which traditional military considerations intersect with non-traditional challenges such as economic vulnerability, governance capacity, social resilience, and information security.

In this context, the effectiveness of Mongolia's national security legal framework assumes critical importance. Legal norms do not merely formalize security policy; they shape institutional behavior, allocate authority, and define the mechanisms through which security objectives are translated into practice. A weak or fragmented legal framework can undermine policy coherence, constrain institutional coordination, and limit the state's ability to respond adaptively to evolving security threats.

Accordingly, this article seeks to analyze Mongolia's national security legal framework not simply as a collection of statutory provisions, but as an integrated system of governance that mediates between security policy, institutional practice, and societal resilience. By situating the Mongolian case within contemporary security theory and governance scholarship, the study aims to identify structural strengths, legal and institutional gaps, and potential pathways for reform. In doing so, the article contributes to broader debates on security governance in small states confronting complex and multidimensional security environments.

Theoretical and Methodological Foundations

Security Theory and Legal Governance

Classical political theory identifies security as a core and indispensable function of the state, closely associated with the maintenance of order, authority, and political survival. In Hobbesian thought, security constitutes the primary rationale for sovereign power, with the state assuming responsibility for protecting individuals from violence, disorder, and existential threats inherent in an anarchic condition (Hobbes, 1651/1996). Within this framework, law serves primarily as an instrument of coercive authority, designed to ensure obedience, stability, and territorial integrity.

Modern security scholarship, however, has substantially expanded this state-centric conception. Contemporary approaches conceptualize security as a multidimensional phenomenon encompassing political legitimacy, economic stability, societal cohesion, and environmental sustainability (Baldwin, 1997). The Copenhagen School further advances this perspective by identifying distinct but interconnected security sectors-military, political, economic, societal, and environmental-thereby broadening both the scope of security threats and the range of referent objects beyond the state alone (Buzan et al., 1998). In this view, security is not merely a material condition but also a socially constructed process shaped by political discourse, institutional practices, and normative frameworks.

Human security theory deepens this analytical shift by relocating the primary focus of security from the state to the individual. Emphasizing freedom from fear and freedom from deprivation, this approach highlights the protection of individuals and communities from structural vulnerabilities such as poverty, inequality, governance failure, and social exclusion (UNDP, 1994). Human security thus underscores the interdependence between individual well-being, social stability, and national resilience, challenging traditional assumptions that state security can be sustained independently of societal and human security.

This theoretical evolution provides a critical foundation for analyzing national security law not merely as a defensive or coercive instrument of the state, but as a governance framework that regulates risk, enhances resilience, and promotes social stability. Within this broader understanding, legal norms do more than authorize state action; they structure institutional coordination, define accountability mechanisms, and embed security objectives within the rule of law. National security law therefore emerges as a central component of security governance, mediating between strategic objectives, institutional capacity, and the protection of individual and societal interests.

Methodological Approach

This study adopts a qualitative, theory-informed methodological approach designed to assess the effectiveness and coherence of Mongolia's national security legal framework. First, doctrinal legal analysis is employed to examine constitutional provisions, national security policy documents, and relevant statutory instruments. This approach enables a systematic assessment of legal norms, principles, and institutional mandates that underpin national security governance.

Second, the study applies a systems analysis framework to evaluate the coherence between security policy objectives, legal regulation, and practical implementation. Drawing on Easton's (1965) systems theory, national security governance is treated as an interconnected system in which inputs (security threats and policy priorities), processes (legal and institutional mechanisms), and outputs (implementation outcomes) interact dynamically. This perspective facilitates the identification of structural gaps, coordination failures, and feedback deficiencies within the legal framework.

Third, normative evaluation is used to assess institutional responsibilities, accountability arrangements, and the alignment of legal norms with contemporary security principles, particularly those associated with human security and good governance. This evaluative dimension allows the study to move beyond descriptive analysis and to assess the extent to which the existing legal framework supports transparency, institutional effectiveness, and adaptive capacity in responding to evolving security challenges.

By integrating doctrinal legal analysis, systems-based assessment, and normative evaluation, the study provides a comprehensive analytical framework for examining national security law as a governance system. This methodological combination ensures both theoretical rigor and practical relevance, enabling a nuanced assessment of how legal structures shape security outcomes in a complex and multidimensional security environment.

Structure of Mongolia's National Security Legal Framework

Mongolia's national security legal framework is fundamentally anchored in the 1992 Constitution, which establishes the core principles of state sovereignty, territorial integrity, the protection of fundamental rights and freedoms, and the constitutional foundations of national security governance. The Constitution provides the highest legal authority for security-related state action, defining the distribution of powers among state institutions and embedding security objectives within the broader framework of constitutional order and the rule of law. In this sense, constitutional norms serve not only as legal guarantees of state survival, but also as safeguards against the excessive or arbitrary exercise of security powers.

Building upon this constitutional foundation, the National Security Concept of Mongolia functions as the central strategic policy document guiding national security governance. The Concept articulates national security objectives across multiple dimensions, including political, military, economic, societal, and environmental security. By explicitly recognizing the interconnected nature of these domains, the Concept reflects a multidimensional understanding of security consistent with contemporary security theory. It also establishes priority areas, identifies potential threats and vulnerabilities, and outlines the general direction of state policy aimed at ensuring national resilience.

At the operational level, the national security legal framework is further elaborated through sectoral legislation and institutional regulations governing defense, foreign policy, intelligence, emergency management, and other security-related fields. These legal instruments are intended to translate constitutional principles and strategic objectives into concrete mandates, procedures, and responsibilities for state institutions. In theory, this layered structure-constitutional norms, strategic policy, and sectoral legislation-provides a comprehensive and coherent legal basis for national security governance.

However, despite this formally comprehensive structure, the framework exhibits notable fragmentation between strategic objectives and operational legal mechanisms. In practice, the strategic guidance articulated in the National Security Concept is not always sufficiently reflected in binding legal norms or institutional

mandates. Gaps persist in the legal translation of strategic priorities into enforceable rules, clear lines of authority, and effective coordination mechanisms among relevant institutions. As a result, the relationship between high-level security policy and day-to-day legal implementation remains uneven, constraining the overall effectiveness and adaptability of Mongolia's national security governance framework.

Governance Challenges and Legal Gaps
Policy-Law-Implementation Disconnect

Despite the existence of comprehensive policy documents outlining Mongolia's national security objectives, a persistent disconnect remains between policy formulation, legal regulation, and practical implementation. Strategic documents, particularly the National Security Concept, articulate broad and multidimensional security goals; however, these objectives are not consistently translated into binding legal norms, detailed institutional mandates, or clearly defined implementation mechanisms. As a result, policy aspirations often remain programmatic rather than operational.

One of the central causes of this disconnect lies in institutional overlap and the ambiguous division of authority among state bodies involved in national security governance. Multiple institutions possess partially overlapping responsibilities in areas such as defense planning, intelligence coordination, crisis management, and internal security, yet the legal framework does not always provide sufficiently clear rules regarding hierarchy, coordination procedures, or accountability. This ambiguity weakens inter-agency cooperation and limits the effectiveness of collective responses to security challenges.

Furthermore, the absence of robust legal mechanisms for monitoring, evaluation, and enforcement reduces the practical effectiveness of security legislation. While legal provisions establish general responsibilities, they often lack concrete performance criteria, reporting obligations, or sanctions for non-compliance. Consequently, the enforceability of national security law is diminished, and accountability mechanisms remain underdeveloped. This gap between policy intent and legal execution undermines the coherence of national security governance and constrains the state's ability to respond adaptively to evolving threats.

Human Security and Emerging Threats

In addition to institutional and implementation challenges, Mongolia's national security legal framework exhibits significant gaps in addressing non-traditional and emerging security threats. Contemporary security environments are increasingly shaped by risks related to information security, socio-economic inequality, public trust erosion, and governance resilience. These threats, while often non-military in nature, have the potential to generate profound destabilizing effects at both societal and state levels.

Although human security principles are acknowledged in strategic policy discourse, they remain insufficiently embedded within binding legal norms. Legal provisions addressing economic security, social protection, information integrity, and community resilience are fragmented across sectoral legislation and are not consistently framed as components of national security governance. As a result, human security remains largely declarative, functioning as a normative aspiration rather than an operational legal principle supported by enforceable rights, obligations, and institutional mechanisms.

This legal gap limits the state's capacity to address structural vulnerabilities that may undermine long-term stability. For instance, information security challenges related to disinformation and digital governance are not fully integrated into national security law, while socio-economic inequalities and declining public trust in institutions are often treated as policy concerns rather than security-relevant risks. The absence of a legally grounded, human-centered security framework reduces the effectiveness of preventive measures and weakens societal resilience.

Taken together, these governance challenges and legal gaps indicate that Mongolia's national security framework remains more reactive than preventive, and more declarative than operational. Addressing these shortcomings requires not only legal reform, but also a reconceptualization of national security governance that integrates human security principles, clarifies institutional responsibilities, and strengthens the legal mechanisms linking policy objectives to implementation outcomes.

Pathways for Legal and Institutional Reform

Addressing the governance challenges and legal gaps identified above requires a comprehensive and forward-looking approach to legal and institutional reform. Enhancing national security governance in Mongolia cannot be achieved through isolated amendments or sector-specific adjustments alone; rather, it necessitates a systematic reconfiguration of the legal framework to ensure coherence, adaptability, and resilience in a complex and evolving security environment.

First, national security governance would benefit from the explicit institutionalization of human security as a core legal principle. While human security is increasingly referenced in strategic and policy discourse, its legal status remains largely implicit and declarative. Embedding human security within binding legal norms would entail formally recognizing the protection of individuals and communities from both direct and structural threats as a central objective of national security law. Such recognition would enable the development of enforceable legal standards related to economic security, social protection, information integrity, and community resilience, thereby shifting national security governance from a predominantly reactive posture toward a more preventive and people-centered approach.

Second, strengthening inter-agency coordination and accountability is essential for improving the effectiveness of national security governance. The current legal framework provides only limited guidance on the allocation of responsibilities, coordination procedures, and hierarchical relationships among security-related institutions. Legal reform should therefore focus on clarifying institutional mandates, establishing formal coordination mechanisms, and introducing clear accountability requirements, including reporting obligations and performance evaluation criteria. Enhanced legal clarity in this area would reduce institutional overlap, improve information sharing, and ensure that security policies are implemented in a coherent and coordinated manner.

Third, increasing the adaptability of national security law to emerging and non-traditional threats is a critical reform priority. Contemporary security challenges-such as information insecurity, cyber risks, socio-economic vulnerability, and public trust erosion-evolve rapidly and often transcend traditional legal categories. To address this dynamic threat environment, national security legislation should incorporate flexible regulatory mechanisms, periodic review requirements, and adaptive policy instruments that allow legal norms to be updated in response to changing conditions. Such adaptability would strengthen the state's capacity for early risk identification and preventive action, enhancing overall national resilience.

Finally, harmonizing domestic national security law with international security norms and standards represents an important pathway for reform. Mongolia's participation in international legal regimes and security cooperation frameworks provides opportunities to align domestic legislation with globally recognized principles related to human rights, rule of law, and security governance. Effective harmonization should move beyond formal treaty incorporation and focus on the practical integration of international standards into domestic legal procedures, institutional practices, and accountability mechanisms. This alignment would not only enhance the legitimacy of national security governance but also strengthen Mongolia's capacity to engage constructively in regional and international security cooperation.

Taken together, these reform pathways aim to transform Mongolia's national security legal framework into a more coherent, adaptive, and human-centered system of governance. By institutionalizing human security, strengthening coordination and accountability, enhancing legal flexibility, and aligning domestic law with international norms, Mongolia can improve its capacity to manage complex security challenges and reinforce national resilience in an increasingly uncertain security environment.

Conclusions

This study demonstrates that Mongolia's national security legal framework is formally comprehensive yet functionally constrained by persistent governance and implementation challenges. While constitutional provisions, strategic policy documents, and sectoral legislation collectively provide a broad legal foundation for national security governance, their practical effectiveness is limited by fragmentation between policy objectives and operational legal mechanisms, insufficient institutional coordination, and weak accountability structures. As a result, the existing framework struggles to respond effectively to the increasingly complex and multidimensional nature of contemporary security threats.

The analysis further reveals that Mongolia's national security law remains predominantly state-centric and reactive, with human security principles insufficiently embedded within binding and enforceable legal norms. In an environment where non-traditional threats-such as information insecurity, socio-economic vulnerability, and declining public trust-can generate significant destabilizing effects, the absence of a legally

operationalized human security approach constrains preventive capacity and undermines long-term resilience. Addressing these limitations requires a shift from declarative policy commitments toward a governance-oriented legal framework capable of integrating individual, societal, and state security concerns.

Advancing a human-centered, adaptive, and accountable model of legal governance is therefore essential for strengthening Mongolia's national security architecture. Such a model emphasizes institutional clarity, inter-agency coordination, legal flexibility in responding to emerging threats, and alignment with international security norms. By embedding these principles within the rule of law, national security governance can move beyond crisis response toward anticipatory risk management and societal resilience.

Beyond its national relevance, the Mongolian case offers broader analytical insights for other small states operating within complex and evolving security environments. It illustrates how legal frameworks shape the translation of security policy into practice and highlights the importance of governance capacity in managing multidimensional security risks. As such, this study contributes to comparative security governance scholarship and provides a conceptual and practical reference point for states seeking to reform national security law in an era characterized by uncertainty, interdependence, and non-traditional security challenges.

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