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MONGOLIA'S COUNTER-TERRORISM ARCHITECTURE: IMPLICATIONS FOR DOMESTIC DEVELOPMENT AND FOREIGN PARTNERSHIP



Dr. Jeffrey Reeves

At first glance, Mongolia's decade-long attempt to develop a domestic counter-terrorism capacity seems counter-intuitive. The country has not experienced a terrorist attack nor does it face any immediate pressure from terrorist groups within or on its borders. Mongolia's small and diffuse population, its geographic isolation, and its neutral foreign policy also suggest a relative insulation from terrorist threats. Through closer consideration of Mongolia's counter-terrorism architecture, however, one can discern a clear logic in the state's approach. For Mongolia, counter-terrorism is as much about fostering inter-agency cooperation and facilitating foreign cooperation as it is about securing the country from a largely theoretical threat. The state's multiple-use of its domestic counter-terrorism architecture becomes clear when one examines the country's primary counter-terror institutions: the 2004 Law of Combating Terrorism and the National Counter-Terrorism Coordinative Council (NCTCC).

Mongolia's 2004 Law of Combating Terrorism outlines Mongolia's legal approach to counter-terrorism in four parts. Part one of the Law defines its purpose, outlines the country's laws related to terrorism, provides a standardization of terms related to counter-terrorism, and presents the state's principles related to counter-terrorism. Part two of the Law addresses the country's planning for prevention of terrorism related attacks. Part two specifically outlines the basic principles of countering threats and clarifies the government, law enforcement, and citizen's responsibilities related to counter-terrorism.

Part three of the Law provides a legal basis for the NCTCC's establishment. Part three clearly spells out what ministries/agencies will participate in the NCTCC, what material resources the NCTCC will require, the principles upon which the NCTCC will operate, and the NCTCC's responsibilities in terms of response to a terror-related event. Part four of the Law outlines the state's approach to prosecution of individuals or groups involved in terrorist activities in the country.

Both in conception and content, the 2004 Law provided a starting point for Mongolia to engagement with counter-terrorism, most directly through the 2005 establishment of the NCTCC.

The NCTCC carries the mandate of coordinating counter-terrorism efforts between 11 ministries and 4 agencies, including the General Police Department, the Armed Forces, the Ministry of Foreign Affairs, the Ministry of Environment and Green Development, the Ministry of Health, the Ministry of Road, Transportation, Construction and Urban

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Development, the General Border Protection Agency, the General Inception Agency, the National Emergency Management Agency, the National Court Service, the Customs General Agency, the General Taxation Agency, the General Registration Agency, and the Department of Immigration and Citizenship.

The Council is formally under Mongolia's General Intelligence Agency, although its chairman, B. Ariunsan, answers directly to Mongolia's President. The ministers and heads of the agencies that operate within the Council's serve as Council members and are, in turn, responsible for coordinating their respective agencies' activities within the Council and for implementing Council directives in the event of an terrorism event.

The NCTCC remains an institution in a development phase and one attempting to clarify its role and mandate among its members. Following an episode in 2013 when a man discharged several rounds from rifle on the steps of Mongolia's Government House, for example, the Council found itself largely sidelined as ministries and agencies, including the Mongolian police, responded outside the NCTCC framework. Such difficulties are not, however, an indication that the NCTCC is redundant. Indeed, the ministries' and agencies' somewhat haphazard response to the 2013 shooting incident highlighted the need for a lead agency in coordinating activities between institutions. This is the role the 2004 Law outlined for the NCTCC and one it must develop through a clearer agenda and more institutional authority.

Mongolia's National Emergency Management Agency (NEMA), in this respect, is an ideal model. NEMA is charged with disaster relief implementation and training in the country and is an effective, proactive organization. Also established in 2004, NEMA successfully coordinates ministries' and agencies' activities regarding natural and manmade disasters much in the way NCTCC hopes to coordinate activity around counter-terrorism. NEMA's minister is part of the NCTCC and, as such, can provide the Council with lessons learned and best practices related to coordination. The partnership between the two agencies is an excellent opportunity for Mongolia to borrow from one of its institutional successes to support further development of another.

The 2004 Law and the NCTCC have been instrumental in providing Mongolia a framework for development of a counter-terrorism mechanism. Since 2004, for example, Mongolia has drawn on the legislation and the NCTCC to conduct internal exercises related to counter-terrorism in Provinces such as Khovd and Arkhangai. The 2004 Law and the NCTCC have also been instrumental in the establishment of counter-terrorism operation centers to coordinate its member's responses to terrorist-related events. The 2004 Law also provides the NCTCC with the mandate to act as the center-point for intelligence gathering and dissemination on matters related to counter-terrorism.

In addition to increasing Mongolia's domestic counter-terrorism capacity, the 2004 Law and NCTCC also support Mongolia's efforts in two other important areas. First, they provide both an impetus and mechanism for greater inter-operability between Mongolia's various ministries and agencies, even those that do not have a direct link to counter-terrorism. Lack of cooperation and information sharing has long been an obstacle toward

collective action within the Mongolia government. The 2004 Law's clear definition of ministries and agencies' roles and responsibilities in counter-terrorism and the NCTCC's mandate to facilitate cooperation between agencies, in this respect, are important drivers of information sharing, joint capacity building, and coordinate action between ministries and agencies.

Second, the 2004 Law and the NCTCC provide a legal basis and mechanism for Mongolia's interaction with foreign states and entities with counter-terrorism mandates. The 2004 Law's definition of counter-terrorism terms, for example, provides a legal basis for collaboration with foreign partners. So do the Law's clearly defined counter-terrorism principles provide transparency that helps facilitate cooperation with democratic entities such as the US, EU, and UN.

Most important is the Law's legal basis for the NCTCC's founding, as the NCTCC is Mongolia's point of contact for collaboration and/or cooperation with foreign agencies and institutions. The NCTCC hosts visiting states' militaries and police, both for informational meetings and for trainings. The NCTCC is also Mongolia's point of contact for information requests regarding terrorist activity within the country's territory from outside entities.

The NCTCC also has the potential to play an important role in Mongolia's foreign policy. Mongolia has plans, for example, to develop a counter-terrorism capacity on par with the nation's current peacekeeping forces, which would allow it to engage in international counter-terrorism activities with partner organizations such as the Shanghai Cooperation Organization or North Atlantic Treaty Organization. Through the NCTCC, Mongolia would also like to develop a domestic training capacity (again, based on the country's experience with peace keeping), which would both increase its interaction with more experienced militaries and agencies and add to Mongolia's growing reputation as a regional center for security partnership. Both outcomes would be hugely beneficial for Mongolia in terms of capacity building and international exposure.

Through the establishment of its 2004 Law and the NCTCC Mongolia has both increased its domestic capacity and raised the potential for greater international cooperation with its key security partners, such as the United States, China, and the United Nations. While the country does not face a direct threat from terrorism, the formation of an internal mechanism to deal with the potential threat is, therefore, entirely rational. Mongolia should draw on the 2004 legislation to provide greater support for the NCTCC so that it can further develop its capacity in line with its mandate and increase its institutional legitimacy. Anything less is a lost opportunity.

The views expressed in these articles are those of the author and do not reflect the official policy or position of APCSS, the U.S. Pacific Command, the U.S. Department of Defense, or the U.S. government.

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