



**PERMANENT MISSION OF  
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The Permanent Mission of Mongolia to the Organisation for Security and Cooperation in Europe presents its compliments to the OSCE Conflict Prevention Centre and all Permanent Missions and Delegations of the participating States to the OSCE and has the honour to provide, in reference to decision FSC.DEL/2/09 of the Forum for Security Cooperation, the reply to the Information Exchange on the Code of Conduct on Politico-Military Aspects of Security, valid as of 15 April 2015.

The Permanent Mission of Mongolia to the Organisation for Security and Cooperation in Europe avails itself of this opportunity to renew to the OSCE Conflict Prevention Centre and all Permanent Missions and Delegations of participating States to the OSCE the assurances of its highest consideration.



To:  
All Permanent Missions and Delegations of the participating States;  
OSCE Conflict Prevention Centre

Vienna

## MONGOLIA

### OSCE CODE OF CONDUCT ON POLITICO- MILITARY ASPECTS OF SECURITY

#### QUESTIONNAIRE

##### Section I: Inter-State Elements

##### 1. Account of measures to prevent and combat terrorism

**1.1 To which agreements and arrangements (universal, regional, sub-regional and bilateral) related to preventing and combating terrorism is your State a party?**

UNIVERSAL: Mongolia is part to the following 13 of 19 international counter-terrorism instruments:

1. 1963 Convention on Offences and Certain Other Acts Committed On Board Aircraft;
2. 1970 Convention for the Suppression of Unlawful Seizure of Aircraft;
3. 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;
4. 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents;
5. 1979 International Convention against the Taking of Hostages;
6. 1979 Convention on the Physical Protection of Nuclear Material;
7. 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;
8. 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation;
9. 1991 Convention on the Marking of Plastic Explosives for the Purpose of Detection;
10. 1997 International Convention for the Suppression of Terrorist Bombings;
11. 1999 International Convention for the Suppression of the Financing of Terrorism;
12. 2005 International Convention for the Suppression of Acts of Nuclear Terrorism;
13. 2005 Amendment to the Convention on the Physical Protection of Nuclear Material.

REGIONAL, SUB-REGIONAL: Currently Mongolia is not a member of any regional and sub-regional counter-terrorism agreements. Draft agreement of preventing and combating terrorism with Regional Anti-Terrorism Structure of OSCE is in process.

BILATERAL: Bilateral draft agreements providing for joint training and exercises aimed at preventing and combating terrorism are in process with RUSSIAN FEDERATION, CHINA, UNITED STATES, KYRGYZSTAN, INDIA, GERMANY, FRANCE, POLAND and BELARUS.

Specific counter-terrorism agreements are signed with TURKEY and VIETNAM.

Annual multinational peace support operations exercise KHAAN QUEST co-organized with the UNITED STATES Pacific Command and involving participants from nations in the ASIA PACIFIC REGION, Annual bilateral exercise SELENGE co-organized with the RUSSIAN FEDERATION and other regular exercises co-organized with CHINA, INDIA, TURKEY and QATAR involve anti-terrorism training.

## **1.2 What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?**

The NATIONAL SECURITY CONCEPT adopted in 2010 provides for coordination of government and civil society activities for the implementation of arrangements related to preventing and combating terrorism.

Chapter Four of the CONCEPT stipulates that Mongolia shall improve and develop the national security structural system with a view to provide consistent protection of national interests and ensure national independence and sovereignty in a rapidly changing security environment.

Legislation on implementing state policy on preventing and combating terrorism include the LAW ON NATIONAL SECURITY, the LAW ON COMBATING TERRORISM, the LAW ON DEFENSE, the LAW ON THE ARMED FORCES, the LAW ON POLICE SERVICE, the LAW ON INTELLIGENCE ORGANIZATION, the LAW ON PARTICIPATION IN PEACE SUPPORT OPERATIONS and the CRIMINAL LAW.

Mongolia has strengthened its counter-terrorism regime, notably through 2013 and 2014 legislative amendments to the Anti-Terrorism Law, the Law on Combating Money-Laundering and Terrorist Financing, the Criminal Code, and the Code of Criminal Procedure. It is encouraged to incorporate all international terrorism-related offences into domestic law.

Mongolia has made significant progress in adopting terrorist-financing legislation. It has criminalized the financing of terrorism and has introduced a terrorist designation mechanism that provides for asset-freezing pursuant to UN Security Council resolution 1373 (2001) under a 2013 Regulation on Designation of Terrorists, Freezing of Assets of Designated Persons and Review of Frozen Assets. It was removed from the international cooperation review group (ICRG) process of the Financial Action Task Force (FATF) in June 2014.

Mongolia amended the Anti-Terrorism Law and the AML/CFT Law in 2013 and 2014, and amended both the Criminal Law and the Code of Criminal Procedure in January 2014. It is currently conducting a further review of the Criminal Law and the Code of Criminal Procedure with a view to achieving full compliance with the relevant international standards. On 29 May 2014, the Ministry of Justice submitted the draft criminal law to Parliament.

On 16 January 2014, Mongolia introduced an amendment to the Criminal Law establishing, for the first time in Mongolian legal history, criminal liability for legal persons (entities). However, liability applies only to certain offences, such as

terrorism financing and money-laundering, and related criminal procedures have not yet been introduced. Mongolia is currently revising the Criminal Law and the Code of Criminal Procedure to expand the criminal liability of legal persons (entities).

Articles 13 and 14 of the Criminal Law provide for jurisdiction based on the principle of territoriality, positive nationality (when the alleged criminal is a Mongolian national), and protection of the national interest. Mongolia also exerts jurisdiction over crimes committed in Mongolian diplomatic premises abroad or on board a ship or aircraft flying the State flag of Mongolia beyond its territory. Mongolia accepts universal jurisdiction when so required by an international agreement to which it is a party. Its jurisdiction is sufficiently broad to comply with the requirements of the international counter-terrorism instruments.

### **1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?**

According to the CONSTITUTION and NATIONAL SECURITY CONCEPT of Mongolia, as well as the LAW ON DEFENSE and the LAW ON THE ARMED FORCES, Mongolia shall maintain the armed forces solely for the purpose of self- defense. The armed forces are not tasked with conducting military operations within the territory of Mongolia.

According to the LAW ON COMBATING TERRORISM the national and regional branches of police and intelligence organizations as well as designated units of border protection organization are tasked with conducting counter-terrorist operations and the designated units of the ground troops of the armed forces can be drafted to counter-terrorist operations.

According to Article 12.1.6 of the LAW ON INTELLIGENCE ORGANIZATION the day-to-day activities of the counter-terrorism coordinating board is administered by the intelligence service. The Government of Mongolia (the Cabinet) is tasked with conducting anti-terrorism and counter-terrorism activities, approving integrated plan of action for anti-terrorism and counter-terrorism activities and establish the counter-terrorism coordination board. The board coordinates national efforts on combating terrorism, responsible for information collection and analyses, and issues warning to citizens and legal entities.

According to Article 6.6 of the LAW ON COMBATING TERRORISM the members of the National Security Council (the President of Mongolia, the Chairperson of the Parliament of Mongolia and the Prime Minister of Mongolia) exercise control over the implementation of anti-terrorism and counter-terrorism activities.

**NATIONAL COORDINATION MECHANISM:** The National Counter-Terrorism Coordination Council (NCTCC) is chaired by the Head of the General Intelligence Agency (GIA) and meets every month to consider, inter alia, intelligence information and threat assessments presented by the GIA. The NCTCC is supported by a Working Group comprising representatives of all relevant agencies.

The General Intelligence Agency is responsible for directing proactive and reactive counter-terrorism measures, acting in close cooperation with the National Police

Agency (NPA), the Border Protection Forces and other relevant agencies. The GIA, the NPA and other relevant agencies coordinate day-to-day information exchange through the NCTCC Working Group and liaise with provincial units through internal communications networks. Representatives of various Government agencies stated that internal communications capacities should be strengthened through digitalization. Mongolia has also established similar multi-agency regional coordination bodies.

Even though it has not suffered an act of terrorism on its soil, Mongolia has developed certain response capacities. The GIA has established a special weapons and tactical unit that is supported by the NPA and, if required, the military (which would act under civil authority).

The military has developed Explosive Ordinance Disposal (EOD) capacities. Mongolia has developed and tested contingency plans to deal with terrorist acts (including, for example at the Chinggis Khaan International Airport). A specific exercise designed to test the response capabilities of law enforcement and other related agencies to a terrorist attack against civil aviation was held in 2014. Training for counter-terrorism operations and exercises was conducted in certain regions between 2009 and 2011, but infrequently. Mongolia stated that it would welcome additional training to strengthen the response capacity of its Special Forces, as well as additional training and equipment to enhance EOD capacities (currently the responsibility of the military).

Terrorism-related offences are investigated and prosecuted under ordinary criminal procedure. The GIA investigates terrorism-related cases, with the support of the National Police Agency. In principle, an arrest request is submitted by the GIA or the NPA to a General Prosecutor's Office (GPO) for subsequent court approval. A suspect must be brought before a prosecutor within 24 hours, and before a judge within 72 hours, of his or her arrest. Detention may be ordered by a judge for a period of 14 days by when indictment shall take place. The pre-trial detention may be extended periodically by a judge based on prosecutor's request and the total period for pre-trial detention shall not exceed 24 months for serious offences, including terrorism cases.

The 1997 LAW ON INTELLIGENCE ACTIVITIES empowers the GIA and the NPA to intercept communications and conduct electronic surveillance, subject to the authorization of the GPO. Undercover operations are not provided for by law. Mongolia is encouraged to consider introducing a legal provision requiring judicial authorization for interception of communications and electronic surveillance in order to ensure a fair balance of necessity and proportionality between the use of special investigative techniques and the protection of privacy.

#### **1.4 Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining *inter alia* to:**

##### **Financing of terrorism:**

According to Article 7.1.7 of the LAW ON COMBATING TERRORISM the legal entities in Mongolia are obliged to immediately seize any funds and



revenues in direct or indirect possession of individual terrorists and/or terrorist organizations as included in the request by the United Nations Security Council, legitimate authorities of foreign countries and the list of individual terrorists and terrorist organizations issued by the relevant authorities of Mongolia, individuals or entities that provide funding or other forms of support to terrorists, and to report to respective authorities within 48 hours.

Pursuant to recommendations of FATF, special units on combating crimes of terrorism financing have been established in the NPA and the GIA. Financial intelligence unit (FIU) had become fully operational.

Mongolia was removed from the International Cooperation Review Group (ICRG) process of FATF in June 2014, in recognition of these developments.

Legal persons (entities) are criminally liable for the financing of terrorism and money-laundering offences specifically set forth in the CRIMINAL LAW (articles 1/166.3 and 2/178.2). However, legal entities are not responsible for the violation of AML/CFT legal obligations. Investigations of terrorist financing and money-laundering are conducted by the GIA and the NPA.

The Bank of Mongolia is responsible for supervising all commercial banks, but other financial institutions are regulated by the Financial Regulatory Committee (FRC), an independent authority consisting of seven member entities, including the Bank of Mongolia, the Ministry of Finance, the judiciary and the relevant parliamentary Standing Committee.

The AML/CFT Law sets forth the obligations for reporting suspicious transactions relating to terrorism financing and money-laundering. STRs must be submitted within 24 hours to the FIU and other competent authorities. The Bank of Mongolia issued regulations and guidance on STRs in May 2014, and the FIU issued examples of suspicious and unusual transactions.

### **Border controls:**

The General Authority for Border Protection is a government regulatory agency administered by the Ministry of Justice. The border troops are integrated within the law enforcement services of the country.

According To Article 6.2 of the LAW ON THE ARMED FORCES in peacetime, the border troops function separately from the armed forces.

According To Article 4.2.2 of the LAW ON THE ARMED FORCES in peacetime, the armed forces assist in protecting the borders of the state and exercises control over the inviolability of air borders.

The I-24/7 system is utilized by the INTERPOL National Central Bureau (NCB) to download information that is then conveyed through internal networks to frontline officers. However, the system has not been extended to other law enforcement agencies or to frontline border-control officers to provide “real time” access to the relevant INTERPOL databases.

**Travel document security:**

Mongolia issues ICAO-compliant Machine-Readable Passports (MRPs) and is on track to ensure that all non-Machine-Readable Travel Documents (MRTDs) are removed from circulation by November 2015 in accordance with ICAO Standards. At present, diplomatic and official passports incorporate biometric features (e-passports) and Mongolia intends to replace all regular MRPs with e-passports from 2015. Travel documents are issued based on the information that's in the archive of the General Authority for State Registration (GASR). Once all passports issued are e-passports in accordance with ICAO Recommended Practices, Mongolia intends to join the ICAO Public Key Directory (PKD).

Mongolian Customs uses an Advanced Passenger Information System (APIS) for passenger targeting and the System is linked to the risk-management module of the Customs Automated Information System (CAIS), which is responsible for passenger risk-assessment and checking against watch lists. The delegation regards this as a good practice, but recommends that Customs also explore the possibility of utilizing a Passenger Name Record (PNR) information system. This would provide a greater level of passenger-related information, which could be used to refine risk-management processes and enhance targeting of suspicious or high-risk traveller categories.

**Container and supply chain security:**

Pursuant to the reform of the law enforcement agencies system, the General Authority for Citizenship and Migration Services, the General Authority for Ports are established in 2013-2014.

Reforms are underway to increase inter-agency cooperation among the citizenship and migration service, the port service, police, the border protection service and intelligence organizations.

Use of modern technology in inspection equipment, in particular non-intrusive systems to better search containers, other cargos and crafts are being increased over the past years.

**Security of radioactive sources:**

Mongolia fully complies with IAEA regulations in providing security of radioactive sources.

According to Article 12.1.9 of the LAW ON INTELLIGENCE ORGANIZATION the intelligence service is responsible for exercising control over the implementation of legislations on imports, maintenance and use of explosive, radioactive, toxic and narcotic materials and firearms with potential hazard to population and ecological security.

In addition to installing X-ray and other screening equipment to facilitate effective border controls at all border crossings, Mongolia has introduced radiation detectors

at all main border crossings, including 13 such units at the Chinggis Khaan International Airport. This is a highly effective security measure to prevent the proliferation or trafficking of radioactive or nuclear materials.

Mongolia has been provided with a Border-Management Assessment Report prepared by the International Centre for Migration Policy Development (ICMPD), as well as a related Border Management Reform project document, prepared by the United Nations Development Programme (UNDP). The latter contains a plan for enhancing the effectiveness and efficiency of the integrated border-management system with a view to providing economic and security benefits.

#### **Use of the Internet and other information networks for terrorist purposes:**

According to Article 11.1.6 of the LAW ON INTELLIGENCE ORGANIZATION the intelligence service is responsible for the safety of communications domain.

The government agencies cooperate with academic, civil and private sector on cyber security.

#### **Legal co-operation including extradition:**

Mongolia cooperates actively with many States, particularly with neighbouring States, in counter-terrorism and law enforcement matters. It is also an active member of the International Criminal Police Organization (INTERPOL) and the International Civil Aviation Organization (ICAO) and WCO, as well as with the OSCE participating States, and frequently interacts with these entities to enhance its counter-terrorism capacities.

#### **Safe havens and shelter to terrorists and terrorist organizations:**

According to Article 3.3 of the NATIONAL SECURITY CONCEPT the foundation of internal security shall rest on ensuring human rights and freedoms, adherence to the Constitution, respect for the rule of law, continuity of the Mongolian state governance and national unity, support for political parties, civil society, free press and media, individual liberties as well as safeguarding public order and social stability.

This policy document defines that the foundation for ensuring national security, unity and consensus shall rest on good social morality, sound social psychology and shared social values and that the state, citizens and mass media shall jointly implement a policy to shape a social psychology in accordance with which citizens will be proud of their country, nationality, national accomplishments and progress and respect national interests, ethics, law and statehood.

According to the NATIONAL SECURITY CONCEPT, the state shall strengthen national unity and social consensus which guarantee national security, development and progress and prevent any actions leading to disintegration of the country or society and outbreaks of internal conflicts or clashes, take resolute actions against any development which discriminates against citizens



on the basis of nationality, religion, faith, gender or belief, instigating favoritism to persons based on place of birth or violating human rights and freedoms and consequently disrupting national unity and social stability, respect integrity of national interests and unity of state policy and actions at central and local levels.

The document underlines the necessity to further develop civil society through equal participation and consensus with non-governmental organizations, develop state policies to encourage the exercise of oversight over the state, establish a legal basis to support non-governmental organizations offering services to society and develop state and civil society partnerships, enhance the autonomous and independent status of the media, improve responsibility, professional competence and ethical conduct norms of media personnel and maintain social stability and prevent possible public disorder or chaos due to decline in law and order, discipline and responsibility.

## **2. Stationing of armed forces on foreign territory**

### **2.1 Provide information on stationing of your States armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.**

No personnel of the Mongolian Armed Forces are stationed on the territory of any OSCE participating State.

## **3. Implementation of other international commitments related to the Code of Conduct**

### **3.1 Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence and security building as an element of indivisible security are implemented in good faith.**

According to Article 3.1 of the NATIONAL SECURITY CONCEPT, the basic methods for ensuring Mongolia's independence and sovereignty shall be political and diplomatic actions and accordingly, a multi-pillared foreign policy directed towards building active relationships and cooperation with foreign states and international institutions shall be implemented.

This policy document underlines that a consistent peacemaking foreign policy coupled with active support for international community efforts aimed at strengthening peace and security shall be implemented.

For this reason, good-neighborly friendly relations and wide-ranging cooperation with the Russian Federation and the People's Republic of China shall be developed. More specifically, national interests and the history of bilateral relationships shall be taken into account while regional peace and stability as well as a general balance of relations with neighbors shall be sought. In addition, pursuant to a "third neighbor" strategy, bilateral and multilateral cooperation with highly developed democracies in political, economic, cultural and humanitarian affairs shall be undertaken.

Bilateral relations and multilateral cooperation shall be continuously pursued in security and defense areas with Mongolia's two neighboring states, the USA, member states of NATO, the European Union and the Asia-Pacific region along with active participation in international peacemaking missions. On multilateral security cooperation, active cooperation with UN Security Council member-states and international organizations shall be made on implementation of UN General Assembly resolutions on strengthening Mongolia's international security and active support shall be given to regional countries' policies and efforts towards strengthening strategic stability and establishing security cooperation mechanisms in the Asia-Pacific region and East Asia, including North-East Asia.

### **3.2 Provide information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area.**

Mongolia's NUCLEAR WEAPON FREE STATUS prohibits individuals, legal persons or any foreign State shall from committing, initiating, or participating in developing, manufacturing, or otherwise acquiring, possessing, or having control over nuclear weapons, stationing or transporting nuclear weapons by any means, dumping or disposing nuclear weapons-grade radioactive material or nuclear waste in the territory of Mongolia, as well as transportation through the territory of Mongolia of nuclear weapons, parts, or components thereof, as well as of nuclear waste or any other nuclear material designed or produced for weapons purposes.

The Mongolian government has the right to gather information, stop, detain, and search any suspected aircraft, train, vehicle, individual, or group of persons. The central administrative authority in charge of foreign relations shall be entrusted with monitoring the compliance with the present law and the international commitments assumed by Mongolia in connection with the nuclear-weapon-free status. Non-governmental organizations or individuals may, within the mandate provided for by the legislation, exercise public oversight of the implementation of the legislation on the nuclear-weapon-free status and submit proposals thereon to the relevant State authority.

Mongolia shall conduct international verification of the implementation of the present law in cooperation with the relevant international organizations or by concluding special international agreements thereon. In case of violation or suspected violation of the present law by a foreign State, Mongolia shall officially notify the State concerned of the violation or suspected violation, request an explanation, and peacefully resolve any question that may arise. If deemed necessary, the International Atomic Energy Agency (IAEA) and other relevant bodies could be asked for assistance. In case of a dispute, the issue could be submitted to the relevant international court or arbitration.

An individual or legal person that violates the present law shall be held liable in accordance with the Criminal Code and shall pay compensation for the damage caused to the interests of Mongolia as well as to the population, the environment, and the properties in accordance with the relevant legislation of Mongolia or in conformity with the appropriate international treaty and the principles and norms of international law.

## **Section II: Intra-State elements**

### **1. National planning and decision-making process**

#### **1.1 What is the national planning and decision-making process in determining/approving military posture and defense expenditures in your State?**

According to the NATIONAL SECURITY CONCEPT the State Great Hural (Parliament), the President of Mongolia, the National Security Council, the Government of Mongolia, law enforcement and special task-force organizations, ministries and local governments shall govern national security functions. Organizations with legislative, executive and judicial power and authority, local self-governing organizations shall implement this concept expressed in the Constitution of Mongolia, legislation and other legal resolutions within their respective jurisdiction. Mongolia's citizens and civil society institutions shall strictly observe legislation to ensure national security and take active part in its implementation.

The National Security Council shall be responsible for coordinating nation-wide efforts for ensuring the implementation of the National Security Concept and security related national legislation and governmental policies. The National Security Council shall coordinate the National Security Concept implementation policies, strategies and actions and adopt rules and regulations.

According to the CONSTITUTION OF MONGOLIA, the LAW ON THE PRESIDENT OF MONGOLIA, the LAW ON DEFENSE and the LAW ON THE ARMED FORCES the President of Mongolia is the Head of the National Security Council and Commander-in-Chief of the armed forces.

According to Article 11 of the LAW ON ARMED FORCES the Parliament, the President of Mongolia, the Government of Mongolia and the member of cabinet for defense exercise general oversight of the armed forces.

Of these, according to Article 12 of the LAW ON ARMED FORCES the Parliament of Mongolia adopts legal basis of the armed forces, legislates the number of service personnel in peacetime, determines the role of the armed forces in emergency situations, approves military oath.

According to Article 13 of the LAW ON ARMED FORCES the President is entitled to approve the organizational chart of the armed forces in peacetime and at war, adopt contingency plan of the use of the armed forces in wartime, make decision to start combat operation, approve the military doctrine, the bylaws of the General Staff of the Armed Forces, appoint Chief of the General Staff of the Armed Forces upon the consent of the Parliament, make decision to assist the border protection and protection of the critical infrastructure with ground troops (army), issue regulations on participation of the armed forces units in development works.

According to Article 14 of the LAW ON ARMED FORCES the Government of Mongolia is entitled to authorize the dates and numbers of annual draft for conscript service upon consulting the Commander-in-Chief of the armed forces, conclude

international treaties on defense cooperation with foreign governments, take measures to provide the armed forces with necessary supply, fund the import of weapons upon the approval of the Parliament.

According to Article 15 of the LAW ON ARMED FORCES the member of cabinet for defense (Minister of Defense) is entitled to draft policies for ensuring social, economic and legal bases of the armed forces and organize their implementation, make proposals for strengthening the armed forces to the Government, the National Security Council and the Commander-in-Chief of the armed forces, organize the supply of ground troops (army) with weapons and materiel, distribute budget funds allocated to the ground troops, determine the basics of national policy of protecting from the hazards of the weapons of mass destruction and other lethal weapons and oversee the nationwide implementation thereof.

According to Article 16 of the LAW ON ARMED FORCES the General Staff of the Armed Forces is responsible for day-to-day operation of the armed forces and exercises professional military leadership.

**1.2 How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?**

According to the CONSTITUTION and NATIONAL SECURITY CONCEPT of Mongolia, as well as the LAW ON DEFENSE and the LAW ON THE ARMED FORCES, Mongolia shall maintain the armed forces solely for the purpose of self-defense.

According to the BASIS OF STATE MILITARY POLICY, the tenets of Mongolia's defense policy are: not use or the threat to use military force as the solution to disputed issues, while implementing its self-defense objectives, relying on the concepts of its national security and foreign policies, shall make political and diplomatic means its precedence, not to the first use of military force against another country, it shall not pose any military danger or threat, and it shall not take part in any war or armed conflict unless it itself becomes a target of armed aggression from outside, not join any military alliance or bloc unless the independence, sovereignty and territorial integrity of Mongolia comes under military threat or danger, or if such a danger and threat become imminent, strictly pursue the policy of barring entry into, stationing of and passing through its territory foreign military force in the event of the absence of such a Mongolian law, fulfill its UN Charter obligations to support UN activities by way of providing assistance to, or voluntary involvement in the UN PKO, as well as in mediating and reconciling.

According to Article 4.2 of the LAW ON DEFENSE Mongolia shall protect the homeland from foreign armed invasion and aggression by its own armed forces with participation of the people. If necessary, Mongolia may seek the assistance of other states in accordance with the United Nations Charter.

According to Article 5 of the LAW ON DEFENSE Mongolia conducts defense cooperation with other states in accordance with the laws of Mongolia and norms of

international law, for the purpose of strengthening the defense capability of Mongolia and mutual military confidence.

According to Article 5.1 of the LAW ON PARTICIPATION IN PEACE SUPPORT OPERATIONS Mongolia sends its military personnel to international missions for performing the functions of monitoring ceasefire, separating and disarming the conflicting sides, eliminating the consequences of armed conflicts, conducting engineering and development work, providing support to solving refugee-related issues, providing medical and humanitarian assistance, training the personnel of security services of host country, performing other duties authorized by the United Nations.

## **2. Existing structures and processes**

### **2.1 What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?**

The CONSTITUTION OF MONGOLIA, the NATIONAL SECURITY CONCEPT and relevant laws guarantee democratic civilian control of the armed forces and all other security forces.

The armed forces are administered by the Ministry of Defense and other law enforcement/security services, including border troops, police and correctional service are administered by the Ministry of Justice. Both ministries are headed by civilian political appointees representing the parliamentary majority.

The General Intelligence Agency is a government regulatory agency operating under the supervision of the Prime Minister, and the National Emergency Management Agency operates under the supervision of the Deputy Prime Minister.

The Parliament approves budget for the armed forces and other security services; Parliamentary Standing Committee on Security and Foreign Policy exercise legislative oversight over the activities of these organizations. The Parliament assigns a special subcommittee to exercise its fiscal control over the spending of armed forces and security services.

At present, there are no trends towards the privatization in the security sector/PMSCs.

### **2.2 How is the fulfillment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?**

Effective January 1, 2015, the LAW ON GLASS ACCOUNT mandates all public service institutions, including the armed forces and security services to post online all their fiscal transactions, procurement and other spending. Citizens are eligible to monitor the transparency of the military and security sector and question in the court of law.



### **2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?**

Information on this question is found in 1.2 and 2.1 of Section I of this Questionnaire.

### **3. Procedures related to different forces personnel**

#### **3.1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?**

According to the CONSTITUTION OF MONGOLIA the citizens of Mongolia shall discharge in good faith the duty to defend his/her motherland and discharge the military service according to law. In practice, conscript service for the period of 12 months is mandatory to men aged between 18 and 25. Numerous possibilities for exemption and/or alternative service exist, as explained in 3.2 of Section II this Questionnaire.

According to Chapter Two of the LAW ON MILITARY SERVICE BY CITIZENS AND LEGAL STATUS OF MILITARY PERSONNEL the military service in Mongolia is composed of conscript service, contract service, non-commissioned officer service and officer service.

Reform of the armed forces envisions gradual professionalization of the military service. The vision is that of a modern and capable force with professional military at its core. However, owing to national tradition the complete suspension of conscription is not envisaged.

Civil servants (civilian employees of defense sector) constitute 25 per cent of the Ministry of Defense staff. Women – both active duty military service members and civilian public servants – constitute 30 per cent of the Ministry of Defense staff. Status of civil servants, their privileges, rights and responsibilities are prescribed by the LAW ON PUBLIC SERVICE.

#### **3.2 What kind of exemptions or alternatives to military service does your State have?**

According to Article 12 of the LAW ON MILITARY SERVICE BY CITIZENS AND LEGAL STATUS OF MILITARY PERSONNEL citizens of Mongolia may be temporarily exempt from compulsory conscription under following circumstances:

Family conditions, such as if both parents are, or the only living parent is incapable of work due to senior age (over 60 for father and over 55 for mother), or due to disability, and the absence of any other caretaker in the family; if the individual has two or more children; if the individual's spouse is pregnant with child in addition to another child of preschool age; if the spouse is disabled; if the individual is the only legal custodian of a sibling aged under the age of 16 or a disabled sibling over the age of 16;

Health conditions, such as physical and mental inability to perform military duties;

Educational conditions, such as students enrolled in tertiary educational establishments during the period of their study, provided the opportunity for voluntary conscription;

Legal conditions, such as suspects for crimes undergoing investigation and/or convicts serving their sentenced terms;

According to Article 12 of the LAW ON MILITARY SERVICE BY CITIZENS AND LEGAL STATUS OF MILITARY PERSONNEL citizens of Mongolia are entitled to perform alternative military service under following circumstances:

Conscientious objection for religious and ethical beliefs – in the form of community service in emergency rescue units, border protection auxiliary assistance, and other humanitarian organizations for the period of 24 months;

Voluntary employment as physicians and educators in remote areas for individuals within the age criteria for compulsory military service;

Individuals who reached the age limit for compulsory military service without performing the duty are obliged to pay the state a monetary compensation.

### **3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?**

In addition to universal human rights bestowed by the CONSTITUTION OF MONGOLIA, the service members of the armed forces are entitled to the following rights and benefits according to Article 28 of the LAW ON MILITARY SERVICE BY CITIZENS AND LEGAL STATUS OF MILITARY PERSONNEL:

Social and economic rights, including the right to pay package, retirement benefits based on years of active duty military service, additional bonus benefits, such as 1.4 year retirement benefit equated for 1 year of participation in international peacekeeping, service on board combat aircraft, service in border troops units or remote army units; annual holidays (15 working days for commissioned officers, non-commissioned officers and contract soldiers, 25 working days for military school cadets), additional 2 days of annual holidays for every 5 year of active duty service; housing benefits, such as up to 30 per cent of housing cost;

Right to engage in educational, research, artistic and inventing activities during free time upon consent of the commanding officer, reserved for commissioned and non-commissioned officers;

Medical and insurance benefits, such as free medical service provided to conscript privates and warrant officers, medical insurance provided to commissioned and non-commissioned officers in accordance with relevant laws; psychological and physiological rehabilitation for service members returning from international peacekeeping missions;

Monetary compensation to family members (spouses) whose labor contract is terminated due to relocation of the post of service by commissioned and non-commissioned officers, equal to not less than a month's pay grade;

Educational benefits, such as scholarship loan provided for citizens who performed the contract military service over the period of not less than 2 years; a minimum wage equivalent compensation for supporting the secondary education for children of commissioned and non-commissioned officers in serving in remote posts of duty.

According to Article 28 of the LAW ON MILITARY SERVICE BY CITIZENS AND LEGAL STATUS OF MILITARY PERSONNEL active duty service members of the armed forces are subject to following legal limitations and restrictions of rights:

Political restrictions, such as prohibition of political associations, political party membership, protest of state policies and/or decisions and orders by superior officers, participation in rallies and activities not prescribed by the Military Code;

Personal movement restrictions, such as from enrolling in studies besides those organized by the unit (for conscript privates and warrant officers), traveling abroad without the consent of the commanding officer, departing for permanent residence in a foreign country within 3 years following discharge for commissioned and non-commissioned officers formerly entitled to security clearance for access to confidential documents and/or weapons;

Limitations related to performance of duty, such as extra working hours out of necessity; and/or limited free time and holidays upon decision of the commanding officer made in accordance with relevant rules of procedure adopted in full compliance with law; arbitrary place of residence selected by the commanding officer based on the location of the post of duty;

Disciplinary measures, such as issuance of fines for damage inflicted; temporary detention of military personnel.

#### **4. Implementation of other political norms, principles, decisions and international humanitarian law**

##### **4.1 How does your State ensure that international humanitarian law and law of war are made widely available, e.g., through military training programmes and regulations?**

The Ministry of Defense and the General Staff of the Armed Forces, as well as the General Authority for Border Protection, National Police Agency, National Emergency Management Agency, other law enforcement and security organizations have legal divisions as part of their staff, whose primary responsibility is acting as legal counsel for members of the respective services and protecting their constitutional and legal rights, as well as ensuring the adherence to international humanitarian law.

The National Defense University, its Academy of Defense Leadership and Management and the Law Enforcement University have introduced curricula on international humanitarian law.

**4.2 What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?**

According to Articles 277 and 278 of the CRIMINAL LAW commanding officers violating lawful rights, freedom and dignities of their subordinates are held accountable and subject to criminal investigation.

According to Articles 296 of the CRIMINAL LAW commanding officers violating the International Humanitarian Law, in particular, authorizing unlawful use of the symbols of the International Committee of the Red Cross, are held accountable and subject to criminal investigation.

Chapter 3 (Articles 297-304) of the CRIMINAL LAW, titled “Crimes against security of the humanity and peace,” in entirety penalizes war crimes and crimes against humanity.

According to this Chapter, individuals violating international humanitarian law and practices, such as instigation of inter-state and/or regional armed conflict (Article 297), advertisement of and call for war (Article 298), conducting of war by unlawful means, looting of the objects of cultural heritage during conflict (Article 299), inhumane treatment of prisoners of war, hostages and civilian population, possession and use of weapons of mass destruction (Article 300), attacking persons with immunity (Article 301), committing acts of genocide and/or illegal deportation (Article 302), use of mercenaries (Article 303) and damaging environmental balance (Article 304) during conflict are held accountable and subject to criminal investigation.

**4.3 How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?**

Information on this question is found in 1.3 of Section I and 2.1 of Section II of this Questionnaire.

**4.4 What has been done to provide for the individual service member’s exercise of his or her civil rights and how does your State ensure that the country’s armed forces are politically neutral?**

Information on this question is found in 3.3 of Section II this Questionnaire.

**4.5 How does your State ensure that its defense policy and doctrine are consistent with international law?**

Information on this question is found in 4.1 of Section II of this Questionnaire.

## **Section III: Public access and contact information**

### **1. Public access**

#### **1.1 How is the public informed about the provisions of the Code of Conduct?**

The public has unrestricted access to all policy documents and legislations cited in this Questionnaire through official government publication or electronically at [www.legalinfo.mn](http://www.legalinfo.mn).

The Ministry of Defense organizes periodical open door days, annual Armed Forces promotion days in capital city and provinces, other public relation campaigns, such as the annual Armed Forces Day, the Peacekeepers' Day, the National Day parade, the National Defense University education fair, the Mongolian Warriors' Gallantry contest, the Servicemen Oath Day, the Student-Soldiers training program, the Military Museum outreach program etc.

The Institute for Defense Studies hosts regular seminars, workshops and conferences on the aspects related to provisions of the Code of Conduct; the Soyombo weekly newspaper of the armed forces, the Duulga weekly military television show, academic periodicals issued by the National Defense University and the Institute for Defense Studies provide extensive media and publicity coverage.

#### **1.2 What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?**

Not available to public at this stage in this format.

#### **1.3 How does your State ensure public access to information related to your State's armed forces?**

Information on this question is found in 1.1 of Section III of this Questionnaire.

### **2. Contact information**

#### **2.1 Provide information on the national point of contact for the implementation of the Code of Conduct.**

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