

POCA

PERSPECTIVES ON CENTRAL ASIA



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Eurasian Dialogue is delighted to introduce the eighth issue of Perspectives on Central Asia. In this issue, we have a diverse range of articles covering the timely issues of border security, investment and human rights.

Investment banker Chris MacDougall describes how he moved to Mongolia in 2011. Leaving London's financial district, MacDougall was drawn to the country by a mining boom. Despite encountering challenges and cumbersome business regulations, investors have many opportunities in a country with an estimated \$3 trillion of untapped resources.

From the plains to Mongolia to the border between Afghanistan and Turkmenistan, **Bradley Jardine** offers a nuanced analysis of recent instability that has caused worry in Ashgabad. This year, branded the “Year of Peace and Prosperity” by Turkmen officials has seen unprecedented violence on the country’s southern border. With a poorly trained conscript army facing a resurgent Islamic Movement of Uzbekistan close to the

border, Turkmenistan will struggle to secure itself without external support, Jardine argues.

In our final article, **Samantha Brletich** examines the introduction of a new LGBT law in Kyrgyzstan. The new law, coupled with the introduction of a foreign agents bill and passing of a new restrictive religion law in May 2015, constitutes an erosion of civil liberties in the Central Asian republic according to Brletich. Although modelled on Russian legislation, Kyrgyz LGBT law is even more draconian; violators can be punished by a year in prison. For Brletich, the passing of these laws signifies an entrenchment of Russian influence in Kyrgyzstan.

We hope you enjoy reading the articles.

Eurasian Dialogue

LONDON TO MONGOLIA: REFLECTIONS OF A CANADIAN CAPITALIST IN POST-SOVIET ASIA

BY CHRIS MACDOUGALL

The emerging economies of post-Soviet states have presented foreign investors with both huge potential and high risk over the two last decades. In this article, Chris MacDougall recounts his pioneering experience in investment banking in Mongolia and sees a promising outlook for the future. The country's untapped resources, strengthening legislative and political environments, and increasing transparency are all contributing to the country's potential, he argues.

Mongolia is unapologetically picturesque, harsh, and difficult to navigate. This is true both in terms of its rugged terrain and its challenging corporate environment. For those that call Mongolia home, the challenge is no doubt part of the allure. Succeeding in Mongolia, much like the rest of Central and Northeast Asia, is a badge of honor. It suggests that you can succeed and solve problems anywhere. Like many of my peers, this allure, and the promise of great opportunity influenced my decision to move to Mongolia. Arriving in Ulaanbaatar, I knew very little about the country, its politics, or its recent history.

Wedged between Russia and China, Mongolia shares more with its Central Asian and European cousins than it does with any other nation in the world. Since Lieutenant General Baron Urgern first led his troops into Mongolia in 1920, the country has been a site of geopolitical struggles between China, the Soviet Union, pro-Tsarist rebels, Japan and the Mongolian people. Not surprisingly, these struggles have resulted in a depth of cultural and social influence. Modern day Mongolian food, drink, politics, and corporate hierarchies act as every day reminders of Mongolia's past.

“MONGOLIA SHARES MORE WITH ITS CENTRAL ASIAN AND EUROPEAN COUSINS THAN IT DOES WITH ANY OTHER NATION IN THE WORLD”

Of the many actors that have influenced Mongolia's recent history, the Soviet's were by far the most impactful. In addition to a 70-year presence, their technological and commercial advancements helped shape modern day Mongolia. Soviet architecture, urban planning, and commerce are still present in the nation's capital. Similarly, the Mongolian economy that exists today has been largely shaped by the Socialist regime that ruled between 1921 and 1992. While capitalist, the numerous transitions that have taken place over the past century have provided the foundation for Mongolian industry and commerce.

During the Soviet occupation, Mongolia experienced three distinct periods of change: the ‘General Democratic Transformation’ (1921-1939), the ‘Construction of Foundation of Socialism’ (1940-1960), and the “Completion of Construction of Material & Technical Basis of Socialism” (1960-1992). Specific tactics and ideals underpinned each period. Most notable were the development of an agrarian economy, the expansion into natural resources and economic decentralization, and the modernization of Mongolian industry and agriculture, respectively across each period.

Mongolia’s Democratic Revolution took place in 1990 and brought the first true reforms to the country. Changes to the constitution, the introduction of multi-party elections, and a reduced military presence by the USSR all contributed to a new constitution being adopted in 1992. This would lay the groundwork for Mongolia’s economic reform, the expansion of industry, and the attraction of foreign investment.

**“MONGOLIA’S
DEMOCRATIC
REVOLUTION TOOK
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THE COUNTRY”**



Contrasts between old and new in Ulaanbaatar

credit : author

Between 1992 and 2009, contrary to the rest of the former Soviet Union, Mongolia enjoyed free and open democratic elections. Legislation was introduced that supported the attraction of foreign investment and the development of key sectors, which led to an inflow of foreign capital and skilled professionals.

“BETWEEN 1992 AND 2009, MONGOLIA ENJOYED FREE AND OPEN DEMOCRATIC ELECTIONS”

On October 6, 2009 Mongolia signed an investment agreement with Rio Tinto for the development of the Oyu Tolgoi copper and gold mine. The cost of development reached US \$10 billion by 2013, making it the largest investment in Mongolian history. This agreement, along with the acknowledgement of a large international corporation that Mongolia was a place to do business, saw further foreign capital and talent flock to Ulaanbaatar.

Rio Tinto’s interest and the widespread migration of skilled professionals was the result of Mongolia’s expected mineral resource wealth. Oyu Tolgoi, while the largest investment in the country’s history, is expected to be the first of many large-scale mineral investments. Mongolia is rich in deposits of coal, copper, gold, fluor spar, and tungsten. According to the IMF, Mongolia’s mineral endowment is expected to be between US \$1-3 trillion, making it one of the wealthiest nations in the world in terms of mineral resources.

“DESPITE SUCH DEVELOPMENTS, MONGOLIA IS STILL THE POOREST OF THE OPEN ECONOMIES IN EAST ASIA”

Despite such developments, however, Mongolia is still the poorest of the open economies in East Asia, falling behind its more developed neighbors: China, Hong Kong, Japan, Korea, and Macau. When broadening the scope to include Central Asia, Mongolia’s position does strengthen, ahead of Uzbekistan, Kyrgyzstan, Tajikistan, and Afghanistan. However, given the economic promise of the last five years, this hardly reflects an achievement for the country.

More recently, the introduction of attractive legislation, promising political leadership, and the finalization of key investments have resulted in more investors and professionals being attracted to the country in search of opportunity and fortune. Not surprisingly, few outsiders have succeeded in this pursuit, in part, due to the cyclical and capital-intensive nature of the mineral resources sector, which dominates the economy. Likewise, the poor performance of commodities prices over the past three years, copper and coal in particular, has resulted in both poor performance and a weakening outlook for the fledgling nation.

“THE POOR PERFORMANCE OF COMMODITIES PRICES OVER THE PAST THREE YEARS, HAS RESULTED IN BOTH POOR PERFORMANCE AND A WEAKENING OUTLOOK FOR THE FLEDGLING NATION”

The Mongolia Stock Exchange’s Top-20, seen as a benchmark for foreign investment into the country, has declined from its all time high on February 25, 2011 of 32,955 to 13,811 on July 31, 2015, a loss of 58% of value. The Mongolian Tugrik, the domestic currency, has also been impacted by the declining economic conditions. On the same date as the MSE Top-20 all



Gold mine in Northern Mongolia

credit : author

time high, February 25, 2011, the Tugrik was trading at 1,253:1 to the US dollar. Comparatively, on July 31, 2015, the Tugrik traded at 1,982:1 to the US dollar. This 33% depreciation in value of the currency is a clear sign of the economic hardship that the nation has and continues to endure.

In addition to the weakening economic conditions there are other factors that prove challenging for outsiders and foreign investors. Similar to the rest of Northeast and Central Asia close familial business networks, a deep mistrust of foreigners and foreign companies, and culturally accepted business practices that foreign companies are not able or willing to facilitate due to anti-corruption legislation, all make doing business in Mongolia difficult for outsiders.

Many of these issues, are byproducts of the country's history as well as the Soviet influences that permeate societies of many post-Soviet countries. However, these have already begun to dissipate as younger, foreign educated Mongolian's assume political and commercial leadership. The younger tiers of politics and business, educated overseas and intensely ambitious, demonstrate a strong desire to introduce international standards and greater transparency to their home.

It was one of Mongolia's internationally educated young people that first brought me to the country in 2011. At the time, working in finance in London, I arrived as a tourist. Mongolia was in the midst of a mining boom. Ulaanbaatar, the country's capital was filled with foreign investors from all over the world. The energy was intoxicating and the opportunities seemed endless. I returned to London and quickly decided that Ulaanbaatar was better suited to my ambition.

“THE ENERGY WAS INTOXICATING AND THE OPPORTUNITIES SEEMED ENDLESS”

Accepting a position at a domestic family office, I was tasked with supporting the launch of their private equity fund. Like many self-made conglomerates in Mongolia, my host firm had been successful in developing mining projects and had been a pioneer in professional mining services. Following their successes, they began to manage investments both for themselves and for international investors seeking exposure to Mongolia's double-digit growth.

All seemed well for Mongolia and for Mongolians. The country had enjoyed astronomical growth, rising from US \$4.5 billion in 2009 to US \$6.2 billion, US \$8.76 billion, and US \$10.32 billion in 2010, 2011, and 2012. But political ambition, nationalistic rhetoric, and discriminating foreign investment legislation soon reversed this progress.

“WHERE MOST PROFESSIONALS SAW TURMOIL AND LOSS, MY PARTNERS AND I SAW OPPORTUNITY”

Where most professionals saw turmoil and loss, my partners and I saw opportunity. We saw increasing demand for professional services, envisioned decreased competition, and a growing number of exploration and mining projects that required foreign capital to advance their objectives.

At the time, investment banking was still a nascent industry and competition was almost non-existent. We acquired underwriting, brokerage, and dealing licenses and brought together a team of young professionals. Partnering with the family office that had first brought me to Mongolia, we launched what has become one of the top investment banks in terms of foreign investment into the country's resources sector.

The future looks bright, both for Mongolia and the domestic investment banking sector. The country's untapped resources, strengthening legislative and political environments, and increasing transparency are all contributing to the country's potential. With a population of only 3 million, future prosperity will be heavily dependent on the continuation of such positive changes in Mongolia's governance and the further attraction of foreign investment into the economy.

“THE FUTURE LOOKS BRIGHT, BOTH FOR MONGOLIA AND THE DOMESTIC INVESTMENT BANKING SECTOR”

In June 2016, Mongolia will go back to the polls and hold democratic elections for the eighth time in the country's history. Irrespective of the outcome, both Mongolians and foreigners alike recognize that in order for Mongolia to return to the staggering growth that once

energized the nation, favorable foreign investment legislation and transparent governance is needed. To a large extent, this already exists. But a commitment from the incoming Government to maintain and strengthen these standards is still required. Only then will the concerns of foreign investors be eased. In doing so, foreign capital will return to Mongolia and a new tranche of foreign investors and skilled professionals will hear the call of Ulaanbaatar.



Coal mine in Northern Mongolia

credit: author

Chris MacDougall is a Canadian finance professional specializing in frontier and emerging markets. He is Managing Director of the Mongolian Investment Banking Group SC in Ulaanbaatar, Mongolia and holds several advisory and directorship positions with companies throughout Asia and North America. Previously based in the United Kingdom he now calls Northeast Asia home, where he has been living for four years. He holds a Master of International Business from the University of St Andrews and a Bachelor of Commerce from Saint Mary's University.

TURKMENISTAN’S STRUGGLE TO CONTAIN NON-TRADITIONAL SECURITY THREATS

BY BRADLEY JAMES JARDINE

Turkmenistan’s regime has attracted attention over the years by virtue of its foreign policy position, namely, the Doctrine of Positive Neutrality. In this article, Bradley James Jardine explains how this UN-recognized status as a neutral state is being tested by recent events just across the border in Afghanistan.

Militants in Afghanistan’s predominately Turkmen populated Faryab Province have [seized more than 100 villages](#) in July alone, with pro-government paramilitary troops retreating across the region. The withdrawal, in Afghanistan, of the [International Security Assistance Force \(ISAF\) mission](#) and the alleged [sightings of IS militants](#) in the country has combined to cause uncertainty in Ashgabat over the state’s capacity to protect its borders from non-traditional (i.e. state-to-state) threats.

More menacing is the [growth of the Islamic Movement of Uzbekistan](#), who view Turkmenistan as a gateway into the region. With a large, disgruntled Uzbek population, under-trained and under-resourced border forces, and significant oil supplies located near the Afghan border, Ashgabat is a tempting target. Turkmenistan, isolated and neutral, is increasingly the weak-link in the Central Asian security chain.

“MORE MENACING IS THE GROWTH OF THE ISLAMIC MOVEMENT OF UZBEKISTAN, WHO VIEW TURKMENISTAN AS A GATEWAY INTO THE REGION.”

Multilateral Security Organizations and the Doctrine of Positive Neutrality

Turkmenistan’s neutrality is primarily a strategy for balancing external actors and retaining a high degree of autonomy. However, the recent surge in violence in northern Afghanistan has left Turkmenistan vulnerable to an IMU offensive, alarming its neighbors. Rather than rely on Russia, Ashgabat is reaching out to the West, partly to test the waters and see how much the West is willing to invest. But also, to vie for time as the regime attempts to defend its own borders without Russian aid.



Ethnic Turkmen fighters in Northern Afghanistan

Credit: RFE/RL

Turkmenistan’s foreign policy was codified on 12 December 1995, when the General Assembly of the United Nations approved an ad hoc resolution [A/50/80(A)] endorsing the regime’s request for the status of permanent neutrality. The addition of the active component, the adjective “positive,” is innovative, with regime officials arguing that neutrality does not entail “[self-isolation \[but\] it does entail a constructive position.](#)” Indeed, Turkmenistan has been politically active, assuming a status of regional peace-making center. During the Tajik Civil War, [Ashgabat provided a platform for negotiations](#) between rival parties. Additionally, in 2007, the headquarters of the [United Nations Regional Centre for Preventive Diplomacy for Central Asia](#) (UNRCCA) was established in Turkmenistan to assist the region’s stability.

Due to Ashgabat’s worsening relations with Russia over gas disputes, and fears of overdependence on China, Turkmenistan has been actively seeking cooperation with the West in both energy trading and security. The European Union has revived the idea of a Trans-Caspian Pipeline, with plans to have it built by 2019. This resumption of talks was even accompanied by subtle legislative changes in Turkmenistan; for example, on 12 March the organization of demonstrations was legalized and earlier another, third political party was created. Although these moves are cosmetic, they still provide insight into Ashgabat’s foreign policy.

“DUE TO ITS WORSENING RELATIONS WITH RUSSIA AND FEARS OF OVERDEPENDENCE ON CHINA, TURKMENISTAN HAS BEEN ACTIVELY SEEKING COOPERATION WITH THE WEST”

Turkmenistan has also signaled significant moves towards security cooperation with the West. 2015 marked the 20th anniversary of the UN’s recognition of Ashgabat’s status of

permanent neutrality, with the regime rebranding 2015 as “[the year of neutrality and peace](#).” 2015 also marked the 20th anniversary of NATO’s Partnership for Peace (PfP) program with Central Asia. Turkmenistan’s authorities decided to combine the events by [hosting a conference from March 2-3](#), titled “issues of peace and stability in Central Asia and Afghanistan: a view from neutral Turkmenistan,” which was sponsored by NATO. Ironic, considering the country is suffering unprecedented security problems on its border. Indeed, following this conference on 26 March, General Lloyd Austin, head of U.S. Central Command testified before Congress that Turkmenistan is interested in both military cooperation and the purchase of U.S. military equipment.

These moves are controversial since Turkmenistan, unlike its neighbors, is neither a member of the Russian-dominated Collective Security Treaty Organization (CSTO), nor China’s Shanghai Cooperation Organization (SCO). Signaling Moscow’s irritation on March 18, the CSTO’s secretary, Nikolai Bordiuzha, [strongly criticized Ashgabat](#) for not cooperating in the fight against terrorism. The Kremlin is fearful of the IMU’s growing activities in the region, particularly after some of the organization’s [Uzbek members were arrested in 2013 in Moscow](#) for planning to carry out attacks, but also willing to take advantage of the instability to project its power into the region.

“THE KREMLIN IS FEARFUL OF THE IMU’S GROWING ACTIVITIES IN THE REGION”

Turkmenistan’s efforts to attract the west are unlikely to bear fruit; after all, American assistance in the field of security [amounted to a measly \\$1.3 million in 2014](#). Ashgabat needs to seriously consider further cooperation with its neighbors as its borders are becoming increasingly unstable, and the regime’s defensive strategies have, so far, largely resulted in failure.

Are the IMU a Threat to Turkmenistan?

The IMU haven’t launched any successful offensive into Central Asia since the [2009 attacks in the Fergana Valley](#). However, since then, the IMU has been trying to establish a foothold in northern Afghanistan by embedding with the Taliban and radicalizing the region’s Uzbek, Tajik, and Turkmen communities. The group has been fighting in Afghanistan to [form a base from which to project its power](#) into Central Asia, with the explicit aim of destabilizing the secular, authoritarian regimes and establishing an Islamic order. Furthermore, after operating in northern Afghanistan for many years, the group has become a major [stakeholder in Afghanistan’s multi-billion drug economy](#), with aims to open smuggling routes further.

“THE IMU HAS BEEN FIGHTING IN AFGHANISTAN TO FORM A BASE FROM WHICH TO PROJECT ITS POWER INTO CENTRAL ASIA”

The problems have intensified the past year with [a huge influx of Uzbek families](#), allegedly from Pakistan. In June 2014, following the [IMU bombing of the Karachi airport](#), the Pakistani military started large-scale operations in North Waziristan, where IMU militants had been hiding since the outbreak of the 2001 War on Terror, when allied forces forced them to flee into the tribal areas. Since then, the estimated number of IMU fighters currently operating is anywhere [between 5,000 and 7,000](#).

“THE ESTIMATED
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The Taliban and IMU have been long-term allies, and even today, the two continue to enjoy a symbiotic relationship. [The Taliban’s ties to the IMU](#) – whose rank and file are Sunni Muslims of Central Asian origin – raises its standing among ethnic Uzbeks, Tajiks and Turkmen, thus furthering its support base. In return, the IMU enjoys Taliban supported sanctuaries in the north from which it can recruit allies, control smuggling routes, and launch attacks into Uzbekistan, Turkmenistan, and Tajikistan.

With the [Afghan government’s recent revelation](#) that Mullah Omar, the leader and founder of the Taliban, is dead, infighting could strengthen the hand of the IMU. Indeed, even prior to the official announcement, tensions have been mounting. Several senior Taliban commanders, having no evidence that Omar was alive, had already defected to the IMU. The loss of field commanders and rank-and-file fighters to splinter groups and rival militant groups could deprive the Taliban of troop numbers and effective leadership, further constraining their



Along the border between Afghanistan and Turkmenistan

Credit: RFE/RL

capacity to restrain radical IMU militants. Furthermore, days after the announcement, [the IMU released a video declaring allegiance to the Islamic State](#). This is likely a move to appeal to more radical elements within the Taliban, and to attract the [small number of Central Asians who have been travelling to fight in Syria](#).

Turkmenistan offers several enticements for an IMU offensive. Firstly, Turkmenistan's neighbors are militarily stronger and receive significant levels of military aid from both Russia and the West. For example, Russia donated military equipment and weapons worth [\\$1.5 billion to Kyrgyzstan and Tajikistan](#), and Russian troops actively guard the Tajik border. Meanwhile, the sanctions on Uzbekistan for its atrocious human rights record were removed

**“TURKMENISTAN
OFFERS SEVERAL
ENTICEMENTS FOR
AN IMU OFFENSIVE”**

in January allowing the U.S. to make its largest military donation to Central Asia of [300 armored vehicles amounting to \\$300 million](#). Turkmenistan, by contrast, receives very minimal military aid and isn't a part of any defensive organizations. This makes its huge, 744-kilometer border across open desert extremely vulnerable.

Secondly, Uzbeks are concentrated near the Afghan and Uzbek border in the Lebap and Dashoguz provinces of Turkmenistan. They now constitute the largest minority group in the country, at [nearly 6 percent of the population](#), and they're extremely disgruntled with the central government. The policies of "Turkmenization" have had particularly adverse effects on Uzbeks. In addition to having effectively [banned the use of Uzbek as a medium of instruction in schools](#), the drive for "full-blooded" Turkmen as government employees had, by the end of the 2004, resulted in virtually all Uzbeks being removed or not employed in high and mid-level administrative positions in the areas where they are concentrated. This discrimination could easily boil over with some sustained provocation from Uzbek IMU radicals.

Finally, there is the issue of norm transmission from the Islamic State to the IMU. ISIS consolidated its grip over oil supplies in Iraq and now preside over a sophisticated smuggling empire. These profits helped ISIS pay its burgeoning wages bill with [\\$500 a month for regular fighters](#), and about \$1,200 for commanders. Crucially, Turkmenistan has [significant oil supplies just over the border](#) in the Uzbek populated Lebap province in the Seidi refinery, and would provide the IMU a powerful competitive advantage in their recruitment campaign.

Turkmenistan, Afghanistan, and Non-State Security Providers

Turkmenistan has been actively seeking allies in Afghanistan to act as a buffer between the state and Taliban occupied areas. Not surprisingly, these potential allies have predominately been drawn from among their ethnic cousins along the border. However, the Afghan Turkmen have reason to view Ashgabat as an enemy, rather than a friend.

**“TURKMENISTAN HAS BEEN
ACTIVELY SEEKING ALLIES
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OCCUPIED AREAS.”**

Currently, an estimated 1.5 million Turkmen live in Afghanistan – [making up 3 percent](#) of the country's overall population. They are located primarily in the country's northern provinces of Jowzjan, and Faryab. Seeking a pro-active policy, Turkmen officials reached out to ethnic-Turkmen leaders to stabilize the border against Taliban and IMU attacks. On February 18, 2015, Azatlyk reported that Turkmenistan's Deputy Foreign Minister, Vepa Hajiyev, [met with ethnic Turkmen elders](#) in Afghanistan in secret, to dissuade them from supporting the Taliban. However, the Turkmen authorities have been alienating, to put it mildly.

In February, Afghan Turkmen in northern Faryab, in the Marchak district were in a desperate situation, appealing to Turkmenistan's elites. The area was [surrounded on three sides by the Taliban](#), which had cut the region off from the central government in Kabul. Village leaders had requested that Turkmenistan grant citizen's safe passage in order to circumvent the Taliban and receive aid in Turgundy, in the Herat Province. Their requests were ignored.

Furthermore, Turkmenistan's efforts to seal its borders have provoked ethnic Turkmen on the Afghan side. The village of Karkin came [under fire from Afghan police](#) on March 16, 2015, after residents protested against the Turkmenistani border guards' decision to expel villagers from a small island on the Amu Darya River, which had been essential for grazing cattle. The border guards had [built barrier lines and wire entanglements](#) on the island, considering it to be part of the border-zone. Many reports from Afghan Turkmen mention imprisonment and torture by Turkmenistan's border guards, and some even revealed they'd had their ears cut off.

**“TURKMENISTAN’S
EFFORTS TO SEAL ITS
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AFGHAN SIDE”**

These moves have genuine implications for President Gurbanguly Berdymukhammedov's regime. According to the exiled chairman of the banned Republican Party of Turkmenistan, many dissidents from Turkmenistan have been leaving to collaborate with ethnic Turkmen in the IMU to recruit in the bordering regions and destabilize Ashgabat.

Turkmenistan has also been hoping to build a relationship with the Taliban to keep the radical IMU in check, largely by relying on the same methods it used in the 1990s, when it supplied oil to Taliban government in exchange for détente. Indeed, during Afghanistan's rule by the Taliban, Turkmenistan – unlike the other Central Asian republics – enjoyed a close, unofficial relationship with the government in Kabul. Ashgabat famously instructed its state-media service [not to portray the Taliban regime](#) in a negative light. Turkmenistan even cooperated with the Taliban on security issues. For example, when ethnic Turkmen from Afghanistan fled into Turkmenistan's territory during their insurgency against the Taliban, [Ashgabat's authorities returned them to Afghanistan](#), where a significant number were subsequently executed. Today, Turkmenistan lacks a positive relationship with the Taliban.

On March 18, 2014, Berdymukhammedov met with Salahuddin Rabbani, the chairman of the



Turkmen soldiers

Credit: RFE/RL

High Peace Council of the Islamic Republic of Afghanistan – a body appointed by the former Afghan president, Hamid Karzai, to negotiate with elements of the Taliban. At the meeting, Turkmenistan agreed to [supply electricity to Afghanistan's Faryab Province on favorable terms](#), as well as deliver humanitarian aid to facilitate the region's recovery. Ashgabat also offered itself as a platform for negotiations between Kabul and the Taliban.

Since then, relations between Ashgabat and the Taliban insurgents have gone from bad, to worse. On February 26, 2015, militants crossed into Turkmenistan from Afghanistan's Baghdis province [killing three border guards](#). The firefight was allegedly in retaliation to Turkmenistan's border guards killing a Taliban insurgent and arresting two others. Furthermore, on July 26, 2015, Taliban militants [cut Turkmenistan's electricity supply cables to Faryab](#), plunging the region into darkness.

With these proactive attempts at diplomatic, “positive” outreach failing, Ashgabat has fallen back into a habit of isolation, fortifying its borders in a last ditch attempt to defend its territory. In the long run, such attempts are foolish at best.

Turkmenistan's Manpower Shortages

Turkmenistan's border forces lack rigorous training and the state's non-commitment to external security alliances has caused the state to re-organize and squeeze as many resources as possible to sustain its insufficient border security force. A key initiative has involved the mass mobilization of military reserves along the Afghan border.

At present, 60,000 young Turkmenistanis enter prime draft-age each year, but Ashgabat has been struggling to fulfill its quotas. Firstly, some [800,000 young men work as migrant laborers](#), with more seeking to join their numbers amidst the economic uncertainty caused by the January 2015 currency devaluation. In addition, many Turkmen boys receive military deferments if they go into higher educational institutions. According to a [leaked government census from 2012](#), over 42,000 Turkmen students study abroad each year.

In response to the exodus of labor, migration and border services have closed the borders to prevent males of recruitment age from leaving the country to seek work abroad. Students are also facing difficulties. On July 15, RFE/RL's Turkmen service, known locally as Azatlyk, reported that boys above the age of 18 who have not yet served in the military will [no longer be entitled to study outside the country](#). Furthermore, *the Chronicles of Turkmenistan* reported that in response to shortages, military units near the border [were not demobilized](#) during the recruitment cycle in November, meaning they haven't been serving far longer than their two-year requirement.

The government's crackdown on draft evasion has also caused the black market to flourish. [The cost of a bribe for documentation](#) proving a recruit to be "medically unfit" for service has risen to \$600. Another bribe, certifying that the bearer has already performed military service, when he has not, can command as much as \$4,000.

"THE CRACKDOWN ON DRAFT EVASION HAS CAUSED THE BLACK MARKET TO FLOURISH"

Drug-use and drug trafficking provide an additional threat to units along the Afghan border, and many of the problems arose as a result of Niyazov's "known unknown" tolerance of trafficking. The United Nations Office on Drugs and Crime estimated that the use of opiates experienced a [17-fold increase in Turkmenistan from 1991-2002](#). The agency added by stating that 1 percent of the country's population could be considered regular users of injected drugs. Such patterns have been associated with the rapid spread of HIV/AIDS in the country. Although Berdymukhammedov has genuinely curbed drug-use, problems still remain near the border, and the IMU's resources and connections could easily undermine security.

Finally, the Turkmen military suffers from a critically low state of morale. As of January 2015, due to both horrendous living conditions, and abusive officers, [eight recruits committed suicide](#) and another 45 suffered serious health problems, becoming permanently disabled. Desertion is also a prominent problem with over [100 officers leaving their rank](#) since January in response to being assigned to dangerous districts on the Afghan border.

Ashgabat is dangerously positioned and the regime is running out of options. Turkmenistan needs to co-operate with its neighbors if it's to effectively defend itself.

Bradley Jardine is a postgraduate student at the University of Glasgow in the UK and an intern at RFE/RL. He is also a regular contributor at The Diplomat. His current research project is focused on the politics of Turkmenistan's neutrality in the Berdymukhammedov era.

ANTI-GAY LAWS IN RUSSIA AND KYRGYZSTAN: A COMPARISON

BY SAMANTHA BRLETICH

Anti-LGBT bills in Russia and Kyrgyzstan have stirred heated debates in both countries and internationally. Samantha Brletich examines the similarities and differences between the new laws, arguing that Kyrgyzstan's bill is even more restrictive than Russia's legislation. According to Brletich, although Kyrgyzstan's bill signals Russia's increasing influence over the Central Asian republic, Bishkek may well have more to lose than to win with its new law.

June 2015 marked the five year anniversary of ethnic riots between ethnic Uzbeks and Kyrgyz in the southern Kyrgyzstan. While the country continues to heal, another group in Kyrgyzstan, the LGBT community, faces systemic discrimination heightened by an anti-gay law that has been widely condemned by Kyrgyz civil society groups and international human rights organizations. The new law contains many similarities with the law that Russia passed in 2013. Kyrgyzstan has a history of homophobic laws and discrimination against homosexuals. [Police abuses](#) against gay Kyrgyz citizens have been heavily documented by human rights watchdog groups. Kyrgyzstan's intolerance towards homosexuals is derived from its return to its traditional values, shifting cultures, globalization, and rapid political development.

Although, according to its constitution, Kyrgyzstan is a parliamentary democracy and ensures equality for all, in the last decade democratic rights have eroded with increasing Russian influence in Kyrgyzstan's political, and subsequently its social and moral affairs.

**“IN THE LAST DECADE DEMOCRATIC RIGHTS HAVE ERODED WITH
INCREASING RUSSIAN INFLUENCE IN KYRGYZSTAN’S POLITICAL,
AND SUBSEQUENTLY ITS SOCIAL AND MORAL AFFAIRS”**

Background

The LGBT communities in Kyrgyzstan face discrimination in all areas of their lives. A [2010 United States Department of State Human Rights report](#) on Kyrgyzstan documented that “(LGBT) individuals faced severe oppression,” and “risked physical and verbal abuse, possible loss of work, and unwanted attention from police and authorities.” Local NGOs who advocate for LGBT rights, including Pathfinder and Labrys, often face additional scrutiny.

The anti-gay legislation in both Russia and Kyrgyzstan is influenced by religious values. The Russian Orthodox Church garnered support for the Russian law, arguing that the law was required to protect minors. Kyrgyzstan, while secular, has a predominant Sunni Muslim population. The [Kyrgyz Muslims' Spiritual Directorate](#) leader, Mufti Maksat Hajji Toktomushev, issued a fatwa against the Kyrgyz gay community, citing that the Quran prohibits homosexuality. Many Kyrgyz agree with conservative social norms and pro-gay advocates fear that fellow Kyrgyz might support the bill.

Kyrgyzstan and Russia share a justification that passing the legislation is needed to "[secure traditional family values](#)". The anti-gay law in Kyrgyzstan passed its first reading in October 2014, and its second reading on 24 June 2015; the bill needs three readings before it is sent to the president to be signed into law. The third vote is expected to come before the parliamentary elections in September.

**"KYRGYZSTAN AND RUSSIA
SHARE A JUSTIFICATION
THAT PASSING THE
LEGISLATION IS NEEDED TO
'SECURE TRADITIONAL
FAMILY VALUES'"**

This legislation violates the Kyrgyz constitution. Article 16 of the Constitution establishes that the "Kyrgyz Republic shall respect and ensure human rights and freedoms to all persons on its territory and under its jurisdiction." Article 16.2 states that "no one may be subject to discrimination on the basis of sex, race, language, disability, ethnicity, belief, age, political and **other convictions.**" Article 17 states that rights should not be "interpreted as denial or derogation of" universal human rights and freedoms. The anti-gay law unequivocally violates Article 31 of the Kyrgyz Constitution: "the right to free expression of opinion, freedom of speech and press." Section 4 of Article 2 declares that "the propagation of national, ethnic, racial and religious hatred, gender as well as other social supremacy which calls to discrimination, hostility and violence shall be prohibited." All of the articles establish non-discrimination.

Although the full text of the Kyrgyz law is not available, the [draft legislation](#) seeks to (italics added for emphasis): "*Limit dissemination of information in the media;*" "*Restrict organizing and participating in peaceful assemblies*" that promote non-traditional sexual relations;" and

**"MIMICKING THE
RUSSIAN
LEGISLATION, THE
KYRGYZ LAW IS
AMBIGUOUS"**

"Define the criminal and administrative liability of legal entities and individuals for disseminating information containing hidden or open propaganda about non-traditional forms of sexual relations, including toward minors." Mimicking the Russian legislation, the Kyrgyz law is ambiguous, sanctioning any action that law enforcement determined to violate these statutes.

The Russian law entered into force on 30 June 2013 and focuses on "protecting children from information advocating for a denial of traditional family values" passed in Russia's lower house with 435 "Yes" votes. The law, "*For the Purpose of Protecting Children from Information Advocating for a Denial of Traditional Family Values,*" attracted international condemnation,

bringing boycotts and protests against the 2014 Sochi Winter Olympic Games. The 2013 law is an amendment to the *Law on Protection of Children from Information Harmful to Their Health and Development* and the Code of Administrative Violations. [An excellent legal analysis by the group Article 19](#) stated before the legislation was introduced, nine Russian regional legislators had adopted a similar ban. The draft bill passed through the State Duma despite its unclear wording; "homosexual relationships" became "non-traditional relationships" and "homosexual orientation" became "predispositions." Article 3 of the bill created the [new administrative offense](#) "propaganda of non-traditional sexual relationships among minors."

The city of St. Petersburg in March 2012 adopted an anti-gay law against "homosexual propaganda." St. Petersburg was the fourth city in Russia to adopt the [law](#) that "[criminalizes] 'public action aimed at [propagandizing] sodomy, lesbianism, bisexuality, and transgenderism among minors.'" Since 2006, other regions had adopted similar laws: Arkhangelsk (passed law in 2011 and repealed law in November 2013), Ryazan (first region to pass anti-gay law in 2006), Kostroma (ban on pride rallies declared illegal on 4 April 2014), Magadan (adopted in 2012), Novosibirsk (passed law in April 2012), Krasnodar (adopted in 2012), and [Bashkortostan](#) (adopted in July 2012).

Comparing the Kyrgyz and Russian Legislation

The most significant difference between the Russian and Kyrgyz laws is that in Kyrgyzstan violators could face imprisonment of up to one year. Promoting gay relationships or "non-traditional sexual relationships" would be criminalized under the proposed law. [The "protections" in the Kyrgyz bill applies to all demographics](#), not only minors. The broadening of the Kyrgyz bill makes the law easier to enforce, thus endangering more citizens. Kyrgyz human rights promoter, Dastan Kasmamytov stated the bill undermined civil society and "[imposes] threat to freedoms of speech, assembly, associations, right to information." The Kyrgyz law puts restrictions on media, determining what type of media promotes homosexuality or help others form positive attitudes about homosexuality. This also would limit the population's and the political opposition's ability to challenge and protest the law. Journalists could easily be jailed and human rights activists would be forced underground.

"THE KYRGYZ LAW DETERMINES WHAT TYPE OF MEDIA PROMOTES HOMOSEXUALITY OR HELP OTHERS FORM POSITIVE ATTITUDES ABOUT HOMOSEXUALITY"

The Russian law carries light to heavy fines for exposing minors to non-traditional family values determined by paragraphs 2 and 3 of Article 6.21. Paragraph 4 of Article 6.21 defines penalties for foreign nationals: detention for 15 days followed by deportation with a fine of 4,000 to 5,000 rubles (or \$80 to \$100). Since the law's implementation, only four people have

been fined under the law. The Kyrgyz law carries fines as well [up to \\$115](#) (approximately 7245 Kyrgyz som or 6549 rubles).

For Kyrgyzstan, the law reverses rights for Kyrgyzstan's homosexual community bringing the situation back to how it was prior decriminalization of homosexuality in 1998. Kyrgyzstan will also be unable to fulfill its international obligations. Kyrgyzstan will be left behind socially and economically as inclusiveness begins to dictate international policy as evidenced by events in Ireland and the United States and much of Western Europe. In April 2014, Kyrgyzstan was

**“THE LAW REVERSES RIGHTS FOR KYRGYZSTAN’S HOMOSEXUAL
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granted membership in the Parliamentary Assembly of the Council of Europe. [Upon gaining membership](#), Kyrgyzstan declared its commitment to “deep constitutional, institutional, political and legal reforms in order to strengthen democracy,” stating that membership is “an important incentive to further develop democracy, the rule of law and protection of human rights in Kyrgyzstan.” Adoption of the bill would have ramifications affecting the Kyrgyz-EU relationship as EU-Kyrgyzstan relations are chiefly determined by the bilateral Partnership and Cooperation Agreement signed in 1999. Human rights and rule of law reform supported by the EU are the foundation of the EU-Kyrgyzstan relationship; Kyrgyzstan has failed to live up to its obligations. Kyrgyzstan is also party to the International Covenant on Civil and Political Rights. The Organization for Security and Cooperation in Europe has cited concerns about the law over media and press freedoms. Kyrgyzstan has more to lose than Russia, as Kyrgyzstan relies heavily on foreign aid for development, healthcare and education programs.

**“KYRGYZSTAN HAS
MORE TO LOSE
THAN RUSSIA”**

The Russian influence in Kyrgyzstan indicates that Russia is looking to push Kyrgyzstan away from the West. Russia has suffered politically from its anti-gay law, but the controversial policy has not deterred the administration of Vladimir Putin. The Sochi Olympics were boycotted by countries, human rights organizations and activists as countries worried about the safety of gay athletes or who are pro-gay advocates. From a geopolitical standpoint, Russia has dismissed the criticism and continued to implement anti-Western policies testing Western response regarding Russia's slide into a consolidated autocracy.

**“THE ECtHR HAS
SERVED AS AN AVENUE
FOR RUSSIAN CITIZENS
TO CHALLENGE RUSSIA’S
POLICIES”**

The Russian delegation to the Council of Europe has threatened to withdraw from the European Court for Human Rights (ECtHR) in April 2014 over the situation in Crimea and with the anti-gay “propaganda” law. The ECtHR has served as an avenue for Russian citizens to challenge Russia's policies. Russian actions in Crimea

sparked sanctions against Russia, but the sanctions serve the indirect purpose of sanctioning Russia for its social policy and violations of human and civil rights. Yelena Mizulina, author of Russia's anti-gay bill, [was financially sanctioned](#) by the United States along with ten others for actions in Crimea.

Conclusion

Despite Kyrgyzstan receiving international attention for its ability to function relatively democratically in a region of autocrats and presidents for life, Kyrgyzstan's commitment to civil liberties and freedoms is slowly being eroded. Following in Russia's footsteps, Kyrgyzstan is considering a "foreign agents" bill similar to the one passed in Moscow earlier this year. In addition, Kyrgyzstan's State Commission for Religious Affairs is drafting a new "Religion Law" with unconstitutional restrictions and puts further restrictions on religion; as of late May 2015 [the draft law is currently with the Prime Minister](#). All three of the laws are draconian and reflect Kyrgyzstan's failure to function as a democracy. The laws also reflect Kyrgyzstan's susceptibility to Russian influence.

If the anti-gay bill and other exclusionary and discriminatory bills fail in Kyrgyzstan, it will be a victory for minorities and those who wish to develop Kyrgyzstan's civil society, strengthen Kyrgyzstan's institutions and strengthen its constitution. Even though the bill enjoys popular and parliamentary support, passing of the legislation would have negative ramifications for Kyrgyzstan and its reputation. For Russia, the unlikely reversal of the anti-gay homosexual propaganda bill would restore some belief that Russia is committed to equality and its commitments to international human rights treaties.

“EVEN THOUGH THE BILL ENJOYS POPULAR AND PARLIAMENTARY SUPPORT, PASSING OF THE LEGISLATION WOULD HAVE NEGATIVE RAMIFICATIONS FOR KYRGYZSTAN AND ITS REPUTATION”

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