




Marie-Sophie Borchelt Camêlo | Aziz Elmuradov (eds.)

# Shifting Security and Power Constellations in Central Asia and the Caucasus



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Bielefeld, January 2024  
Marie-Sophie Borchelt Camêlo, Aziz Elmuradov



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# Introduction: Shifting Security and Power Constellations in Central Asia and the Caucasus

*Marie-Sophie Borchelt Camêlo and Aziz Elmuradov*

This volume brings together scholars who seek to inquire into the course of post-Soviet political transformation across Central Asia and the Caucasus by investigating the changing security and power constellations. By synthesizing the role of changing regional and global security and power constellations, our contributors offer a nuanced and well-informed analysis of how the countries of post-Soviet Central Eurasia navigate their paths across the rocky terrain of world politics. Our authors, international and regional experts from a variety of backgrounds, provide a thorough and up-to-date overview of contemporary Central Eurasian politics, identifying key themes, trends, and trajectories of transformation and analyzing the conceptual underpinnings of security and power as discourse products of world politics. Key topics include autocratic diffusion and regime security in Central Asia, the strategic situation in Afghanistan, China's changing role in Central Asian security, governance problems in Kyrgyzstan as a rentier state, the destructive role of internal security services in the context of democratic transition in Armenia, e-justice and cyber security in Kyrgyzstan, and the politics of authoritarian neoliberalism and labor resistance in Kazakhstan. By drawing on a diverse literature, the contributors seek to engage theoretically and empirically with discourses of security and power while attending to their numerous intersections and overlaps and the ways in which they are reflected in politics and policies across the region. Rather than aiming to develop a uniform model or a common framework, the volume explicitly seeks to retain theoretical and conceptual openness. Equally importantly, the contributors focus on changing security and power constellations on the ground while keeping the structuration of the broader global political field in view—the geopolitical tensions, local conflicts and power dynamics, and regional balancing strategies that underlie the processes of transformation in Central Eurasia.

At a time when world politics finds itself at critical junctures in a number of ways and the talk is of a new world order evolving though with no end in sight, it is increasingly important to understand how post-Soviet Central

Asia and the Caucasus are on their way to becoming the cross-roads of an emergent Eurasia and why we should, in our endeavor to understand their story of transformation, refer to new insights and perspectives. Political developments of recent years—violent protests and subsequent political reforms in Kazakhstan, the Taliban takeover in Afghanistan, the escalation of the Nagorno-Karabakh conflict, subsequent clashes and the dissolution of Nagorno-Karabakh, power transitions, aggravation of the cross-border conflict between Kyrgyzstan and Tajikistan—are indicators of a region that is dynamic, diverse but at the same time retains considerable commonality. Not only is the region dynamic, the broader global environment is as well. In light of geopolitical shift in post-Soviet space—most notably in light of Russia’s full-scale invasion of Ukraine—the current state of security and power constellations in Central Asia and the Caucasus and their potential trajectories generate great interest among scholars.

The study of Central Asia and the Caucasus is predominantly concentrated around central and prominent themes such as post-Soviet transition, state- and nation-building, international security, neopatrimonialism, authoritarian rule, and the authoritarian–liberal democracy continuum. The security approaches toward understanding these regions are manifold. Central Asia and the Caucasus are predominantly viewed through the prism of international security and regionalism and these regions are portrayed as endangered by geopolitical tensions, local conflicts, and lack of self-organized frameworks for regional security (Allison 2004; Cooley 2012; Mayer 2021). It is argued that “in view of their power deficits the Central Asian states themselves are not prepared to manage their regional security to any greater extent” (Mayer 2021: 227). Security cooperation in Central Asia “involves primarily bilateral or multilateral frameworks nurtured by external state and nonstate partners ... including Russia and China. In contrast, multilateral cooperation among the five states remains weak” (ibid.).

The mainstream accounts inquire into conventional security approaches in which self-interested actors operate and pursue their political aims, with the state figuring as by far the main referent of security. Despite yielding a fair amount productive research, however, the conventional approaches to security issues have faced significant criticism from scholars with diverse intellectual origins and perspectives. Various novel, critical, and integrative approaches to security have increasingly challenged traditional conceptualizations of security threats. Scholars have pleaded for the security paradigm to be reconceptualized and the notion of security to be extended to incorporate a broader range of threats such as migration

and climate change as well as a broader spectrum of actors across the board (Lemon 2018; Beyer and Kojobekova 2019; Vakulchuk et al. 2022; Mamadshoeva 2019). There has been a call for more attention to be paid to a series of important connections linking security with multiple other domains. For example, the idea of separating state and society has been critiqued on the basis of there being a need “to bridge the discourses on security and civil society” (Schuck and Vasilache 2021: 110). It has been noted that there is a tension between stability- and transformation-oriented rationalities, especially with regard to security issues. This tension finds its ultimate reflection in the idea of separating state and society, which results in contradictory goals and dysfunctional consequences (Schuck and Vasilache 2021). As a consequence, the development of a free and independent civil society in these regions is being hampered by authoritarian and semi-authoritarian power structures. Even in the context of Kazakhstan, Kyrgyzstan, and Georgia, where civil society organizations enjoy relative freedom to carry out civic engagements, contestation tends to be minimized. In Turkmenistan, Tajikistan, Uzbekistan, Azerbaijan, and Armenia civil society organizations and their engagement are viewed, albeit in different ways and to different degrees, as a potentially destabilizing factor that could grow into instability.

Next, and concurrently, the subject of power and its multiple relations to security needs to be addressed. The contributors to this volume have their say on power and its different intersections with security from their respective theoretical perspectives. Grappling with the enormous demands of Leviathan, the laborious task of erecting a state apparatus throughout the post-Soviet period, Central Asia and the Caucasus have much in common. Their authoritarian, semi-authoritarian, and hybrid power constellations continue to endure behind democratic facades and demonstrate a significant degree of resilience. Despite significant political transformation and power transfer, authoritarian and semi-authoritarian rule endures. It has been observed with respect to power transfer in authoritarian political systems in Central Asia that “transitions at the top of the power hierarchy represent a caesura” that “can be accompanied by disintegration of the political system or even of the state’s unity” (Vasilache 2017: 25). “Because regularized procedures for the transfer of power are usually lacking, even when an autocrat dies of natural causes, his passing leads to an exceptional, transitional situation that is often highly precarious. Struggles over power and policy directions may erupt as well as those over key positions and the country’s future political orientation” (Vasilache 2017: 25).

In Kazakhstan and Kyrgyzstan, transfer of power has taken place with great difficulty. In Kazakhstan, President Kassym-Jomart Tokayev vowed, in the wake of massive violent protests across the country in early 2022, to make major political changes and to reform the political system. As a result, substantial amendments to the constitution were introduced, which in effect put Kazakhstan on track to moving from being a super-presidential republic to a presidential republic with a strong parliament. In Kyrgyzstan the 2020 parliamentary elections, deemed to have had significant flaws, were accompanied by violent protests. Parliamentary elections were held at the turn of the power transition and paved the way for Sadyr Japarov to sidestep the basic law and declare himself acting president. Subsequently, the constitution was amended and approved in a referendum. In contrast to Kazakhstan, however, the constitutional changes expanded the power of the president while reducing that of the parliament. It has been argued that the constitutional amendments “move Kyrgyzstan away from a checks-and-balances system of semi-presidentialism towards a form of presidentialism that is close to authoritarian-style ‘crown-presidentialism’” (Partlett 2021: 1). Despite constitutional changes, or perhaps precisely because of the peculiar fact that they are handily amenable to adjustment and adaptation under questionable circumstances, authoritarian and semi-authoritarian hybrid systems in Central Asia continue to endure and operate in ways in which they are intimately conflated with security rationalities. As noted elsewhere, “security politics in Central Asia displays the relevance of sovereign security patterns” with a focus on “strengthening recently established statehood and sovereignty” [...] whereas “we can hardly detect any governmental security rationalities.” Instead, “we find a traditional and narrow definition of security; a monopolization of security policy in the hands of state governments and corresponding inter-government relations; the reliance on hierarchic, juridical and institution-based repression” (Vasilache 2019: 691–692).

Aijan Sharshenova (Chapter 1) argues that the authoritarian trend has gathered significant momentum in Central Asia. She explores the complex phenomena of autocratic diffusion and authoritarian learning, and provides an insightful analysis of the most recent political trajectories and dynamics in Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan with an eye to governance structure, socioeconomic characteristics, state–society relations, and the geopolitical impact of their broader international environment. Sharshenova investigates the broader global implications of autocratic diffusion and illustrates how the Central Asian republics interact with each other at the regional level as well as in the context of their immediate

international neighbourhood with respect to pursuing economic cooperation, a security agenda, and political alliances. By providing a valuable contribution to the intricate dynamics of autocratic diffusion, her chapter relates to the ongoing academic and policy discussions on authoritarian learning and autocratic alliances.

Edward Lemon and Bradley Jardine (Chapter 2) examine China's role in Central Asia's security and the ways it has evolved over the past decade, which has brought several major developments and trends. The authors argue that China is using security governance as a means to extend its influence and exercise power in Central Asia. They show how China has, while charting an increasingly independent course in Central Asia and showing less deference to Russia, established a complex web of regional frameworks, trade agreements, educational exchanges, technology transfers, and training for local security services in the region. By establishing its first overseas military facility there (in Tajikistan) and by increasing its share of arms imports, China has built a growing footprint in the region's security sector. Central Asia has also proven to be a testing ground for China to develop its own *parallel order-building* and experiment with forms of security cooperation, increasingly without the region's traditional external hegemon Russia. These practices fit into China's vision of security governance which centers on building a loyal cadre of local leaders who share Beijing's vision with regard to trade, alternatives to Western liberal norms and values, and becoming politically aligned with China's security interests. The authors also argue that, despite growing dependence on China, the Central Asian republics are still exercising agency in their relations. The region's regimes have attempted to strengthen their long-standing multi-vector foreign policies to create a broad range of patrons offering public goods, security assistance and trade deals to enhance their sovereignty.

Farkhad Tolipov (Chapter 3) provides a conceptual analysis of the protracted war and peace-making efforts in Afghanistan. He argues that the international war and peace-making efforts in Afghanistan have hitherto been conceptually ill-defined in two important ways. The inefficiency and ineffectiveness of international peace-making efforts have to do to a significant extent with major misperceptions and misinterpretations of the actual rooted problems as well as a poor conceptual grasp of the situation on the ground in this war-torn country. According to the author, the strategic deadlock in war making is, in fact, equally related to common misperceptions and consequently to serious deficiencies in choosing proper strategies and approaches. As a result, the strategies of international forces

and local governments for peace-making have not undergone substantial modifications for many decades. Based on the realist theory of international relations and referring to numerous insights by Carl von Clausewitz, the author puts forward explanations for the strategic stalemate in war waging and the conceptual conundrum of peace-making in Afghanistan.

Akram Umarov (Chapter 4) inquires into the numerous structural and multidimensional links between the governance problems and development issues that affect Kyrgyzstan as a rentier state. He argues that there is a close connection between increasing rent and deteriorating governance as a result of the overwhelmingly top-down nature of development governance. Using a variety of indicators from international institutions, he seeks to investigate to what extent direct connections can be traced between changes in sources of government revenue and adjustments to governance and how ignorance of a bottom-up approach to development can negatively affect the country's resilience. To this end, the main research question is divided into three subquestions: (1) Why has Kyrgyzstan been facing problems such as high-level corruption, clientelism, together with low levels of accountability and submission to the rule of law, and generally inefficient governance plus severe economic problems despite receiving substantial external aid and implementing numerous development projects? (2) Why has Kyrgyzstan been unable to make effective use of the considerable aid and state revenues it has received to build resilience? (3) What is the connection between increasing revenues from different sources of rent such as external aid, gold exports, and leasing military bases, and increased authoritarianism and corruption, and degraded governance, stability, and economic development in Kyrgyzstan?

Aliia Maralbaeva (Chapter 5) shows the significance of e-justice transformation as part of an ongoing reform involving the digitalization of public services in Kyrgyzstan. On the one hand, implemented e-justice systems facilitate the openness of courts, business processes in courts, transparency, efficiency, and accessibility. On the other, they significantly increase the need for data storage and raise challenges and risks for privacy, confidentiality, and data security. As a result of the relatively recent application of e-justice systems in Kyrgyzstan, an integrated legal framework outlining the cybersecurity of e-justice transformation is still lacking. In light of this gap, the author explores national legislation, government strategies, and implemented e-justice systems to identify a successful balance between openness of courts and data protection.

Shalva Dzebisashvili and Lia Evoyan (Chapter 6) investigate why hybrid regimes, or semi-democracies in which democratic and autocratic features are mixed, are unable to complete the democratic transition to form stable institutions and full-fledged civil societies. They argue that, instead of solidifying democratic gains in the long term, hybrid regimes often fall into the trap of democratic backsliding. Semi-authoritarian hybrid regimes use their national security agencies to consolidate their newly acquired power after democratic transition and eventually fail to preclude the prospect of an authoritarian reversal. Using the case study of Armenia, one of the first nations in post-Soviet space to adopt key principles of democratic governance, they show convincingly how, despite expectations of radical democratic change and institutional transformation, the establishment of a patronage system, widespread corruption, political persecution and the monopolization of political power contributed to the stalling of democratic transformation and good governance. Dzebisashvili and Evoyan review the period of the last 30 years and attempt to uncover the major factors that contributed to this stalling notwithstanding multiple changes of political regimes and elites. They argue that the democratic backsliding has to be attributed primarily to the common pathologies shared by different (rival) political groups/elites and is strongly linked to the extensive use of internal security agencies to consolidate power (after political victory), persecute opponents and police politics. The old-fashioned security apparatus, inherited from, and built in accordance with, Soviet tradition, lurks behind what comes across as a new wave of democratic transformation.

Serik Beimenbetov, Zumrat Sanakulova and Zhansaya Aitbay (Chapter 7) examine the effects of rising neoliberalism on labour in Kazakhstan by looking at the situation of oil workers in the west of the country, who have been subject to direct attacks by the state over the last decades. Contrary to expectations, the introduction of neoliberal, market-oriented reforms in this sector has not led to greater prosperity for the workers, but to increased commodification of labour, the insulation of workers from key decision-making processes, a curtailment of workers' rights, and blatant coercion. This development has been accompanied by growing discontent among workers who, in the absence of an impartial judiciary and independent trade unions, often find themselves at the mercy of employers and the coercive state. All this is highlighted in this chapter by reference to the situation of workers in the oil sector in Western Kazakhstan, which has been the backbone of oil industry in the country. Specifically, the authors interrogate the dynamics of neoliberalism in Kazakhstan and its impact

on the oil sector, identify its contradictions and, against this background, examine the forms and dynamics of labour unrest. They argue that the inability of workers to form an effective countermovement is due to the absence of independent trade unions and thus a lack of leadership. The study draws on the results of field research in Western Kazakhstan in 2022.

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# Polity Diffusion and Regime Security in Central Asia

*Aijan Sharshenova*<sup>1</sup>

## *Introduction*

More than a decade ago, Alexander Cooley (2013) authored an article in which he coined the term “league of authoritarian gentlemen.” In his scholarly contribution, Cooley drew attention to a prevailing phenomenon involving political elites from Russia, China, and Central Asia. He underscored their persistent endeavour to establish alliances characterized by opposition to democratic principles, concurrently formulating strategies and tools designed to counter democratic norms. A decade later, it is becoming increasingly evident that this trend has not merely survived but has, in fact, gathered momentum. The political elites of the Eurasian region appear to have fortified their capacities, becoming more proficient, efficient, and resolute in their pursuit of the shrinking space for political freedoms and civil rights within the region.

This chapter represents an extension of existing research within the scholarly domain of studies in authoritarian political systems, autocratic diffusion, and the concept of authoritarian learning. It seeks to provide a comprehensive analysis of prevailing political trends within the Central Asian republics of Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan, while also considering their broader regional context. Notably, this study removes Turkmenistan from under its spotlight, as that nation’s political leadership has embarked on an evident trajectory toward totalitarianism, making it distinct from the rest of the Central Asian region and the majority of political systems in the world. Turkmenistan truly is a fascinating case and deserves a separate analytical endeavour.

Focusing on the contemporary period, which roughly includes the past five to ten years, this chapter engages in detailed exploration of the multifaceted dimensions characterizing autocratic diffusion. Importantly, it approaches this analysis without any normative judgement or biases toward any specific political framework or ideology. Polity here refers to a political

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system in its larger sense. In Central Asia, a polity refers to one of the nondemocratic illiberal political regimes of Central Asia, which, for the purposes of semantic ease, are grouped under the umbrella term of autocracies. While this grouping does not do justice to the variety and complexity of nondemocratic regimes in the world in general, and in Central Asia particularly, it does help simplify the analysis and fit it into the scope of this contribution.

The research aims to shed light on the intricate interplay of political dynamics that have unfolded within the Central Asian region during the specified time frame. It does so by adopting a holistic perspective that takes into consideration a range of factors including, but not limited to, governance structures, state–society relations, geopolitical influences, and socioeconomic developments.

Moreover, this contribution places the concepts of autocratic diffusion and authoritarian learning within the broader context of international relations, acknowledging the global implications of autocratic diffusion and its impact on the larger neighbourhood of the Central Asian republics. In doing so, it tries to shed some light on the reciprocal influences and interactions between these nations and external actors, whether in the realm of political alliances, economic cooperation, or security arrangements.

To achieve a nuanced and comprehensive understanding, this analysis draws upon empirical evidence on the ground, highlighting some important political developments that have taken place in recent years. Furthermore, it seeks to engage with the evolving discourse surrounding autocracy and its diffusion, thereby contributing to the ongoing dialogue within the academic community.

In summary, this chapter aspires to contribute valuable insights into the intricate dynamics of autocratic diffusion within the Central Asian region and its broader geopolitical context. Through its empirical analysis, it strives to contribute to our comprehension of the complex interplay between political systems, regional developments, and global forces, ultimately advancing our knowledge within this field of study. While it is a task beyond the scope of this chapter, the ultimate hope is to continue the ongoing academic and policy conversation on autocratic alliances, authoritarian learning and know-how, and how it might shape the dominant political systems of the future world.

### *Research on Autocratic Polities*

Prior to examining the case study concerning the diffusion of autocratic polities within Central Asia, it is important to address certain conceptual and theoretical intricacies that are required for the purposes of clarity and unambiguity. In this section, a detailed analysis of fundamental concepts, particularly “polity” and “autocracy,” is positioned within their broader contextual framework. This serves a twofold purpose: first, it establishes a shared and cohesive framework of key terminologies, which will be used throughout this analysis. Second, it serves as a foundational framework upon which the analysis will be constructed. Having established operational definitions of such terms, I will explore the existing research on polity diffusion and look into such phenomena as autocratic diffusion, authoritarian persistence and resilience, authoritarian legitimation, and hybrid regimes. Finally, it is important to reflect on the emerging body of research on Central Asian authoritarianism as the geographic location and the socio-economic and political impact of the shared Soviet past might have made their own contribution to shaping what the region looks like at the present.

### *Research on Authoritarianism*

Academic inquiry into the nature of political regimes has become more vague and obscure in recent times. It increasingly avoids providing clear-cut categorizations and instead positions real-world regimes along a spectrum that spans from an ideal, almost utopian-style democracy governed by the rule of law at one end to what can be considered a hypothetically dystopian dictatorship at the other. Such an approach to definitions and classifications results in a situation whereas political systems exist within an enormously broad range between these two extremes. In an effort to address these issues, a variety of researchers in the field opted for creating new terms to describe the complexities of contemporary political regimes. What follows below is yet another attempt to structure the existing knowledge and understanding of nondemocratic regimes.

Within the framework of this chapter, I define an *autocratic polity* as an illiberal regime that is characterized by the presence of regular elections, but fails to uphold the principles of the rule of law, the separation of powers, and the protection of certain fundamental civil rights and political

freedoms. In such political systems elections may occur periodically, but they often take place within a context where the core tenets of liberal democracy, such as the safeguarding of individual rights and the checks and balances on government authority, are deficient or undermined. This definition builds upon the existing research and, hopefully, reflects the complexities of real-world political systems.

Michael Wahman and colleagues (2013) contribute significantly to the *categorization* of autocratic political systems by providing a lucid and compelling typology that is rooted in the institutional framework of these systems. According to their classification (Wahman et al., (2013: 23), they delineate two primary categories: authoritarian regimes devoid of elected legislatures, encompassing military regimes and monarchies, and authoritarian regimes featuring elected legislatures, encompassing no-party, one-party, and multi-party political systems. In addition to this discerning typology, they also identify and acknowledge the existence of hybrid regimes within this complex spectrum of political arrangements.

Research on *hybrid political regimes* is probably one of the most exciting and empirically rich domains within the political sciences. Basing their analysis on contemporary and historical cases, researchers like Steven Levitsky and Lucan Way, Donnacha Ó Beacháin and Rob Kevlihan, and others reflect the complexity of contemporary polities. This research has produced some brilliantly nuanced definitions and catchy labels. For example, Way (2009) and Levitsky and Way (2012) developed a framework to understand the grey areas of polities in the former Socialist world—competitive authoritarianism. Competitive authoritarianism denotes regimes that combine authoritarian practices with democratic institutions and are based upon the ruling party strength, the state's coercive capacity, and state control over wealth.

*Autocracy promotion* is another large area of relevant research in political sociology, anthropology, and international relations. In the existing research, the dominant opinion seems to be that autocracy promotion can be a reality only as a larger concept rather than as a literal set of formal and explicit instruments and mechanisms aiming to promote and replicate a certain political system. Although the literature on the promotion of autocracies has shown some distinct patterns of outside assistance for autocratic polities, there is limited convincing evidence to confirm that these initiatives represent unified, coherent sets of foreign policies that represent deliberate efforts to advance a particular regime type abroad. Some authors (e.g., Tansey 2015) call on scholars to adhere to a strict definition of

autocracy promotion implying that it should include both an overarching normative commitment to autocracy and a clear intention on the part of an external actor to support autocracy as a type of political rule in third countries.

Other authors (e.g., Burnell 2010) suggest that a broader and more encompassing definition of autocracy promotion might get closer to contemporary reality. A broadly defined autocracy promotion would allow for a richer and more multifaceted evaluation of the complex interplay between geopolitical considerations and interests, alongside the partially independent influence exerted by authoritarian norms and values. This comprehensive perspective acknowledges that autocracy promotion is not solely a product of calculated strategic interests but is equally influenced by the intrinsic norms and values associated with authoritarian governance.

Autocracy promotion in the area of applied politics has stemmed from the more saturated area of democracy promotion studies. Researchers in democracy promotion saw a real deterioration in liberal democracy throughout the world after several decades of growth in the agents, programs, and activities to promote democracy that took place before and around the collapse of the Soviet Union and the end of the Cold War. According to Carothers (2006: 59–62) and Burnell and Schlumberger (2010), this “backlash against democracy” was characterized by the re-establishment of authoritarian regimes, the closing down of democracy promotion agents or a restriction of their activities, and the spreading perception among recipient countries of democracy promotion as a form of Western interventionism or even neoliberal colonialism. Literature that supports autocracies relies on nuanced empirical data from recent decades and is still catching up with the number of scholarly and policy publications on democracy promotion, offering “counter-intuitive” (Börzel 2015: 519) but crucial findings that may help to explain both the opposition to democracy and the inconsistent results of policies intended to promote it.

In particular, researchers have been trying to understand the driving forces underlying autocracy promotion. The motivations may be normative: according to Tanja Börzel and Thomas Risse (2012), autocracies need to spread a certain political system in order to gain more legitimacy. A shared economic culture also makes it easier for autocracies to cooperate economically. As an alternative, there are structural considerations within the political economic approach. The issue of stability is crucial, and existing autocracies will only support other autocracies in their region if doing

so does not jeopardize their own stability, security, or economic interests (Bader et al. 2010).

However, one must note that the reality of democracy and autocracy promotion dynamics are far from being black and white, good versus bad, which is a crucial feature to consider when discussing how they interact with one another. Börzel (2015) found that Western democracies do not consistently commit to promoting democracy; similarly, authoritarian governments' top priorities are stability and security, with the export of norms coming in a distant second. Autocracies are not necessarily promoted by authoritarian governments. To safeguard their political and economic interests, they prefer to pick and choose the precise instances where they feel the need to oppose Western democracy development activities. Research on democratization and democracy promotion, as well as the newly developed subject area of autocracy promotion, has a tendency to overstate democratization's exterior characteristics.

In addition, researchers identify and characterize the mechanisms that are employed to promote autocracy, which can occur either unintentionally or on purpose. These mechanisms are similar to those that promote democracy. Unintentional mechanisms often imply that norms spread by contagion or diffusion, as well as through the influence of good/attractive examples of political governance and economic development (Burnell 2010: 7–8). Authoritarian agents of influence may also dispense autocratic socialization through bilateral and multilateral channels (through international organizations and alliances – more formal leagues of authoritarian gentlemen) in addition to these methods.

Authoritarian diffusion is also interlinked with the ongoing research on *authoritarian legitimation* as a regime security mechanism. For example, Mariya Omelicheva (2016) argues that the extent to which authoritarian legitimation is efficient plays a vital role in the survival of authoritarian regimes. Analyzing the discourses of the Central Asian authoritarian gentlemen in power, she assesses the impact of these presidential discourses on the perception of government legitimacy among the respective populations. The ultimate aim of the carefully crafted rhetoric of autocrats is to ensure that their regimes are perceived and accepted as being morally and politically “right” or “proper.” Omelicheva emphasizes the significance of discourse in the cultivation of legitimacy and offers valuable insights into the ways in which authoritarian governments can shape a particular mindset among their populations, fostering acceptance of their rule as inherently justifiable and aligned with prevailing notions of legitimate power.

### *Central Asian authoritarianism*

In the last 30 years, the republics of Central Asia have undergone a drastic political, social, and economic transformation with the participation of both internal and external actors. Fifteen former Soviet republics embarked on their unique transformation paths back in 1991, and 30 years later they could not have been more different. One does indeed wonder why “the once seemingly monolithic Soviet bloc generated such complex patterns of democracy, quasi democracy, and autocracy” (Hanson 2003: 143).

Nevertheless, there are some shared features that make Central Asia not only a geographic unit, but also a socio-political one. For some time, Kyrgyzstan has stood out thanks to its vibrant civil society, regular changes of power, and relatively free political environment. However, under the current leadership of President Japarov, Kyrgyzstan seems to have finally and completely joined the club: the Central Asian region presents a stable authoritarian environment with a strong democratic deficit, presidential regimes, and unfair elections.

Central Asia has been a subject of a reasonably rich academic attention. Responding to the necessity to reassess the transition era, scholars have examined variables that may have hampered and skewed the political transition process. The transition was hampered by Soviet structural legacies and economic variables, the majority of which were rooted in the breakup of the Soviet economy or in the early post-Soviet setting. Lack of national unity (Kubicek 2010: 41–43) caused by the multi-ethnic composition of former Soviet state-nations (as opposed to Western nation-states, which evolved from ethnic nations to civic nations; Glenn 1999), as well as sub-ethnic identities and loyalties, such as membership of clans and tribes (Collins 2006), were viewed as detrimental to initial state consolidation and democracy building.

Early post-Soviet survival, as well as regime and people survival, was a structural issue. Thus, Radnitz (2010) explains how the survival needs of both elites and masses led to the consolidation of subversive clientelism, in which traditional reliance on the state was replaced by interest-based obligations to independent elites, who began acting as a surrogate state providing social support and employment opportunities to local communities. Under these conditions, there was no room for governmental institutions or democratic practices. The unequal and turbulent economic development during the early years of independence was linked to survival discourses:

the economic environment at the start of the transition was unsuitable for a successful political transition.

Some scholars, on the other hand, have emphasized actor-oriented aspects. During the transition phase, ruling elites and significant political personalities faced uncertainty and used nondemocratic politics to stabilize their individual nations (see Isaacs 2010; Nourzhanov 2010 on Nazarbayev, first president of Kazakhstan; Anderson 1999 on Akayev, the first Kyrgyz President). Given “the highly personalistic context of Central Asian politics” (Perlman and Gleason 2005, 104), which remains a fundamental hurdle to successful democratization in the area (Warkotsch 2011), the influence of Central Asian leaders cannot be overstated.

In this regard, the personalities of Presidents and their reluctance “to give up their power and actually abide by ‘rule of law’ principles” are seen as key challenges to a successful democratization process (Kangas 2004: 82). Below them, non-ruling business elites are not interested in democracy as it does not serve their immediate survival strategies. They are either interested in protection by the state (Radnitz 2010), or in investment in the state (either directly or indirectly) to rip benefits through corruption or administrative power (Engvall 2016). The role of the masses is ambiguous in this regard. Western mass media and some political observers saw the people as the key drivers of democratic change during the Kyrgyz revolutions in 2005 and 2010. However, some researchers have delved deep enough into Kyrgyz political soil to distinguish between true democratic mobilization and elite-led mobilization in which the masses behave as “weapons of the wealthy” (Hale 2015; Radnitz 2010: 15–27).

The labels “benevolent authoritarianism” (Anderson 1999: 55), “Central Asian hybrids” (Matveeva 1999), “patrimonial regimes” (Collins 2006), “imitation democracies” (Furman and Weiler 2008) and, more recently, “patronal political regimes” (Hale 2015) and “imagined democracies” (Ó Beacháin and Kevlihan 2015) were developed in an attempt to explain the peculiarities of Central Asian political regimes. While these characterizations have some conceptual parallels, Henry Hale’s patronal politics theory (and, to a lesser extent, Isaacs (2010) neopatrimonial regimes) better meet the research needs of this work. Hale rethinks traditional patron–client networks in the Central Asian setting and offers a broader analytical framework for a more thorough knowledge of the domestic backdrop in the target nations. Furman’s imitation democracy concept and Ó Beacháin and Kevlihan’s imagined democracy concept are instrumental for explaining the ability of Central Asian political regimes to mimic democratic institutions



and practices without actually applying them. Donnacha Ó Beacháin and Rob Kevlihan (2015) addressed the coordination and co-optation strategies that Central Asian nondemocratic polities use to mimic democracy in the eyes of the international community and the part of the domestic population, who care about democracy.

### *Political context in Central Asia*

As the previous section demonstrates, Central Asian political regimes represent different varieties of hybrid regimes with strong authoritarian inclinations. In this section, I would like to touch upon potential underlying reasons why the contemporary republics of Central Asia might be inherently authoritarian. In addition, one cannot ignore the elephant in the room – the regional trend-setter Russia. While Russia's influence might be subsiding against the background of its ongoing invasion of Ukraine, one cannot ignore its importance as a norm entrepreneur and political trend-setter in the region and beyond.

### *Why are Central Asian regimes autocratic?*

In the aftermath of the Soviet Union's dissolution in the early 1990s, the five Central Asian states of Kazakhstan, Uzbekistan, Kyrgyzstan, Turkmenistan, and Tajikistan found themselves facing similar challenges. The arrival of independence was rather unexpected. Given the scale of transformation, one cannot imagine them having been ready for such a significant change. All five republics had been integral parts of the Soviet Union. Through decades of assimilation and control, they had inherited and internalized various aspects of their borders, political institutions, governing elites, and other critical social and political attributes from the Soviet period. Each of these states had its own titular nationality, although none of them were ethnically homogeneous thanks to the Soviet ethnic melting pot and the early 20<sup>th</sup> century's deportations of entire ethnic groups. Notably, Kazakhstan faced a unique challenge in this regard, as Kazakhs did not constitute an overall majority within their own borders. In the early independence years, all five Central Asian states drew, to varying degrees, from a shared Soviet political culture and economic development. However, this has changed due to the

differing economic and political reform paths chosen by the respective Central Asian ruling elites.

More recently, the nations of Central Asia have grappled with a succession of substantial political and economic challenges. Within this tumultuous landscape, issues of inequality and poverty have been steadily on the rise, owing in part to the perceived lack of commitment on the part of their respective governments to fostering a more equitable redistribution of economic resources. In response to these disparities, the population has resorted to large-scale protests as a means of expression, although these gatherings are often met with forceful and suppressive measures by the governments in power. Regrettably, these responses by the authorities frequently arise out of non-functional or inadequate solutions to the underlying issues. The Armed Conflict Location Event Data Project (ACLED)<sup>2</sup> regularly updates data on violence against civilians and protests, and both seem to be steadily increasing. However, regular protests and even government coups in Kyrgyzstan do not seem to have resulted in a less authoritarian or more democratic governance.

One of the reasons might be that Central Asia has not been democratic in the conventional sense. It transitioned from largely autocratic monarchies to being under the rule of an even more autocratic empire to being part of a nondemocratic mammoth of a polity. There has simply not been any consistent lasting and internally developed experience of democratic governance—but there has been plenty of authoritarian experience, which is the regional normal.

Another reason might be a vicious circle of nondemocratic governance and public frustration. The cumulative effect of these developments has had a discernible impact on the authoritarian character of the political regimes in Central Asia. This has manifested in a growing sense of crisis surrounding the legitimacy of these regimes, as the populace increasingly perceives them as being unresponsive to their socio-economic needs and grievances. In essence, the confluence of economic challenges, social unrest, and the authoritative suppression of dissent has exacerbated the legitimacy crisis faced by these political regimes, further consolidating their authoritarian tendencies.

Finally, if one steps away from normative considerations when analyzing the peculiarities and the human toll of authoritarian regimes, one can probably try to see things from the perspective of an authoritarian leader or rul-

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2 See <https://acleddata.com/dashboard/#/dashboard> for more information.

ing elite. In autocratic political environments irrespective of geographic location, transitions that take place within the established power hierarchies often represent an inherently uncertain and potentially dangerous phase. Such transitions create conditions that might undermine the very fabric of the political system making it susceptible to instability and disintegration. The absence of functioning institutionalized mechanisms for the routine transfer of power amplifies the challenges inherent to these transitions (Vasilache 2017: 25–26).

Transitions (especially unexpected ones) in autocratic political systems are riddled with uncertainty and fragility, which are detrimental to the general public's and the country's economic development. In a certain way, the establishment of a tightly controlled autocracy creates a vicious circle, where the fear of instability leads to further constriction of political freedoms and civic rights. To an extent, this is what took place in the Central Asian republics in the initial period of independence after the collapse of the Soviet Union.

### *Russia as a trend-setter in the region*

Russia's influence in Central Asia can hardly be overestimated. However, in order to understand the extent of this influence, one needs to dig deeper into the shared past of Russia and Central Asia. Russia, having once held colonial influence in the region, is frequently characterized as a strategic ally and is even colloquially referred to as the “elder brother” in the discourse of Central Asian governing authorities. The dynamics of Central Asia–Russia relations are shaped by a combination of historical legacies, economic and security collaboration, and the varying levels of political and economic dependency of Central Asian nations on Russia.

Over several centuries, the Russian Empire engaged in sporadic socio-economic and military interactions with the tribes and states of Central Asia. However, between 1855 and 1876, a series of negotiations, alliances, conflicts, and military conquests led to the Russian Empire extending its dominion over the territories that would eventually become the contemporary Central Asian republics (Keller 2020: 21–109). This period of Russian imperial rule was marked by a typical colonial governance approach, where the colonial power assumed control over administrative, financial, and tax matters, while delegating other affairs to local administrations. This laid

the groundwork for a pattern that persists to this day: significant political decision-making for Central Asia is centred in Russia.

The Union of Socialist Soviet Republics (USSR) established strategies for integrating sedentary, nomadic, and semi-nomadic Central Asian communities into a common cultural, linguistic, social, and economic Soviet identity throughout the Soviet era (1917–1991). Many generations of the USSR’s social and ethnic groups, especially those in Central Asia, went through complete Soviet educational and socialization cycles. The Soviet Union aggressively and successfully implemented policies that encouraged shared language, culture, values, and social norms in order to integrate Russian language, culture, values, and social norms into Central Asian communities. This process resulted in a number of significant parallels between Russian and Central Asian countries, including the use of Russian as a common language and shared values and systems of governance.

In addition to this, there is another way in which Russia has become a trend setter in the region. In the immediate aftermath of the dissolution of the Soviet Union, Russia’s approach to the former Soviet republics primarily aimed at facilitating a peaceful disentanglement from Soviet-era ties. However, this initial phase of relative inaction evolved into a more assertive Russian policy directed at what it termed its “Near Abroad.” During this shift, Russia’s perspective on the region underwent a transformation: from viewing it through the lens of “oriental despotism” to emphasizing a normative solidarity with it (Lo 2015: 9). This shift in perception, characterized by the emphasis on normative solidarity, assumes significance because it underscored the traditional conservative values that hold substantial importance for the nondemocratic political systems of both Russia and Central Asia.

As an autocracy with strong presidential power, Russia feels comfortable when dealing with the Central Asian “league of authoritarian gentlemen” (Cooley 2013). Autocracy promotion research has not kept up with the speed of these processes and has not yet investigated the promotional instruments that have been created in the last decade or so. This is partly due to linguistic and logistical difficulties. Understanding state autocracy promotion agents, such as Russia, their policies and modes of operation is extremely important for the development, implementation, and success of democracy promotion policies, which constitute an integral part of the international development agenda. Autocracy promotion significantly impedes democracy promotion efforts and affects the state of democracy both globally and in specific countries.

However, one way to monitor contemporary developments in the policy field is to follow Russia's activities in other countries closely and to be aware of newly established public diplomacy and soft power institutions and trace their work and the impact it is having in third countries. Existing research offers some relevant "counterintuitive" arguments, for example, that autocratic actors are capable of unintentionally empowering liberal reform (Börzel 2015: 519). However, the autocracy promotion area of study lags behind democracy promotion studies despite emerging concern regarding the impact of autocratic powers on external democracy promotion. While this area is underresearched, there have been efforts to identify autocracy promotion agents and their specific policies, but these efforts have focused on particular aspects or arguments related to autocracy promotion. For example, a recent book by Anastassia Obydenkova and Alexander Libman (2015) explores how international organizations created by nondemocratic powers consolidate authoritarian regimes in their member states.

Russia still sets political trends in Central Asia—it has to compete with other external actors, of course. Central Asian regimes are also capable of producing unique combinations of polity elements. However, the historical path dependence, the economic and security cooperation, and the relative compatibility of Russian governance elements with Central Asian political structures make it all too easy for Russia to diffuse authoritarian practices and norms in the region. Whether this is an intentional process or not is difficult to confirm and validate. Nevertheless, the next section will hopefully demonstrate some of the mechanisms of autocratic diffusion, including the diffusion of Russian polity norms and values, in Central Asia.

### *Polity diffusion and regime security in Central Asia*

This section examines the common characteristics of authoritarian political systems in Central Asia with an emphasis on replication and reciprocal learning. It is important to note, however, that there are no overt authoritarian exchanges or training programs designed to strengthen the capacity of these regional regimes to suppress dissent and impose restrictions on freedom and rights. Additionally, it is doubtful whether these actions are taken with the deliberate intention of making people's lives miserable. Instead, the difficulties of constructing a workable political system without compromising human rights and civil freedoms and the fears aroused by doing so are to blame for the authoritarian tendencies of regional elites.

In other words, what could be happening in Central Asia is not precisely the advancement of authoritarianism in the literal sense. All the data point to autocratic diffusion as the most effective method for spreading and consolidating dictatorship. Based on the limited study done for this contribution, it is conceivable to pinpoint at least three different routes through which authoritarian polities spread over the area.

The first is the obvious and blatant method of legislative copy-and-paste. In Central Asian legislation, bills against foreign agents, propaganda, misinformation, and other subjects are becoming very widespread and are frequently used to further restrict political and human rights. The second umbrella mechanism relates to security collaboration. The national security agencies of Central Asian republics exhibit a pattern of persistent and tight coordination when it comes to finding and extraditing independent journalists and civil society activists, even though other areas of regional cooperation may be trailing behind. Transnational repression extends beyond regional borders because nations like Turkey and Belarus are connected to both formal and unofficial security exchange networks. Finally, authoritarian polities have adopted disruptive technology and entered the digital age, just like the rest of the world as they employ digital surveillance to ensure the survival of their respective regimes.

This list of autocratic polity diffusion mechanisms is far from being exhaustive. Indeed, research on a larger scale is required to identify and map the many ways in which autocratic polities cooperate to survive and thrive. Nevertheless, this might be a good starting point to inspire further research and deeper analysis of how authoritarian regimes increase and multiply.

### *Legislative copy-paste*

Since its adoption in 2012, the Russian law on foreign agents has become an international gold standard as a tool for shutting down non-state mass media and civil society organizations (Coda 2021). The Russian law was probably inspired by the American Foreign Agents Registration Act, but has been transformed to be more restrictive. Belarus started building up its toolkit against media and civil society organizations back in 2011 and has managed to create one of the most comprehensive sets of legislation targeting freedom of speech, civic and political rights so far. Egypt's President

Abdel Fattah El Sisi introduced a similar law in 2017.<sup>3</sup> Hungary followed suit also in 2017.<sup>4</sup> Nicaragua adopted a similar piece of legislation in 2020, and in the same year Poland started a campaign to introduce one too. While the Polish bill only requires mass media and non-commercial organizations to declare their sources of funding, it seems to be following a similar logic and path as the Russian law<sup>5</sup>.

In Central Asia, Kyrgyzstan is probably the nation that uses Russia's legislative best practices most frequently (Bayizbekov and Ulukbek uulu 2020). In 2020 a member of the Kyrgyz parliament, Gulshat Asylbaeva, introduced a bill on information manipulation. A large portion of the bill had been copy-pasted from Russian Federal Law "On information, information technologies, and information security."<sup>6</sup> If it had been an academic piece of writing, no anti-plagiarism checker would have let it go through to publication owing to the volume of borrowed text. Plagiarism issues aside, though, this bill creates a framework to detain and prosecute any person or organization engaged in the production and broadcasting of content. Given that even individual bloggers are now considered media outlets, it could potentially induce self-censorship and further reduce freedom of speech in Kyrgyzstan. More recently, the Kyrgyz Parliament passed the Law "On foreign representatives" initiated by MP Nadira Narmatova. The Law has already caused concerns of international organizations and associations as it uses a similar Russian law and could be used to further limit political and civic freedoms and rights<sup>7</sup>.

Kazakhstan is also engaged in this legislative learning exercise: its foreign agents law is already in force. In 2023 the state started publishing lists of

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3 The UN's Office of the High Commissioner on Human Rights raised the issue with this law at <https://www.ohchr.org/en/press-releases/2017/05/repressive-new-ngo-law-deeply-damaging-human-rights-egypt-zeid?LangID=E&NewsID=21678>, last accessed on September 8, 2023.

4 See a BBC report on the adoption of the law in Hungary at <https://www.bbc.com/news/world-europe-40258922>, last accessed on September 8, 2023.

5 See more at Reuters <https://www.reuters.com/article/poland-ngos-idUSL8N2CT53C>, last accessed on September 8, 2023.

6 The Russian version of the law can be accessed at the Unified Register of Roskomnadzor at <https://eais.rkn.gov.ru/docs.eng/149.pdf>, last accessed on September 10, 2023.

7 The UN special rapporteurs expressed their concerns about the draft law here <https://kyrgyzstan.un.org/en/248422-un-special-rapporteurs-have-urged-government-kyrgyz-republic-reconsider-and-withdraw-draft>; the Committee to Protect Journalist spoke against the law here <https://cpj.org/2023/10/cpj-calls-on-kyrgyzstan-parliament-to-reject-russian-style-foreign-agents-bill/>.

non-governmental organizations (NGOs) with foreign funding. The fact that there are largely two types of NGO in the country—government-organized ones and genuine ones funded by a variety of donors—makes it more difficult for independent NGOs to apply for funding for fear of potential repercussions (Sadvakassov 2023).<sup>8</sup> Another piece of legislation that might have been inspired by Russian legislative know-how is the law on disinformation. Article 274 of the Criminal Code was amended by the Kazakhstani government in 2014 to address the intentional spreading of misleading information. The law was intended to combat false and misleading material, but it is frequently exploited by the government to target any content it deems objectionable. This legislative amendment has already resulted in several civil society activists receiving prison terms.<sup>9</sup>

Tajikistan follows the pattern too: A similar piece of legislation has been discussed for over a decade.<sup>10</sup> However, given the already oppressive nature of the government in Tajikistan and years of political repression, the potential suspects are probably largely non-existent. Uzbekistan adopted the same restrictive legislation in 2022 and is currently implementing it too (Niyasova and Schweisfurth, 2022).

Learning best practices from the political, legal, and economic development experience of other nations is a sign of healthy government that is learning from others' failures and successes. However, in the case of polity diffusion and legislative know-how exchange in the larger region of Eurasia, this practice has turned into knowledge exchange on political oppression.

### *Security cooperation*

Transnational cooperation is another potentially benign practice, which might have taken a different turn in the Central Asian neighbourhood. If you find yourself in trouble with any ruling elite in Central Asia for criticizing your government, it can be quite difficult to find a safe location nearby—one has to travel far to escape the long arm of political oppression.

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8 See more in Sadvakassov 2023.

9 Read more about these cases and the overall context around this legislative amendment at the Global Voice's piece by Sofya Du Bulay at <https://advox.globalvoices.org/2023/05/09/in-kazakhstan-political-dissidents-accused-of-spreading-disinformation/>.

10 See more in the Institute for War and Peace Reporting's coverage of the bill in Tajikistan at <https://iwpr.net/global-voices/restrictive-ngo-law-way-tajikistan>.



Transnational oppression is an efficient and quick mechanism for national governments to locate and return their opponents for persecution. The geography of transnational oppression stretches far beyond Central Asian borders. In the last five years, Turkey has become particularly active in this regard as the ruling elite chases after affiliates of Fetullah Gulen.<sup>11</sup> In 2022 Turkish security services abducted Orhan Inandi, a former Turkish citizen with a Kyrgyz passport.<sup>12</sup> More recently, a similar practice was used to bring a Turkish citizen back from Tajikistan.<sup>13</sup> Surprisingly enough, even democratic countries like Germany can become involved in the persecution of Central Asian civil society activists. There are several cases of deported activists getting prison sentences for expressing their opinions or criticizing their governments after being brought back from democratic countries.<sup>14</sup>

Another way in which security services and other state agencies collaborate to punish foreign and their own citizens is by the weaponization of passports. A passport defines and affects its holder's rights, obligations, mobility, and, generally, his or her existence on any territory governed by some kind of authority. States hold a monopoly on the issue of this very crucial document. Belonging to a state or passport citizenship is an integral part of the contemporary nation-state-based global political order. The importance of this document for the individual and the state's ability to issue and remove it can make it into a weapon for use by states against individuals (and, sometimes, even against another state). The weaponization of passports (sometimes referred to as "weaponization of nationality") can be a powerful oppressive mechanism as it effectively implies legal annihilation of a citizen.

Citizenship deprivation and passport removal represent a fairly universal (yet highly controversial) practice around the world. In former colonial powers such as the United Kingdom, it sometimes reflects on the inequality of former colonial subjects as this process may be used in pursuit of the goal of unmaking citizens of non-white descent (Kapoor and Narkowicz 2019). In countries like China, passport removals can affect a whole ethnic group.

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11 More on the background of Fetullah Gulen is available at <https://www.dw.com/en/from-ally-to-scapegoat-fethullah-gulen-the-man-behind-the-myth/a-37055485>.

12 More about this case is available at <https://www.rferl.org/a/kyrgyzstan-inandi-abducted-turkey-prison-gulen/32462396.html>.

13 More about this case is available here <https://stockholmcf.org/turkish-intelligence-all-egedly-abducted-turkish-businessman-from-tajikistan/>.

14 One of these cases is covered here <https://eurasianet.org/tajikistan-activist-deported-by-germany-gets-seven-years-in-prison>.

China's weaponization of passports has targeted Uyghurs, who have either been coerced into cultural assimilation through "re-education camps," disappeared,<sup>15</sup> or made stateless.<sup>16</sup>

The weaponization of passports does not always target citizens or involve the removal of travel documents. Russia has been using passportization for the de facto annexation of the territory of its neighbours over the last ten years (Artman 2013). Mass distribution of Russian passports and citizenship in Abkhazia and South Ossetia, and more recently in the Donetsk and Luhansk regions of Ukraine has served a dual purpose (Hyde 2023). On the one hand, it has created a *casus belli*—a reason to go to war with Georgia and Ukraine (to protect the newly minted Russian citizens). On the other, passportization produced territorial pockets in Georgia and Ukraine, where the substantial number of passport-carrying Russian citizens called Georgia and Ukraine's authority over those territories into question.

Some countries target individuals rather than groups of individuals. Russia, as well as Belarus have long used removal of passports or creating additional hurdles to renew expired passports in order to both punish and capture their dissenting citizens (Liubakova 2023).<sup>17</sup> For example, Belarus removed the option of receiving or renewing passports from its diplomatic missions abroad leaving thousands of Belarusians with no choice but to return to Belarus when their passports expired. Given that a large number of opposition leaders and civil society activists left the country after the pro-democracy protests in 2020, this effectively means they will either have to become stateless people or face persecution in Belarus. In Central Asia there are plenty of similar cases. Most notably, a Kyrgyz investigative

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15 BBC 2022. "Who are the Uyghurs and why is China being accused of genocide?", BBC World News, available at <https://www.bbc.com/news/world-asia-china-22278037>, last accessed on September 10, 2023.

16 See more in the 2020 report "Weaponized passports: The crisis of Uyghur statelessness" published by the Uyghur Human Rights Project, available at <https://uhrp.org/statement/weaponized-passports-the-crisis-of-uyghur-statelessness/>, last accessed on September 10, 2023.

17 Liubakova, H. 2023. "Belarus dictator weaponizes passports in new attack on exiled opposition", Atlantic Council's Ukraine Alert, available at <https://www.atlanticcouncil.org/blogs/ukrainealert/belarus-dictator-weaponizes-passports-in-new-attack-on-exiled-opposition/>, last accessed on 10.09.2023.

journalist, Bolot Temirov, was quickly indicted and deported to Russia on a weekend evening.<sup>18</sup>

Finally, it should also be noted that autocratic polities are employing the best available digital technologies to consolidate control over their populations. While digital surveillance has become an omnipresent issue across many countries in the world, in Central Asia, it is used by the ruling regimes to identify dissent (Dall'Agnola 2023: 231–232). Interestingly, this area of expertise was dominated by Russia for some time, but China has replaced Russia at the moment. Thanks to a shared market and language, Russian businesses had better opportunities to introduce their equipment in the area. However, they were unable to compete with Chinese businesses because they lacked the necessary technological skills. The fact that Russian Vega company, for example, which completed the first stage of traffic monitoring in Bishkek, was unsuccessful in winning the auction for the second, more extensive stage, is an example of the technological unpreparedness of Russian businesses.<sup>19</sup> Chinese surveillance technologies certainly entail a big leap for the autocratic polities of Central Asia as they facilitate further consolidation of their political regimes.

### *Conclusion*

This chapter aimed to continue the ongoing political and academic conversation on the authoritarian backlash, or the increasingly authoritarian environment in certain parts of the world. For several decades, academic research focused on the interconnection between democracy and development, and the aspects of democracy promotion by various actors. The rise of authoritarianism in the last decade or so has prompted both academia and policy-making communities in the Western democracies to turn their gaze towards the rich variety of autocratic polities and hybrid regimes. As a result of the ongoing scholarly and political attention being paid to authoritarianism, we have the privilege of engaging in a fascinating exploration of what autocracies are and how they survive, learn, and multiply.

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18 More about this journalist's case can be found at the Human Rights Watch at <https://www.hrw.org/news/2022/11/25/kyrgyzstan-expelled-journalist-should-be-allowed-return-russia>.

19 This source provides a detailed and technically more advanced account of the state of digital surveillance in Central Asia <https://www.eurasian-research.org/publication/digital-surveillance-solutions-in-central-asian-states/>.

I have focused on the region of Central Asia. Hemmed in by two such strong authoritarian powers as China and Russia, the region has had limited to no experience of efficient and long-standing democratic systems. At the same time, after 30 years in transition, Central Asian political systems have transformed into unique hybrid regimes with strong authoritarian inclinations. Through this rather limited analytical exercise, I have attempted to explore their nature and track how they diffuse authoritarian norms and practices. Within the scope of this contribution, I have managed to identify and touch upon two key means of autocratic diffusion—legislative know-how and security cooperation, including digital surveillance. While it is quite difficult to provide an exhaustive list of the many ways in which autocracies learn from each other and support each other's survival and legitimacy, it is important to continue this inquiry. Understanding how autocracies operate is crucial for policy decision making in democracies, as well as for populations in authoritarian countries to be able to understand their governments and manage their expectations and actions.

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# Parallel Order Building: China's Changing Role in Central Asia's Security

Edward Lemon<sup>1</sup> and Bradley Jardine<sup>2</sup>

## Introduction

On May 18, 2023, Xi Jinping held a lavish ceremony for five visiting Central Asian presidents who had arrived for the inaugural China–Central Asia summit in the opulent Tang Paradise in Xi'an, the starting point of the ancient Silk Road. Conspicuously, the summit took place at the same time as the G7 meeting of western powers in Hokkaido. Commenting on the two summits, China's *Global Times* claimed that the "G7 speaks the language of an outmoded Cold War mentality" while the Xi'an summit focused on the "promotion of cooperation and inclusiveness."<sup>3</sup> In his welcoming remarks, Xi hailed the summit as signaling "a new era of China-Central Asia relations."<sup>4</sup> He stated that "China is ready to help Central Asian countries strengthen capacity building on law enforcement, security and defense in an effort to safeguard peace in the region."

Rising levels of popular mobilization against the region's regimes, the Taliban takeover of Afghanistan in August 2021, and Russia's invasion of Ukraine have transformed Central Asia's power constellations and security situation. Within this context, China is emerging as an increasingly prominent provider of security to its western neighbors. In response to violent protests in Kazakhstan in January 2022, for example, China reportedly

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3 "China-Central Asia Summit kicks off; high-level summit demonstrates Central Asia's growing importance on China's diplomatic agenda," *Global Times*, 18 May 2023. <https://www.globaltimes.cn/page/202305/1290989.shtml>.

4 "China's Xi hails 'new era' of ties with Central Asia," *France 24*, 18 May 2023. <https://www.france24.com/en/asia-pacific/20230518-china-s-xi-hails-new-era-of-ties-with-central-asia>.

offered assistance.<sup>5</sup> Kazakhstan's Foreign Minister told journalists "[China] was ready to provide necessary assistance [...] but we do not have a legal basis to accept foreign forces from countries outside the CSTO."<sup>6</sup>

Once scholars talked of a "division of labor" in Central Asia, between Russia, as the primary external security player, and China as the primary economic actor (Larson 2020; Laruelle and Royce 2020; Markey 2020; Bitaborova 2019; Kaczmarek 2015; Bossuyt and Kaczmarek 2021). This was never really accurate. China's early interactions with the Central Asian republics were primarily driven by security concerns over border delimitation and Uyghur separatism. Russia has always been a major economic force in the region. Over five million Central Asians work in Russia, sending money back that is crucial to local household incomes. Russia–Central Asia trade today stands at around \$30 billion. If this division ever was true, it certainly is not now.

China's role in Central Asia's security has been evolving over the past decade, with several major developments and trends. First, China is charting an increasingly independent course in Central Asia, showing less deference to Russia, which still considers the region as part of its Near Abroad, or sphere of influence (Toal 2018). In recent years, Beijing has established a complex web of regional frameworks, trade agreements, educational exchanges, and a patchwork of technology transfers and training for local security services. Through these practices, China has built a growing footprint in the region's security sector. China established its first overseas military facility in the region, in Tajikistan, in 2016. China's share of arms imports to Central Asia has increased from 1.5% to 15% since 2010 according to data presented later in this article. Each of these feeds into China's vision of security governance which centers on building a loyal cadre of local leaders who share Beijing's vision with regard to trade, alternatives to Western liberal norms and values, and finding political alignment on China's security interests in Xinjiang and Taiwan (Cooley and Nexon 2020; Kliem 2022; Stuenkel 2016).

Second, Central Asia has also proven to be a testing ground for China to develop its own parallel order-building and experiment with forms of security cooperation, increasingly without the region's traditional external

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5 "Kitay byl gotov predostavit' voyennuyu pomoshch'—glava MID Kazakhstana," [China was ready to provide military assistance—Kazakh Foreign Minister] *TengriNews*, 19 Jan. 2022, [https://tengrinews.kz/kazakhstan\\_news/kitay-gotov-predostavit-voennuyu-pomosch-glava-mid-459624/](https://tengrinews.kz/kazakhstan_news/kitay-gotov-predostavit-voennuyu-pomosch-glava-mid-459624/).

6 Ibid.

hegemon Russia. The May 2023 China + Central Asia summit was a symbolic example of Beijing's newfound assertiveness and follows on from a trend present since 2016 in which China has established its own ordering frameworks such as the Quadrilateral Cooperation and Coordination Mechanism (QCCM) to address border security matters (Kucera 2016).

Third, despite growing dependence on China, the Central Asian republics are exercising agency in their relations. The region's regimes have attempted to strengthen their long-standing multivector foreign policies to create a broad range of patrons offering public goods, security assistance, and trade deals to enhance their sovereignty (Vanderhill et al. 2020). Relations with China are no different. Central Asia's governments are not being forced to accept an increased Chinese security role in the region, they are often the ones demanding it as the above example during the Kazakhstan unrest of January 2022 indicates. In October 2021 Dushanbe also announced that China would fund and construct new facilities for a Tajik special rapid response unit in the Gorno-Badakhshan Autonomous Region (GBAO). Again, the request came from the Tajik side (Standish 2021).

China, we argue, is using security governance as a means to extend its influence and exercise power in Central Asia. It is through hierarchical relations of dependence that local regimes become tied to Beijing and dependent on it to ensure regime security. Yet, as our third argument indicates, although asymmetric, the power relationships between China and Central Asia's governments are not solely influenced by Beijing. Local regimes gain concessions from China, play it off against other patrons, and force it to adapt to local politics.

Russia's invasion of Ukraine has accelerated these trends, weakening it both materially and reputationally. Russia's reputation as a security guarantor is being undermined by its increasingly neo-colonial policies. In August 2022 former Russian President Dmitri Medvedev called Kazakhstan an "artificial state," echoing a speech by Vladimir Putin in 2014 in which he said Kazakhs had "never known statehood," prior to the Soviet collapse (Sorbello 2022). These threats are acutely felt in Kazakhstan, where 16% of the population are ethnic Russians. In Xi'an, President Xi told his Kazakh counterpart that China supports "ethnic harmony," a subtle critique of Rus-

sia's current discourse.<sup>7</sup> Materially, Russia has reportedly weakened its 201st Military Base which as of 2021 had an estimated 7,000 troops stationed at three facilities in Tajikistan.<sup>8</sup> In April, the Ukrainian army claimed it had destroyed a column of the 4th Battalion Tactical Group from this base.<sup>9</sup> Over 2,000 troops, in addition to over 30 tanks, have been redeployed to Ukraine. In response, Dushanbe has turned to Beijing for increased security assistance, including a new agreement signed in Xi'an to conduct more joint military exercises.<sup>10</sup>

To make these arguments, we draw on data from two main sources. To quantify the density of Russia and China's security networks in Eurasia, we rely on the Central Asia Exercises Database, a comprehensive dataset of 307 joint exercises involving the militaries from the region since 1991, and the Central Asia Arms Tracker, a dataset of arms flows into the region based on figures from the Stockholm International Peace Research Initiative, supplemented by figures from the EU, the Military Balance monitoring project, and local media.<sup>11</sup>

### *Hierarchy and Order in Central Asia*

Realist accounts of international relations have long described the international system as anarchic (Waltz 1979; Morgenthau 1954). But this viewpoint has been challenged by those who argue that the international system has usually been characterized by disparities of power—from empires to spheres of influence and patron-client relations—and is therefore better conceptualized as hierarchical (Clark 1989; Cooley 2005; Donnelly 2006; Lake 2009; Hobson 2014; Mattern and Zarakol, 2016). In the broadest sense, hierarchy refers to structures of stratification and organized unequal-

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7 Ministry of Foreign Affairs of the People's Republic of China. 2023. *Zhonghua renmin gongheguo he hasakesitan gongheguo lianhe shengming* [Joint statement between the People's Republic of China and the Republic of Kazakhstan], 17 May 2023, [https://www.fmprc.gov.cn/zyxw/202305/t20230517\\_11079124.shtml](https://www.fmprc.gov.cn/zyxw/202305/t20230517_11079124.shtml).

8 "Putin arrives in Tajikistan for first stop on trip to Central Asia," *RFE/RL*, 28 June 2022, <https://www.rferl.org/a/putin-visits-tajikistan-rahmon-ukraine/31919990.html>.

9 "Sukhoputni viys'ka/UA Land Forces," (Telegram Chat Announcement), *Telegram*, 14 April 2022, <https://t.me/landforcesofukraine/1237>.

10 "Маросими имзои санадҳои нави ҳамкориҳои Тоҷикистону Чин" [Signing ceremony of new cooperation documents between Tajikistan and China], *President.tj*, 18 May 2023, <http://president.tj/node/30693>.

11 "Central Asia Arms Tracker 2017," *The Oxus Society for Central Asian Affairs*, <https://oxussociety.org/viz/arms-flows> The Central Asia Exercises Database is unpublished.

ity. Hierarchical systems are differentiated with actors adopting different positions and practicing different roles and obligations. In other words, great powers engage in qualitatively different types of behavior than weaker states.

Horizontally, weaker states can build alternative networks among themselves and vertically they can strengthen networks with alternative patrons in an effort to break free of their dependence on single patrons via hub and spoke networks. Within global politics, scholars have pointed to the way that weaker states can maximize their autonomy and actively resist great powers. A number of studies have developed these arguments with reference to Central Asia. Cooley points to the way Central Asian states are not merely pawns on the “grand chessboard” (Brzezinski 1997) but agents who have developed strategies to play great powers off against one another to maximize their sovereign authority under conditions of inequality (Cooley 2012). Filippo Costa Buranelli (2017) argues that Central Asia’s interactions with great powers are part of a pattern of “negotiated hegemony,” whereby weaker states use their sovereignty to shape the influence and legitimacy of external powers. One way of achieving this is “balancing regionalism,” where weaker states build horizontal ties among themselves and diversify external partnerships as a means of reducing reliance on single patrons (Tskhay and Buranelli, 2020). In doing so, they build off a substantial literature on “multi-vectorism,” attempts to maintain ties with multiple external powers, in Central Asia (see Fumagalli 2007; Cooley 2012; Nourzhanov 2012; Contessi 2015; Teles Fazendeiro 2018; Dadabaev 2019; Vanderhill et al. 2020). These vertical relations of hierarchy and horizontal networks of balancing regionalism are present in China’s relations with Central Asia.

### *The Evolution of China’s Security Interests in Central Asia*

China has long been concerned by security issues emanating from its Western frontier (Ong 2005; Kerr and Swinton 2008). China views the region as a buffer zone between its restive province of Xinjiang and bordering Afghanistan. In the years immediately following Central Asia’s political independence, Beijing focused on delimiting its nearly 3,000km border with the region and preventing the new states, with their combined Uyghur diaspora of 300,000 people, from becoming a haven for alleged Xinjiang separatists (Becquelin 2000; Rczka 1998; Clarke 2003). Throughout Afghanistan’s instability in the 1990s, and following the NATO-led intervention

in 2001, China grew fixated on the prospect of Afghanistan becoming a base for Uyghur militant groups to attack Xinjiang (Clarke 2013; Dhaka 2014). Driven by these concerns, China launched the Shanghai Cooperation Organization in 2001 to combat the “three evils” of terrorism, separatism, and extremism (Ambrosio 2008; Aris 2009).

China’s security concerns have developed as its economic interests in the region have grown exponentially. China is capitalizing on Central Asia’s energy reserves for its growing domestic needs. China sees the region as a key transit hub for the Eurasian continent and a centrifugal point for its Belt and Road Initiative (BRI). The initiative was driven economically by a need to find new outlets for Chinese capital and exports in order to sustain domestic growth (Freymann 2020: 439). Trade between China and Central Asia grew from \$3 billion in 2003 to \$70 billion in 2022.<sup>12</sup> Ties have increasingly become asymmetrical; by 2020 an estimated 45% and 52% of the external debt of Kyrgyzstan and Tajikistan respectively was owed to China (Otorbayev 2022), and the PRC accounts for over 75% of Turkmenistan’s exports in the form of gas supplies (Bhutia 2019; Jalilov 2021). In response to this rising dependence, Sinophobia has become relatively widespread in Central Asia, particularly in Kazakhstan and Kyrgyzstan (Burkhanov and Chen 2016; Peyrouse 2016). According to survey data, 30% of Kazakhs and 35% of Kyrgyz have negative views towards China (Laruelle and Joyce 2020). Protests against China’s rising role in the region, perceived by some as taking jobs from locals, polluting the environment, and being part of a broader strategy to ‘colonize’ the region, have been on the rise in Central Asia.<sup>13</sup> According to the Oxus Society’s Central Asia Protest Tracker, 241 protests related to China took place in Kazakhstan from January 1, 2018 to June 30, 2021.<sup>14</sup> China’s detention of thousands of ethnic Kazakhs and Kyrgyz in Xinjiang has also generated protests in Central Asia. Families of those affected have protested in front of the Chinese consulate in Almaty on a daily basis since February 2021 (Moldabekov and Kurmangazinova 2021).

China also perceives terrorism to be a threat to its BRI projects. This stems from two potential sources: Uyghur nationalists historically based in the region and possible spillovers from Afghanistan. Since the 2014 launch

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12 International Trade Center, *Trade Map*, [https://www.trademap.org/Country\\_SelProductCountry\\_TS.aspx](https://www.trademap.org/Country_SelProductCountry_TS.aspx).

13 “Kazakhstan’s Land Reform Protests Explained,” *BBC News*, 28 April 2016, <https://www.bbc.com/news/world-asia-36163103>.

14 “Central Asia Protest Tracker,” *The Oxus Society for Central Asian Affairs*, <https://oxusociety.org/projects/protests/>.

of the People's War on Terror in China's westernmost province of Xinjiang, Beijing has been taking a more active role in defense in Central Asia, seeing it as a bulwark preventing instability in Afghanistan from pouring across its western borders. The 2019 "Xinjiang Papers" revealed that Xi Jinping has been concerned about Central Asia's stability for the past five years (Ramzy and Buckley 2020). "After the United States pulls out of Afghanistan, terrorist organizations positioned on the frontiers of Afghanistan and Pakistan may quickly infiltrate Central Asia," he said in a series of secret speeches issued after several violent attacks rocked the country in 2014 (ibid.). In response to this, China has begun to view Tajikistan as an important barrier against potential spillovers entering Xinjiang from Afghanistan.

### *China's Expanding Security Cooperation in Central Asia*

In response to growing security threats China is establishing a variety of hierarchical networks of (inter)dependence with the security apparatuses of the Central Asian republics, positioning itself as a patron for the subordinate regimes of the region (Clark 1989; Cooley 2005; Donnelly 2006; Lake 2009; Hobson 2014; Mattern and Zarakol 2016). Its own security networks have developed rapidly over the past decade. First, China has established a military facility in Tajikistan from which it can project force and protect Xinjiang from potential spillovers from Afghanistan. Second, through joint exercises, training activities, and arms transfers, Central Asian militaries are becoming increasingly dependent on China for technology and training (Jardine and Lemon 2020). The next section will explain how China uses the following levers for exerting influence:

1. Bases and Border Security
2. Security Cooperation, Training, and Capacity Building
3. Arms and Technology Transfers
4. Multilateral Frameworks.

### *Bases and Border Security*

Russia has remained the dominant external security partner for Central Asia since the latter's independence. It maintains military facilities in Kazakhstan, Kyrgyzstan, and Tajikistan. These facilities give it a strategic

foothold in the region, which can be leveraged to gain political concessions. They also offer Russia the ability to project military power. For example, in August 2018 a series of airstrikes by Russian forces based in Tajikistan killed six drug traffickers on the Afghan side of the border, its first armed intervention in Afghanistan since the Soviet Union withdrew its forces in 1989.<sup>15</sup>

As China has expanded its economic footprint around the world, it faces a growing need to protect its investments and citizens, as well as provide more global public goods (Xue and Zheng 2019). To facilitate these out-of-area operations, China has started to build overseas military installations (Wuthnow 2021; Ghiselli 2020). China established the first such facility, the People's Liberation Army Support Base in Djibouti, in 2016 to protect shipping through the Bab-el-Mandeb Strait and facilitate anti-piracy operations in the Horn of Africa (Silverstein 2023). Exaggerated fears of Uyghur militancy spreading into Central Asia from Afghanistan, which shares a short, remote border with China and a longer, more populated border with Tajikistan, have led Beijing to establish an installation codenamed Sitod, on the Tajik–Afghan border (Shih 2019).

The base was established as part of an October 2016 agreement between the governments of Tajikistan and China on the construction of three command centers, five border service outposts, five border service checkpoints, and one training center on the Tajik–Afghan border.<sup>16</sup> In October 2021, Dushanbe also announced that China would fund and construct new facilities for a Tajik special rapid response unit in the Gorno-Badakhshan Autonomous Region (GBAO) on the border with Afghanistan (Ibragimova 2021). The construction of a special base for combating crime and terrorism financed by China will begin in the village of Langar, in the Ishkashim District of the GBAO. Over 500 people will be based there, as well as several units of light armored vehicles plus drones, which will be provided free of charge by the Chinese government. In November 2022, China and Tajikistan signed an agreement to systematize their joint border patrols and

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15 “Airstrike near Tajikistan border kills Taliban, Afghans say,” *New York Times*, Aug. 27, 2018, <https://www.nytimes.com/2018/08/27/world/asia/afghanistan-strike-taliban-tajikistan.html>.

16 “China stepping up military cooperation with Tajikistan” *Eurasianet*, 22 Nov. 2022, <https://eurasianet.org/china-stepping-up-military-cooperation-with-tajikistan>.

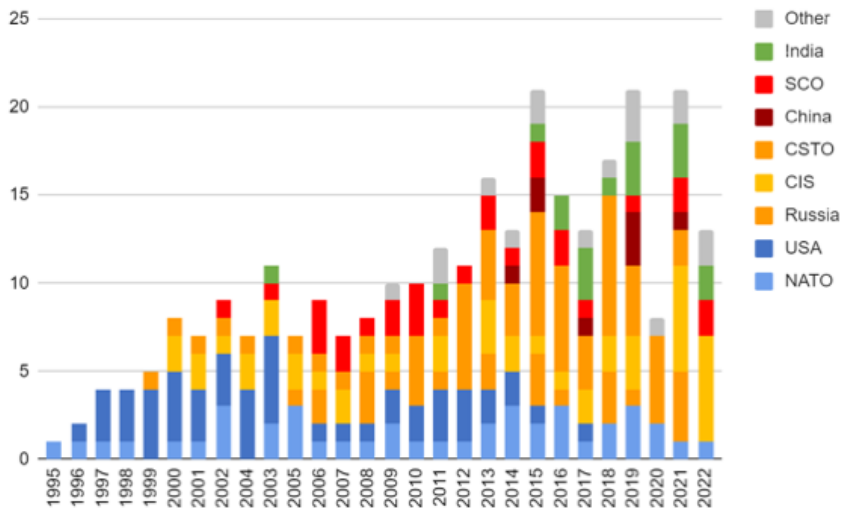


deepen their security engagement with new facilities and border reinforcement.<sup>17</sup>

### *Security Cooperation, Training, and Capacity Building*

Russia and Russian-led organizations, such as the Commonwealth of Independent States (CIS) and the Collective Security Treaty Organization (CSTO), are the largest conveners of military training exercises in Central Asia, with over 135 exercises undertaken under Russian auspices since 1991 (see Figure 1). The US and NATO collectively account for 90. While high in absolute terms, the numbers of Washington-run drills have declined steadily from a peak of seven per year in 2003, to an average of under two per year after 2018. While China's share has grown from 11% in the first half of the 2010s to 14% in the second half—both bilaterally and under the umbrella of the Shanghai Cooperation Organization (SCO)—it significantly lags behind Russia and the US in absolute terms, with just 41 exercises.

*Figure 1: Joint Military Exercises in Central Asia by Organizing Country/Organization*

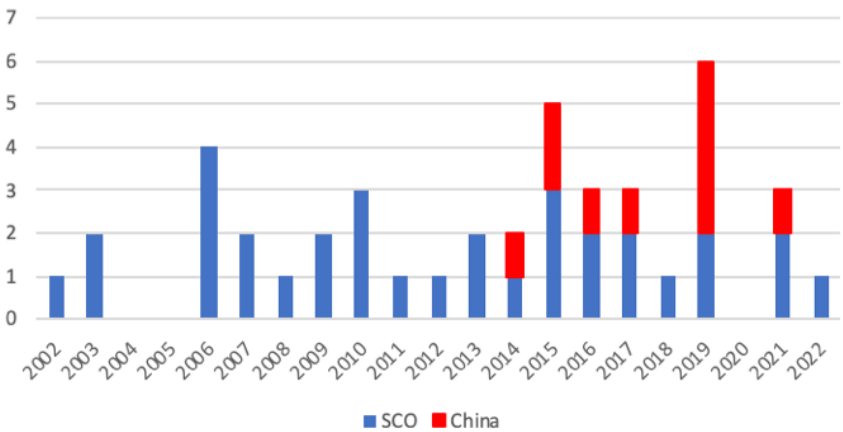


Source: Author data

17 “China stepping up military cooperation with Tajikistan.” *Eurasianet*, 22 Nov. 2022.

The Shanghai Cooperation Organization (SCO), founded by China, Russia, Uzbekistan, Tajikistan, Kyrgyzstan and Kazakhstan in 2001 to facilitate security cooperation, has been the traditional vehicle for Chinese defense diplomacy in the region (Aris 2009). The SCO has organized 31 exercises involving Central Asian militaries since 2002 (see Figure 2). China has been involved in 28 of these (compared to Russia at 22). Uzbekistan has been the most reluctant Central Asian state, participating in just 12 Chinese-led exercises, with Tajikistan involved in 24, Kazakhstan in 25, and Kyrgyzstan in 28.

Figure 2: China-Linked Military Exercises in Central Asia



Source: Author Data

In 2002, China took part in the first known bilateral exercise it had ever held with Kyrgyzstan. The drill, organized by the SCO, involved under one hundred soldiers armed with light weapons, anti-tank missiles, and armored personnel vehicles.<sup>18</sup> The following year, China held its first multi-lateral exercises in the region in Kazakhstan and Xinjiang, with every SCO member state but Uzbekistan participating.<sup>19</sup> Chinese drills have increased

18 “Zhong ji juxing lianhe fankong junyan, jiefangjun shouci chujing yanxi” [China and Kyrgyzstan hold joint counter-terror exercises, the People’s Liberation Army’s first outbound exercise], *Sina*, 11 Oct. 2002, <http://news.sina.com.cn/c/2002-10-11/1036763316.html>.

19 “Shanghai hezuo zuzhi chengyuanguo juxing fankong junyan, zhongguo chang zhujiao” [Shanghai Cooperation Organization member states hold counter-terror exercis-

substantially in the decades that followed. Since its inaugural operation in 2005, which was also the first joint Russian and Chinese military exercise, Peace Mission has become the signature joint exercise organized by the SCO every two years. With between 2,000 and 7,000 troops participating, these exercises are larger than other SCO exercises, which have usually involved troops in the low hundreds.<sup>20</sup> SCO exercises peaked at three in 2010, and then plateaued at one or two per year. The reduction in SCO exercises could be explained by India and Pakistan joining the organization, limiting prospects for cooperation. Alternatively, it could derive from China's developing bilateral cooperation with individual countries and developing its own multilateral cooperation mechanisms without Russia. China has organized 10 exercises itself since its first with Kyrgyzstan in 2014. These have eventually grown from only involving just 100 troops to Fox Hunt 2019, which involved 1,200 personnel from China and Kazakhstan.<sup>21</sup>

Figure 3: *Composition of Participants in Joint Exercises*

China		United States		Russia	
Security Services	62%	Army	72%	Army	69%
Special Operations Forces	45%	Peacekeeping Units	19%	Air Force	61%
Army	40%	Emergency Services	8%	Special Operations Forces	27%
Police	32%	Special Operations Forces	6%	Security Services	18%
Air Force	25%	National Guard	4%	Police	12%

Some 62% of Chinese-led exercises in the regions involve security services, followed by special operations forces and police units. This security mix differs markedly from other actors in the region who have prioritized collaboration with the military and reflects China's domestically oriented agenda. Since 2014 China has turned to the threat posed by Uyghur milit-

es, China plays leading role], *Sina*, 06 Aug. 2003, <https://news.sina.com.cn/w/2003-08-06/1636517474s.shtml>.

20 The Oxus Society for Central Asian Affairs. "The Central Asia Exercises Database".

21 "The Central Asia Exercises Database," Ministry of National Defense of the People's Republic of China, *Zhong ha juxing "liehu-2019" fankong lianhe lianxi* [China and Kazakhstan hold the "Fox Hunt-2019" joint counter-terror exercise], 16 Oct. 2019, <http://www.mod.gov.cn/gfbw/jxsd/ly/4853032.html>.

ants in Syria and the possibility that Central Asia may act as a conduit for their return to neighboring Xinjiang to destabilize the region (Ramzy and Buckley 2020). This fixation on stabilizing its western borders has led China to launch the “Cooperation 2019” drills aimed at enhancing interoperability between the Communist Party’s paramilitary wing the People’s Armed Police (PAP) and national guard units in the wider region.<sup>22</sup> Kyrgyzstan, Uzbekistan, and Tajikistan all took part in 2019, marking the first instance in which such units took part in counterterrorism drills with China. In addition to the PAP, the Chinese Ministry of Public Security (MPS) conducted its first training exercises overseas in 2015, when MPS forces trained with their Tajik counterparts near Dushanbe.<sup>23</sup>

The use of internal security services rather than conventional armed forces may serve an additional purpose of placating Russia, which sees itself as the premier security actor in the region. China is cautious with its regional initiatives and tends to inform Moscow well in advance of radical developments like its construction of border facilities in Tajikistan. In 2017, for example the Development Research Center, a powerful think tank under China’s cabinet, invited a number of Russian researchers to a private seminar to ascertain Moscow’s red lines on what is and is not acceptable Chinese regional policy at a time when it was working with Dushanbe to strengthen border posts and the training of counter-terrorism personnel (Shih 2019).

China is also concentrating resources in promoting a common vision of security governance in Central Asia by using its policing and military academies to train officers from the region and influence their norms and values. Over 50% of China’s 70 military academies have programs

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- 22 Ministry of National Defense of the People’s Republic of China. 2019. *Lianhe zhuijiao damo tuji- zhong ji “hezuo-2019” lianhe fankong lian ce ji* [Joint pursuit and elimination desert assault—side notes from the China–Kyrgyzstan “Cooperation 2019” joint counter-terror exercise], Aug. 13. <http://www.mod.gov.cn/gfbw/jsxd/fk/4848100.html>; Chien-yu Shih, “Zhongguo zai zhongya de junshi guozhan yu juxian” [Chinese military expansion and its limits in Central Asia], *guofang qingshi tekan 18* [Defense Situation Special Edition, 18] (Taipei: caituan faren guofang anquan yanjiuyuan [Institute for National Defense and Security Studies], 28 Aug. 2022, p. 82, <https://indsr.org.tw/uploads/indsr/files/202208/1d72b788-1db7-4ddc-a488-0576db5f0403.pdf>).
- 23 Central People’s Government of the People’s Republic of China. 2016. *Zhongguo gong’an tejing canjia zai tajikesitan juxing de fankong yanxi* [China’s Public Security Bureau SWAT participate in anti-terrorism drill in Tajikistan], June 6. [http://www.gov.cn/xinwen/2015-06/06/content\\_2874566.htm](http://www.gov.cn/xinwen/2015-06/06/content_2874566.htm).

for foreign students (van Oudenaren and Fisher 2016). Only a few offer senior-level education. The College of Defense Studies of the PLA National Defense University (PLA NDU) is the highest level of foreign training provided by the Chinese People's Liberation Army and by 2018 it was accepting students from more than 100 partner nations, including Eurasia.<sup>24</sup> Since 2014, China's Criminal Police Academy, the People's Armed Police, the People's Liberation Army, and security services have each offered programs in partnership with their Central Asian counterparts.<sup>25</sup> Institutional partnerships are also being advanced in the region itself. In Kazakhstan, the University of Defense has hosted a new department run by Chinese personnel (van der Kley 2018). Similarly in Uzbekistan, China's Ministry of Public Security (MPS) partnered with the Uzbek Ministry of Internal Affairs (MIA) to run joint academic programming for officers in 2017 (Hashimova 2018). The SCO also acts as an important educational framework under China's auspices. In 2014, the Ministry of Public Security (MPS) founded the China National Institute for SCO International Exchange and Judicial Cooperation in Shanghai (CNISCO) with the express purpose of training senior SCO officials in counteracting terrorism and organized crime. According to *Xinhua* reporting, as of March 2023 CNISCO had held courses for 2290 students from SCO countries.<sup>26</sup> It is unclear what proportion of those came from Central Asia compared with other SCO members,<sup>27</sup> however, CNISCO has recently branched out

24 "China's National Defense University builds ties with military academies in above 100 countries," China Military Online, 2 Aug. 2018, [http://eng.mod.gov.cn/news/2018-08/02/content\\_4821607.htm](http://eng.mod.gov.cn/news/2018-08/02/content_4821607.htm).

25 Ministry of National Defense of the People's Republic of China, *Chang wanquan yu hasakesitan guofangbuzhang juxing huitan* [Chang Wanquan holds talks with Kazakhstan's defense minister], 7 June 2016, [http://www.mod.gov.cn/leaders/2016-06/07/content\\_4675251.htm](http://www.mod.gov.cn/leaders/2016-06/07/content_4675251.htm); Criminal Investigation Police University of China, *tajikesitan guo'anwei fankong peixun ban zai wo yuan kaiban* [Tajikistan State Security Commission counter-terrorism training class held in our college] 26 June 2014, <http://news.cipuc.edu.cn/info/1030/11255.htm>.

26 China National Institute for SCO International Exchange and Judicial Cooperation in Shanghai *Xinhua she baodao zhongguo-shanghai jidi peixun chengguo* [Xinhua News Agency reports on CNISCO training results], 23 March 2023 <https://cnisco.shupl.edu.cn/2023/0327/c12a1669/page.htm>.

27 For instance a December 2021 CNISCO press release references 51 SCO students graduating from a security training course, but does not differentiate between Central Asian nationals and those from Russia and Belarus, China National Institute for SCO International Exchange and Judicial Cooperation in Shanghai, *zhongguo-shanghai he jidi juxing shanghai hezuo zuzhi guojia shehui anquan zhili peixun ban jieye dianli*

into offering bespoke courses with specified Central Asian partner states, for instance a “Belt and Road” security training course established with Kyrgyzstan in 2021 (Rolland 2019).<sup>28</sup> China offers attractive opportunities to Turkmenistan and Uzbekistan, which have less access to Russian military and security academies than other states in the region since neither are members of the CSTO (Marat 2021).

Russian training programs still remain the most widespread and developed in the region. Russia had 5,500 foreign officers training in its military academies in 2019, including 1,500 Tajiks and 500 Kazakhs.<sup>29</sup> The United States also provides substantial specialized officer training programs such as the International Military Education and Training (IMET) program, Marshall European Center for Security Studies in Germany, Foreign Military Financing (FMF), Combating Terrorism Fellowship Program (CTFP), International Narcotics Control and Law Enforcement, and Section 1004 Counter-Drug Assistance. While China has fewer programs available than Russia and the US it has specialized courses applying technology in areas that grant it competitive advantage. For example, the People’s Liberation Army National Defense University (PLA NDU) offers courses that consider the application of AI technology in the field of combat (Marat 2021).

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[China-SCO Base Holds the Closing Ceremony of the SCO National Social Security Governance Training Course], 16 December 2021 <https://cnisco.shupl.edu.cn/2022/0106/c9a1654/pagem.htm>.

- 28 China National Institute for SCO International Exchange and Judicial Cooperation in Shanghai. 2021. *2021 nian zhong ji gong jian “yidai yilu” anquan baozhang peixun ban jieye dianli zai zhongguo-shanghai jidi juxing* [The closing ceremony of the 2021 China–Kyrgyzstan joint construction of the “Belt and Road” security training course was held at the China-Shanghai Cooperation Base], December 23, 2021. <https://cnisco.shupl.edu.cn/2022/0106/c9a1656/pagem.htm>.
- 29 *Russkiy Mir* “More than 5,500 Foreigners Study at Russian Military Universities, November 29, 2019. <https://russkiymir.ru/en/news/265925/>; Jamestown Foundation “Tajik military increasingly part of the Russian army in all but name,” 2019, “<https://jamestown.org/program/tajik-military-increasingly-part-of-russian-army-in-all-but-name/>; “Военные Программы Профессиональной Подготовки в Казахстане и Соединенные Штаты: Как их Осуществлять и что Мы от Этого Получим? [Military vocational training programs in Kazakhstan and the United States: How to run them and what will we get from it?]” *Connections Quarterly Journal*. <http://connections-qj.org/ru/article/voennye-programmy-professionalnoy-podgotovki-v-kazahstane-i-soedinennyye-shtaty-kak-ih>.

*Arms and Technology Transfers*

China is also emerging as an arms supplier, though Russia remains dominant in this area. Over the past three decades, Russia has provided just over half of all arms imported by the region since independence. Over 80% of all military transfers to Kazakhstan have come from Moscow, while that number stands at over 90% percent for Kyrgyzstan and Tajikistan, small states which rely on military aid. Uzbekistan and Turkmenistan, meanwhile, have a diverse assortment of arms suppliers (Jardine and Lemon 2020).

China exported \$737 million worth of arms to Central Asia from 2000 to 2021, with 97% being delivered after 2014 (Ramzy and Buckley 2020).<sup>30</sup> The first Chinese delivery to the region we logged was in 2000, when Beijing issued sniper rifles to the Uzbek armed forces.<sup>31</sup> Between 2000 and 2008, Beijing provided some \$15 million in military aid to Tajikistan and pledged a further \$1.5 million in April 2009. After 2014, at a time of heightened security concerns in Xinjiang, China began to take a more integrated approach to regional diplomacy and arms transfers became a key component of its regional security partnerships. In 2015 Kazakhstan received thirty Jiefang J6 heavy-duty trucks and thirty large-load trailers worth \$3.2 million as a gift from China (Umarov 2020). Three years later, Kazakhstan purchased eight large-scale Chinese Y-8 transport aircraft.<sup>32</sup> That same year, Turkmenistan purchased a QW-2 Vanguard 2 portable surface-to-air missile from the Chinese military technology company CATIC (Army Recognition 2018b).<sup>33</sup> Both Tajikistan and Uzbekistan received large shipments of arms over the course of this period too (see Figure 4 below).

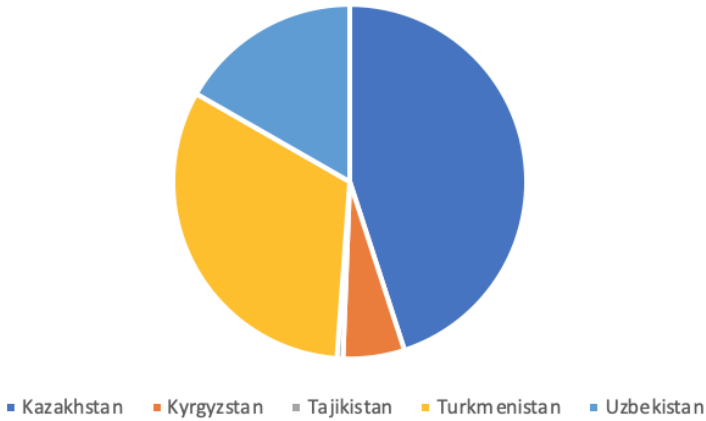
30 Stockholm International Peace Research Institute, *SIPRI Arms Transfers Database*, <https://www.sipri.org/databases/armstransfers>.

31 "Uzbekistan profits from Sino-Russian rivalry," *RANE*, 7 September 2000, <https://worldview.stratfor.com/article/uzbekistan-profits-sino-russian-rivalry>.

32 "Zhongguo guochan yunshuji jibai mei e chanpin: chukou zhongya rang waiti fansuan" [Chinese domestic transport aircraft beat US and Russian products in Central Asia: Exports to Central Asia make foreign media gag], *Sina Military*, 11 October 2018, <https://mil.news.sina.com.cn/jssd/2018-10-11/doc-ihmhafiq9908390.shtml>.

33 "Chinese QW2 MANPADS Missile in Service with Turkmenistan Army," *Army Recognition*, 12 Jan. 2018, [https://www.armyrecognition.com/january\\_2018\\_global\\_defense\\_security\\_army\\_news\\_industry/chinese\\_qw-2\\_manpads\\_missile\\_in\\_service\\_with\\_turkmenistan\\_army.html](https://www.armyrecognition.com/january_2018_global_defense_security_army_news_industry/chinese_qw-2_manpads_missile_in_service_with_turkmenistan_army.html).

Figure 4: Chinese Arms Transfers to Central Asia



China's arms exports to the region have expanded greatly as noted above, but the numbers indicate important patterns in their relationship. China's share has increased from 1.5% between 2010 and 2015 to 15% between 2016 and 2021. This increase came at the expense of Russia, which saw its share of the market decrease from 65% to 52% and Ukraine which saw sales fall from 8% to almost zero. China is also dominating in sectors where Russian technology remains underdeveloped (Axe 2020). In recent years Kazakhstan, Turkmenistan and Uzbekistan have all received armed drones from China, a strategic global market once the preserve of the US and Israel (Paulsson 2018). The most well-known and used Chinese drones are the CH-3, CH-4, CH-5, and the Wing Loong (Brimelow 2017). Kazakhstan (2015) and Uzbekistan (2014) have purchased a number of Wing Loongs, and Turkmenistan (2016) operates the CH-3. This type of technology can impact the balance of power in the region and increase dependency on China as a strategic supplier, though Turkey and Iran are also active competitors.<sup>34</sup> In the midst of border clashes between Tajikistan and Kyrgyzstan, both countries have been increasing their supplies of armed drones (Imanaliyeva 2023; Rubin 2023).

Finally, Beijing is creating information nodes in Central Asia known as "smart cities," a catch-all term for cities with advanced data-processing

34 "Turkey continues exporting drones to Central Asia," *Novastan*, 21 April 2023, <https://novastan.org/en/kyrgyzstan/turkey-continues-exporting-drones-to-central-asia/>.



capabilities. These projects also feature a security dimension. For example, Kyrgyzstan recently opened a new police command center in its capital Bishkek, which makes use of facial recognition software supplied by the China National Electronics Import and Export Corporation (Bowdler 2019). In neighboring Uzbekistan, Chinese telecommunications giant Huawei closed a \$1 billion deal to build a traffic monitoring system involving some 883 cameras.<sup>35</sup> Meanwhile Hikvision, a Chinese company that advertises its ability to spot members of China's Uyghur minority in crowds, supplies major urban centers across Kazakhstan, including Almaty and Shymkent. Chinese companies are also expanding their information asymmetry vis-à-vis Central Asia through expansion into the region's digital infrastructure. In 2019 Uzbekistan's telecommunications operators began using soft loans from Chinese partners to introduce Huawei's 5G technology to the country. Huawei also connects eight in every ten Kyrgyz residents to the outside world and owns nearly 90% of neighboring Tajikistan's telecommunications infrastructure. Huawei is also working closely with Kazakhstan's top telecommunications companies Kazakhtelecom, Kcell, Beeline, and Tele2 (Jardine 2019).

### *Multilateral Frameworks*

Russia has the densest security networks with Central Asia of any great power. China has shown deference to Russia on such matters in the past and tends to inform Moscow well in advance of its policies (Shih 2019). China and Russia recently proclaimed a “no limits” partnership in February 2022 and pledged to work together to prevent “attempts to import ‘color revolutions’ and external interference in the affairs” of Central Asia.<sup>36</sup> But since 2012 China has increasingly developed networks in the

35 “V Tashkente mogut vnedrit' sistemu raspoznavaniya lits” [Facial recognition system may be introduced in Tashkent], *Sputnik*, 17 July, 2019, <https://uz.sputniknews.ru/20190717/V-Tashkente-mogut-vnedrit-sistemu-raspoznavaniya-lits-12021304.html>.

36 Tony Munroe, Andrew Osborn, and Humeyra Pamuk “China, Russia partner up against West at Olympics summit,” *Reuters*, 5 Feb. 2022. <https://www.reuters.com/world/europe/russia-china-tell-nato-stop-expansion-moscow-backs-beijing-taiwan-2022-02-04/>; President of Russia 2023. “Sovmestnoye zayavleniye Rossiyskoy Federatsii i Kitayskoy Narodnoy Respubliki ob uglublenii otnosheniy vseob'yemlyushchego partnerstva i strategicheskogo vzaimodeystviya, vstupayushchikh v novuyu epokhu” [Joint statement of the Russian Federation and the People's Republic of China on deepening comprehensive partnership and strategic cooperation in a new era], March

region without Russia. Bilaterally, as described above, it has organized its own joint exercises, created training programs, provided military aid, established a military facility in Tajikistan and provided arms to the region. Multilaterally, it has established its own platforms for security and political cooperation.

Outside the SCO, China established a new security mechanism in 2016 called the Quadrilateral Cooperation and Coordination Mechanism (QC-CM) made up of Tajikistan, Afghanistan, and Pakistan. The organization is tasked with jointly combatting terrorism and further advancing security cooperation between these states (Kucera 2016). The chiefs of general staffs of the four military forces met in Ürümchi to announce QCCM, stating it would coordinate efforts on the “study and judgment of the counterterrorism situation, confirmation of clues, intelligence sharing, anti-terrorist capability building, joint anti-terrorist training, and personnel training” (quoted in Kucera 2016).

In July 2020, China launched a new initiative China + Central Asia (C+C5). Copying a format used by Japan (Central Asia plus Japan) since 2004, South Korea (Korea-Central Asia Cooperation Forum) since 2007 and the United States (C5+1) since 2015, the forum brings together foreign ministers from the five republics and China. The platform focuses on coordinating cooperation on BRI transit projects, boosting cultural exchanges and discussing joint security concerns. But there is also a political dimension to the grouping, helping bolster the region’s authoritarian regimes and counter the influence of external democratization efforts. At the initial meeting, China’s Foreign Minister Wang Yi, in a thinly veiled reference to the EU and United States, declared “We oppose foreign forces undertaking color revolutions and engaging in zero-sum political games in Central Asia, and also oppose the use of human rights as a pretext to interfere in the internal affairs of regional countries.”<sup>37</sup>

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21. <http://kremlin.ru/supplement/5920>; “China’s Xi Says ‘Color Revolutions’ Must Be Prevented,” *VOA News*, 16 Sept. 2023, <https://www.voanews.com/a/china-xi-says-color-revolutions-must-be-prevented/6750450.html>.

37 Ministry of Foreign Affairs of the People’s Republic of China, *Xieshou yingdui tiaozhan, gongmou fazhan fanrong- wang yi guofuwei yuan jian waizhang zai ‘zhong-guo+zhongya wu guo’ waizhang shipin huiyi shang de jianghua* [Collaborate in response to challenges, jointly plan prosperity- State Council Member and Foreign Minister’s Speech at the C+C5 Foreign Minister’s Video Meeting], 16 July 2020, [https://www.fmprc.gov.cn/web/wjzbz\\_673089/zyhd\\_673091/202007/t20200716\\_7473071.shtml](https://www.fmprc.gov.cn/web/wjzbz_673089/zyhd_673091/202007/t20200716_7473071.shtml).

There are also other PRC-led multilateral mechanisms involving Central Asia states. In 2015, the Lianyungang Forum was founded to coordinate law enforcement agencies in the region and enhance cooperation and information-sharing. All Central Asian countries with the exception of Turkmenistan participate in this forum. Unlike the SCO and C+C5, which focus on high-level officials, the Lianyungang Forum is specifically in place for purposes of socialization and normative agreement between security practitioners such as Deputy Ministers of Internal Affairs, Directors of Anti-Terrorism Centers, Ambassadors, and police academies (Yau 2022: 15).

### *Negotiating Hegemony: Central Asia's Multi-Vector Defense Diplomacy*

As the international system grows more multipolar, regional actors in places like Central Asia are working to balance great power patrons and establish a wider range of strategic partners, in a policy called “multivectorism” (Vanderhill et al. 2020). Leaders in Central Asia have been quietly embedding their defense sectors within diffuse new networks of arms suppliers, instructors, and partnerships across Europe, Asia, and North America (Tskhay and Coasta Buranelli 2020; Cooley 2012). Although China's security networks are asymmetrical, Central Asia's governments do have agency and the power derived from their network positions to negotiate China's hegemonic ambitions. On the one hand China's growing role in Central Asian security is being welcomed by the ruling regimes. First, China's overtures allow the governments of the region to reduce reliance on Russia, a country many regimes have grown increasingly skeptical of in the wake of its February 2022 invasion of Ukraine. Second, it fills a vacuum, coming at a time when the US has largely exited the region, with military assistance falling 98% between 2012 and 2020 (Jardine and Lemon 2020). Third, Chinese assistance, which comes with no human rights conditionalities, provides opportunities to strengthen the repressive capacity of the region's authoritarian regimes.

But, at the same time, the region's governments have to placate citizens who are wary of China's role in the region, as well as avoid becoming too dependent on Beijing. Central Asian states are utilizing their network positions to maintain their sovereignty in two ways. First, *vertically*, they are pursuing multivector foreign policies by building network ties with multiple different external powers. Although Russia accounted for 52% of

the arms imports to the region over the past five years and China 15%, they have managed to diversify weapon's suppliers to Italy (11%), France (7%) and Turkey (6%) according to our data. In terms of military exercises, Russia, either bilaterally or through the Commonwealth of Independent States or Collective Security Treaty Organization, has organized 136 drills with Central Asian militaries, NATO and the U have organized 91, and India has organized 19. Ultimately, Russia continues to be the node with the strongest security networks in the region, both in terms of the density and frequency of its institutionalized relations.

Central Asia has also worked *horizontally* to establish regional networks to improve collective security. In recent years, we have seen the states of the region pursue a strategy of “balancing regionalism” (Tskhay and Costa Buranelli 2020). This involves both bolstering regional cooperation within Central Asia and developing ties with multiple actors as part of multivector foreign policies to insulate themselves from the establishment of an exclusive Russian or Chinese sphere of influence in their region. For many years following independence, Central Asia was one of the least integrated parts of the world with low levels of trade, undelimited borders, and tensions between neighboring states. Regionalism was often exogenously enforced by external powers pursuing their own agendas. But, since the death of Islam Karimov in Uzbekistan in 2016 and the rise of his successor Shavkat Mirziyoyev, this has started to change. Mirziyoyev has made improving ties with his neighbors the centerpiece of his foreign policy (Anceschi 2019). As a result, security cooperation has developed with 12 joint exercises between Central Asian militaries since 2011. The first joint exercise between Kyrgyzstan and Tajikistan was a small, largely symbolic affair involving around 30 troops.<sup>38</sup> This was followed by a second in 2015. A first exercise, Sapper's Friendship, took place between Kazakhstan and Kyrgyzstan in 2017 (Bogatik 2017). In a move that would have been unthinkable a decade earlier, when tensions between Uzbekistan and Tajikistan were at their peak, the two countries held their first bilateral exercise, in the south of Tajikistan in 2018 (Hashimova 2020). The next year Tajikistan and Uzbekistan signed an agreement on military-technical cooperation, envisaging bilateral exercises and joint production of military equipment. Under the new agreement, the two countries have held three further exercises, all involving special opera-

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38 The Central Asia Exercises Database.

tions forces.<sup>39</sup> Rising regionalism also allows the governments to address regional issues, such as border delimitation, collective security, and trade without external mediation from Russia, the United States, or China, potentially decreasing their influence in these areas in the future. For example, when Tajikistan and Kyrgyzstan engaged in the bloodiest conflict on their border since independence in April 2021 and again in January–September 2022, regional organizations and external powers were apathetic in their response, while the governments of Kazakhstan and Uzbekistan took the lead in mediation (Antonov et al. 2023).

### Conclusion

China has become increasingly independent in its approach to foreign policy and has begun to articulate a clear vision of great power politics in a multipolar world order. In Central Asia, China has experimented with a dense network of overlapping multilateral frameworks, cooperation agreements, technology transfers, and training programs designed to advance a “China model” for security governance. In recent years, China’s fora such as the QCCM and C+Central Asia operate without Russia, showing China’s growing international confidence. As these ties develop, they could start to undermine and weaken the density of Russia’s security networks in the region.

Developments in Central Asia have profound implications for other parts of the world where China is active. First, as China’s trade has expanded it has become more closely pulled into the political and security dynamics in regions where it is active—in much the same way as other major great powers before it. While rhetoric for engagement remains “win-win,” local realities show how certain domestic and international actors make gains, often at the expense of others. This fragmented reality creates constituencies that fall into crudely defined Sinophobic and Sinophilic camps, resulting in greater demands from Chinese expats for protection. Second, China has carefully navigated local concerns and the needs of great power politics. We have seen this calculated diplomacy unfold in Eurasia, where China must advance its critical security interests while maintaining its strong partnership with Russia. As this chapter has argued, China has dealt with

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39 “Tajikistan, Uzbekistan intend to establish joint production of military equipment,” *AzerNews*, 6 March 2019, <https://www.azernews.az/region/146868.html>.

this potentially fraught dynamic by providing assurances and symbolic commitments to Russia, promoting policies that also advance Moscow's interests, and building elites that share a common ideological interest with both nations. This careful balancing is something China will be forced to navigate in other hierarchical regions where small powers fall under the influence of larger states. Finally, trends in Central Asia also reveal the extent to which local actors shape relationship dynamics with their former and emergent patrons, playing them off against one another to gain concessions (Cooley 2012).

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# The Strategic Stalemate in War Waging and the Conceptual Conundrum of Peacemaking in Afghanistan

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## *Introduction*

Despite studying the situation in Afghanistan for many years, analysts and experts still cannot overcome a number of strategic and conceptual dilemmas and conundrums. In many instances, the attitudes of pundits as well as official circles to the conflict and to prospects of peace in Afghanistan are based on old-fashioned perceptions and notions. This cannot but lead analysts and decision makers to wrong interpretations of the problems and erroneous recommendations for their resolution.

The overall issue considered in this chapter is that of establishing peace, eliminating factors causing war and conflicts, defeating various terrorist groups, and devising ways and means of reducing geopolitical rivalry in this country. That being the case, strategic thinking on this issue should be based on theories of security and geopolitics.

In his famous book *On War*, the great strategic thinker Karl von Clausewitz drew special attention on the following “trinitities” when analyzing any war: (1) critical analysis, personal experience, and historical factors; (2) interactions between government, people, and the military; (3) the nature of enmity, purpose of actors, and degree of opportunity. The first has to do with approaches to a correct assessment of the situation. The second addresses the mutual relations between the three actors that manage the situation. The third involves the ratio between the three factors that affect the dynamics and turns of war.<sup>2</sup>

Some modern scholars may doubt whether Clausewitz’s work is still relevant for analyzing twenty-first-century wars, especially small and terrorist wars. Some scholars have even redefined war—as applied to small or civil wars—by proposing that it is no longer politics (or policy), but

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2 . Karl Klauzevits. 2007. *O voyne*. (perevod s nemetskogo). Moskva: EKSMO.

economics continued by other means. Interestingly, this redefinition does not contradict Clausewitz because, ultimately, the economics of war is also a means of war that has its own ends and laws.

Christopher Daase provides a good description of the difference between big wars between states and guerilla warfare. He points to the asymmetry in the essence of war for the two sides by recalling Clausewitz's tactics–strategy distinction and his scheme of the means, aims, and ends of war.<sup>3</sup> He also refers to Henry Kissinger's observation: "the guerilla wins if he does not lose; the conventional army loses if it does not win."<sup>4</sup>

With regard to the situation in Afghanistan and "the war on the Taliban," the view could be put forward that politics is war by other means, that is, that terrorists, whose modus vivendi is waging small wars, may resort to politics only to win time and get more chances to continue their military/guerilla actions. The realist school of the theory of international relations (IR) provides a relevant framework for analysis but it is noticeable in the process that this school itself should be supplemented by universal moral principles to resolve the problems we have to consider.

From this perspective, the central argument of this chapter is that war in Afghanistan gets into a strategic deadlock to a great extent because this specific war is poorly conceptualized and the vision of peace is distorted. Building on such thinking, the chapter is organized around the following two sets of overall problems for analysis: (1) the strategic stalemate in war waging and (2) the conceptual conundrum of peace-making in Afghanistan. An orderly exposition of these sets of problems will, first, reflect the whole analytical perplexity faced on the academic level and, second, hopefully contribute to efforts to correct both the strategic position and the conceptual framework on the political level.

### *War and Peace Controversies*

*Problem 1:* the assertion that war in Afghanistan has been in progress for about 25 years. This is partly true, but it considers only the situation that has existed from 1996 (the Taliban's seizure of power) until now. It considers this period as the historical turning point in the life of Afghans.

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3 Christopher Daase 2007. "Clausewitz and small wars," in Hew Strachan & Andreas Herberg-Rothe (eds.) *Clausewitz in the Twenty-First Century*. Oxford: Oxford University Press, p. 189.

4 *Ibid.*, p. 190.

However, in order to understand even this period more correctly, one has to remember that the entire history of this country has almost never been free of tribal conflicts, civil wars, and geopolitical rivalries between great powers. This, in turn, has produced a specific mentality and way of life among the people, which are reflected in such features as being constantly ready for and anticipating the outbreak of war, and seeing participation as a fighter in a war as a tool for survival.

*Problem 2:* the conviction that there is no military solution to the Afghan problem. This is, probably, an incorrect assertion. When there is a war, there always has to be a military solution of one kind or the other. Non-military efforts are important but they have to come after or in parallel to military actions. The “no military solution” slogan sounds like an expression of good will, pacifism, and the value of negotiations – which is correct as far as it goes, but, in reality, it is idealistic and utopian in character and, as events have revealed, less than effective. Infinite war between implacable enemies cannot be stopped without military measures.

Since the Taliban’s seizure of power in Afghanistan in 1996 until today, there have been numerous calls and exhortations addressed to them by the international community, the Afghan government, the US and its allies. The Taliban have not taken these efforts seriously and have continued with their terrorist actions.

Clausewitz warned that the first strategic task for achieving success in any war should be correct comprehension of the nature of that war. So, what is the nature (or type) of the war that we are analyzing? Some people interpret it as a struggle for freedom on the part of Taliban. Others describe it as an internal Afghan affair, asserting that it is a civil war, a local conflict, or an internecine wrangling or the like. But all these perceptions are, it seems, incorrect, insofar as the war in Afghanistan is one of the biggest theatres of the global struggle against terrorism.

Clausewitz also asserted that one of the first strategic tasks is to deprive the enemy of his ability to resist. From this viewpoint, the military dimension not only should not be ignored, it should also be recognized as the most decisive dimension. More precisely, the Taliban should have been defeated, not engaged with.

*Problem 3:* regarding Afghanistan as a part of the Central Asian region. Recently, this concept has become popular among analysts and in official circles. Initially, it appeared in American analytical circles and later became

more widely spread.<sup>5</sup> One of the reasons for such a trend is to engage Central Asian states more in the Afghan question. There is no doubt that the historical, cultural, and religious affinities between the Central Asian and Afghan peoples are an important factor linking them. However, from the strategic (and even from historical) point of view, this single factor is not sufficient to warrant fitting them into the same region.

First, the name “Central Asia” was chosen for themselves in 1991 by five states—Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan—and the international community recognized this region as being composed solely of these five. Second, the affinities mentioned above exist among other peoples neighboring Central Asian countries, but they are not portrayed as parts of Central Asia. Third, in contrast to the Central Asian nations, Afghanistan developed along a different historical path; a path that has been especially distinct since the beginning of twentieth century when Afghanistan was separated from the then Turkistan and an official border and diplomatic relations were established between the USSR and Afghanistan. Fourth, the ongoing, long-lasting war in Afghanistan has thrown this country into the category of a “failed state” where tribal affiliations are much stronger than civic ones, a factor that further differentiates this country from its Central Asian neighbors.

Recent research into this matter also confirms this thesis: “Although the Soviet transformation of society did not work out as initially planned, enormous changes did result—changes that created obvious differences that have remained to this day and mark northern Afghanistan and the regions to the north as distinctly different cultural, political and economic spaces.”<sup>6</sup>

Thus, at least over a period of more than 100 years, Central Asia and Afghanistan have been developing in different directions. Afghanistan should be considered as a part of South Asia or Rimland to use geopolitical terminology. This reality, in turn, makes it obvious that the historical and geopolitical laws determining the development of Central Asia and

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5 S. Frederick Starr. 2005. “A ‘Greater Central Asia partnership’ for Afghanistan and its neighbors.” *Silk Road Studies*. <http://www.silkroadstudies.org/publications/silkroad-papers-and-monographs/item/13109-a-%E2%80%98greater-central-asia-partnership%E2%80%99-for-afghanistan-and-its-neighbors.html>.

6 For more information on this, see: Christian Bleuer & Said Reza Kazemi. 2014. “Between cooperation and insulation. Afghanistan’s relations with the Central Asian Republics.” *Afghanistan Analysts Network*. [https://www.academia.edu/7506570/Between\\_Co\\_operation\\_and\\_Insulation\\_Afghanistan\\_s\\_Relations\\_with\\_the\\_Central\\_Asian\\_Republics](https://www.academia.edu/7506570/Between_Co_operation_and_Insulation_Afghanistan_s_Relations_with_the_Central_Asian_Republics).

Afghanistan are essentially different, and two different strategic approaches should be considered for the two regions.

*Problem 4:* initiatives to create a system of connectivity between the two regions as a means of supporting cooperation and peace-making in Afghanistan. This is a good idea in itself, but it needs to be realized relatively slowly, step by step. On the one hand, for example, Uzbekistan has helped Afghanistan with the construction of roads, bridges, highways, electrical transmission lines and other infrastructure. China within its mega initiative “One Belt, One Road” intends to create large-scale infrastructure in Afghanistan. However, such connectivity has rather a mechanical character and its effectiveness has yet to be seen.

On the other hand, connectivity in the strategic sense, that is, in the form of deep and comprehensive links, is a much more complicated issue, since, before considering connectivity between two regions, two other types of connectivity ought to be looked at. First, the integration of Central Asia into a single and cohesive region was proclaimed long ago (in 1991), yet there is much work still to be done; in other words, the five Central Asian countries should embody their own model of regional connectivity as a primary task. Second, Afghanistan’s own internal connectivity has yet to be achieved, since as a country it is very fragmented and divided. It has, above all, to turn itself into a single space, a state in which peace is firmly established, where conflicts are eliminated and whose entire territory is well governed from the political center. Henry Kissinger’s remark is worth quoting in his regard:

Traditionally, Afghanistan has been less a state in the conventional sense than a geographic expression for an area never brought under the consistent administration of any single authority. For most of recorded history, Afghan tribes and sects have been at war with each other, briefly uniting to resist invasion or to launch marauding raids against their neighbors.<sup>7</sup>

Therefore, the idea of connectivity between two regions, correct as such, may be a controversial approach to the task of peace-making in Afghanistan.

*Problem 5:* the various and contradictory views and rumors regarding the geopolitics of great powers and regional powers. At first glance, Afghanistan has, throughout its entire history and especially in the twentieth

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7 Henry Kissinger. 2014. *World Order*. London: Penguin Books, p. 319.

century, been the victim of geopolitical struggles between the great powers. It was at the epicenter of the Great Game, which is nowadays taking on a new shape. At the same time, besides the great powers, countries neighboring Afghanistan in and around South Asia (for instance, Pakistan, Saudi Arabia, Iran, and others) have been constantly pursuing their own geopolitical goals and have supported certain political forces within Afghanistan, their proxies that are loyal to them (including the Taliban). According to another point of view, however, great power geopolitics did not yield any of the expected results for them and only turned Afghanistan into a buffer zone.

Each vision has its own strength and at the same time there is vagueness in each of them. For example, some analysts and observers believed that the United States would maintain its forces in Afghanistan over the long term because, besides the assistance mission in Afghanistan, Washington was pursuing other geopolitical goals, such as watching and deterring the rising great power, China. However, the sudden withdrawal of US from Afghanistan in August 2021 not only refuted this “classical” geopolitical vision but also created paradoxical impression of America’s “shameful” defeat by the Taliban.

Classical geopolitical visions like this, although they may look logical, are more often than not based not so much on substantial research as on suspicions and stereotypes. In general, living in a geopolitically tense environment is perhaps Afghanistan’s eternal historical fate. So, the future stabilization and accommodation of Afghanistan, as well as any strategic approaches to it, will be shaped by the presence of a permanent geopolitical environment.

*Problem 6:* the development and security dilemma. The previous problem is also the source of a new and complicated one, namely the development vs security dilemma. Recently, international analysts have advanced the concept of an “Afghan-owned and Afghan-led” process. This idea is a worthy one, but it too is not free from the idealistic approach.

Unfortunately, Afghans are unlikely to be able to establish peace and maintain stability in the country on their own because they are extremely vulnerable to external threats and heavily exposed to the geopolitical struggle of great and regional powers. Therefore, Afghans need to approximate to an “Afghan-owned and Afghan-led” process while continuing receive due assistance from the UN and other international organizations as well as the US, the EU, and other interested states.



It is often argued that economic development, attracting investment, reconstructing the country — all these will help ensure security and stability. However, the opposite is also true — namely that when and if security and stability are achieved, investment will come, the economy will grow, and the country will be reconstructed.

*Problem 7:* too much diplomacy, too little solution. The international agenda for Afghanistan has been overwhelmed with numerous international forums, calls, events, decisions, initiatives, negotiations, and the like. But the situation in this country remains unchanged and there is too little progress in terms of peace-making. Is the international community so incapable of resolving the Afghanistan conundrum?

The issue that we are analyzing is not an ordinary war between two states but a struggle against international terrorism. In contrast to an ordinary interstate war, in this struggle the classic tools of diplomacy are unlikely to be effective. Non-conventional asymmetric war requires non-conventional measures. There should be strategic solutions, not simply calls, forums, negotiations, and promises. What can be exchanged for what? What can be compromised, what cannot? When should pressure be exerted on the enemy and when is it possible to reconcile with him? In the Afghan context questions of this kind required a very specific approach; unfortunately, they were not addressed.

In March 2018 the international conference “Peace Process, Security Cooperation and Regional Connectivity” was held in Tashkent. It was an important opportunity for Uzbekistan to put forward and demonstrate new initiatives. Representatives of 21 states, as well as the UN and EU, who participated in this conference adopted the Tashkent Declaration. Uzbek President Shavkat Mirziyoev stated that Afghanistan should not be regarded as territory from which threats were escalating but as an area where new opportunities for cooperation were emerging. That was an important message and a call addressed to Afghans.<sup>8</sup>

This conference was undoubtedly a significant contribution to overall international efforts directed to peace-making in Afghanistan. But to what extent might the voices and signals from Tashkent be heard by warring

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8 Farkhod Tolipov. 2018. “The Tashkent Conference on Afghanistan: Too Much Diplomacy, Too Little Solution.” *CACI Analyst*, May 29. <http://www.cacianalyst.org/publications/analytical-articles/item/13521-the-tashkent-conference-on-afghanistan-too-much-diplomacy-too-little-solution.html>.

sides? (See the next chapter in this volume on Uzbekistan's policy on Afghanistan)

*Problem 8:* confusing threat perception and threat assessment. More often than not, when one talks about threats, the changeability of those threats is overlooked. It should be said that the information available for threat assessment is incomplete and controversial. What is the real size and strength of fighting forces in Afghanistan? Why and how do they manage to recruit new fighters? How is their material, social, and military supply chain organized and equipped? These and other similar questions are left without in-depth investigation. A large volume of the information is secret or classified.

For example, the international media have spread rumors that, after their defeat in Syria, thousands of ISIL fighters fled to Afghanistan. How is it possible to check this information out and confirm it? One should keep in mind that such rumors can be spread for geopolitical purposes and be part of the information war. "In war," wrote Clausewitz, "under the influence of numerous and strong impressions, with the unreliability of all data and all assessments, there exist significantly more possibilities for a man to go astray, mislead himself and others than in other types of human activity... Nowhere can one encounter such a divergence of opinions as in war."<sup>9</sup> Therefore, accurate information management and strategic communication are crucial for correct threat assessments, threat perception, and strategic decisions (see below for strategic communication).

*Problem 9:* the allegation that people support the Taliban and alienate international forces. This issue should also be clarified. First, the statistical data (for instance, sociological surveys and polls) are quite ambivalent. Some experts claim 2–3% public support for the Taliban; others believe that this figure is not less than 50%.<sup>10</sup>

Second, it would be wrong to operate only with figures to assess the scope of and reasons for people's taking the Taliban's side. The following question is relevant: Why do people support groups of fighters who inhibit development on behalf of Islam, reject democracy, are against women's emancipation, and are a source of terrorism?

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9 Карл Клаузевиц. 2007. О войне. С.69.

10 The author had numerous conversations with the experts and analysts from Afghanistan itself and other countries dealing with this issue and their assessments of public opinion significantly diverged.

According to reports, “people’s support” is determined not so much by the Taliban’s ideology or the goals they are pursuing as by the fighters’ practice of instilling fear in the population. According to reports, fighters have invaded villages, homes, and uncontrolled land, threatened civilians, taken away their property, and strictly warned them against supporting the Americans or even the Afghan government.

Meanwhile, the symbol of Afghanistan of the days of US troops withdrawal in August 2021 were Afghans in horror trying to escape Taliban by clinging to the undercarriage of a flying plane. Obviously, this symbol eloquently displays the real rejection of the Taliban’s new order.

*Problem 10:* the Taliban’s demand for the withdrawal of US troops as a condition for peace. This demand, which sounds like an ultimatum, actually misled public opinion inside and outside the country. US troops were not in Afghanistan when Taliban seized power in the 1990s and “ruled” the country—the main reason why the country is mired in the civil war. US troops were not in Afghanistan when the Taliban provided sanctuary to Osama Bin Laden. Only after the events of 9/11 were US/NATO troops deployed in Afghanistan and overthrew the Taliban (five years after the latter came to power). That is why this ultimatum was strategically irrelevant and unacceptable unless clear-cut assurances were given on the part of the Taliban regarding their respect for the then Afghan Constitution and giving up their extremist ideology and terrorist actions. Even if the US troops had to withdraw, in the event of worst-case scenarios in the aftermath of the withdrawal the possibility of their return to Afghanistan could have been officially envisaged and communicated to the Taliban. In fact, the Enduring Strategic Partnership Agreement of 2012 between the Islamic Republic of Afghanistan and the United States of America and the Bilateral Security Agreement (BSA) of 2014 between the two states might have provided strategic ground for post-war arrangements.<sup>11</sup> Instead, US withdrawal in August 2021 appeared to be unconditional and stipulated by the other secret agreement between the US and the Taliban signed in Doha.

All these problems reflect the situation of strategic stalemate in war waging in Afghanistan that cannot but affect the quality of the strategic decisions and policies of states exposed in one way or another to the devel-

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11 Security and Defense Cooperation Agreement Between the Islamic Republic of Afghanistan and the United States of America. See: <https://www.afghanistan-analysts.org/wp-content/uploads/2014/10/BSA-ENGLISH-AFG.pdf>.

opment of the strategic situation in this war-torn country. Uzbekistan—a neighboring state to Afghanistan—is quite illustrative in this regard.

*Tashkent's idealistic pacifism and realistic preparedness*

Uzbekistan's position and policy with respect to issues of war and peace in Afghanistan have always reflected the principle "Hope for the best but prepare for the worst." Since the Soviet–Afghan war of 1979–1989, Uzbeks have associated Afghanistan with a dangerous area where thousands of their compatriots died during that war.

The memory of the past war continued to affect Uzbekistanis to some degree after their country gained independence and shaped their vision of the overall situation in Afghanistan. Uzbekistan found itself, so to speak, face-to-face with its neighbor after the disappearance of the powerful Soviet "security umbrella." That is why, Tashkent combined idealistic pacifism with realistic preparedness. A pacific approach was adopted to demonstrate good will toward the war-torn country and has perhaps hidden the desire to prevent any possible spillover of challenges from the territory of Afghanistan to Uzbekistan. Preparedness, in turn, is based on more realistic assumptions regarding the possibility of that spillover. For the latter case, all necessary measures were undertaken to strengthen the border guards and army units, which were well trained and stood ready to repel any threat.

So, long before the March 2018 conference on Afghanistan in Tashkent, Uzbekistan had shown itself in the international arena to be quite enthusiastic about Afghanistan-related activities. In the late 1990s it proposed the so-called "6+2" formula for resolving the Afghan question. This involved setting up a group composed of diplomatic representatives of six neighbor states of Afghanistan plus two great powers—the United States and Russia. This platform existed from 1998 till 2001 when the 9/11 terrorist actions occurred in the US. Afterwards, in April 2003, Tashkent proposed a new "6+3" formula with the inclusion of NATO in addition to the previous make-up. However, this initiative was rejected by Washington and the Alliance as irrelevant in the context of the NATO-led operation in Afghanistan that time. So, idealism and realism merely got in each other's way.

The then UN Special Envoy to Afghanistan, Lakhdar Brahimi, explaining his disappointment with this post, said in his interview: "What really led me decide to go away was that we got all these people, all the neighbors,

plus Russia and the United States, to a meeting in Tashkent in July '99. They signed a very solemn declaration in which they said, 'We will not help any faction anymore and we will intervene with others not to help any faction.' One month later, there was a Taliban offensive that was supported, financed, armed by some of the people who had signed that declaration."<sup>12</sup>

The above-mentioned Tashkent international conference on Afghanistan held in March 2018 and the Tashkent Declaration adopted at it, like all previous endeavors, displayed what can only be described as "too much diplomacy and too little solution." In the text of the Declaration, phrases like "Afghan-led and Afghan-owned" are repeated three times; the idea of direct talks with the Taliban is repeated three times, and the Declaration contains two clauses addressed to the Taliban urging them to move towards a peaceful settlement. The document also uses the dubious term "moderate Taliban" and, surprisingly, treats the movement as a legitimate political force in Afghanistan.

Such diplomatic wishful thinking has manifested itself throughout entire period since the Taliban's first coming to power in Afghanistan 27 years ago. However, to date the Taliban have shown no willingness to compromise. Over 27 years, the UN, the US, the EU, the RF, the Afghan government and neighbors from Central Asia have regularly addressed calls for peace and reconciliation to the Taliban leadership but all their efforts have been fruitless.<sup>13</sup> One major reason for frustration is that the Taliban enjoy comprehensive support on the territory of neighboring Pakistan, and curbing this support is a major precondition for peace enforcement in Afghanistan. So, having assumed that the Taliban are not an independent force but only a front for other more powerful forces standing behind it and pushing it, we can make a more correct strategic assessment of the nature of the war being waged, which then will, perhaps, look less like a small war or insurgency but like something much bigger.

Another major reason is hidden in ideological nature of Taliban, which makes the prospects for a political settlement very precarious. This fact has been well noted by many observers and in analytical works as well as in the official circles of the country.

Having considered and deeply analyzed a number of possible scenarios for a political settlement in Afghanistan, Omar Sadr has come to the con-

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12 Lakhdar Brahimi. 2005. *Conversations with History*. Institute of International Studies, UC Berkeley. <https://iis.berkeley.edu/file/1695>.

13 Tolipov. "The Tashkent Conference on Afghanistan."

clusion that real progress in peace-making in this country depends on the degree to which insurgency is weakened militarily and ideologically. Yet in 2019, he rightly pointed out the challenging nature of the task of rebuilding the social contract among different parties to the conflict. Any peace agreement with the Taliban—Sadr argues—should not negate the social transformation that Afghanistan has undergone in the past 17 years in terms of the proliferation of modern democratic norms, generational shift, and devolution of power. However, he is skeptical about prospects of a settlement because the “Taliban assumes that it is unbeatable and hence it doesn’t accept this mechanism.”<sup>14</sup> This again confirms the necessity of revising the overall strategic and conceptual frameworks of peace-making in Afghanistan.

Meanwhile, besides the relatively ineffective Tashkent conference, in terms of the real peace-making Tashkent undertook another pacific step: in August 2019 the leaders of the Taliban were invited to Tashkent and negotiations were organized by the Uzbekistan Ministry of Foreign Affairs. Surprisingly, in the aftermath of that meeting the Afghan government issued a note in which it accused the Uzbek side of conducting the meeting without notifying the Afghan authorities. The Afghan Foreign Ministry released a statement on August 10 saying that, while Kabul appreciated international and regional cooperation, the “formal reception of Taliban representatives by the Republic of Uzbekistan and the dynamics of the talks do not help in facilitating peace talks between the government of the Islamic Republic of Afghanistan and the Taliban.” Afghanistan’s Foreign Ministry called on “all countries, particularly our neighbors, to respect the leadership and ownership of the people and government of the Islamic Republic of Afghanistan in the Peace Process.”<sup>15</sup>

Some analysts and officials explain such steps on the part of Tashkent as efforts made in order to reduce possible threats to Uzbekistan from the Taliban through contacts with the latter. However, everything suggests that this threat is exaggerated because the Taliban does not possess an expansionist capacity. At the same time, only a few days had passed after the August meeting when new terrorist actions committed by the Taliban took place in Afghanistan. This simple fact is just one of many illustrating

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14 Omar Sadr. 2019. *Political Settlement of the Afghanistan Conflict: Divergent Models*. Kabul: Afghan Institute for Strategic Studies, pp. 47, 96.

15 Bruce Pannier. 2019. “Uzbekistan experiences the pitfalls of peacemaking in Afghanistan.” <https://www.rferl.org/a/uzbekistan-afghanistan-taliban-peacemaking-pitfalls/30126897.html>.

the conceptual deficiency of peace-making in the context of a strategic stalemate in waging war.

One analyst has noted that a high-level international conference on Afghanistan opened in Tashkent, the capital of Uzbekistan, on March 26 2018, even as Kabul was still recovering from an Islamic-State-led terror attack that killed 32 people in the capital on March 21. Just two days later, a car bomb in Helmand province killed a further 14 innocents. Week after week the death toll among the civilian population is increasing in Afghanistan and incidents are, alas, occurring so often that they are ignored in the global news cycles.<sup>16</sup>

As one observer put it, “until geopolitics and mediation of third parties prevail, Tashkent Conference’s lofty and idealistic goals such as ‘peace, security, and regional connectivity’ would be like castles in the air. The people and politics of Afghans have to be wise enough to understand the great game led by external players. Otherwise, Tashkent Declaration could be a phony peace-making process.”<sup>17</sup>

Well, this experience along with the above-mentioned strategic problems require us to look deeper into the conceptual issues that probably cause such unsuccessful experiences and the strategic stalemate. In other words, the strategic problems have to do with the reasons and factors behind the low efficiency of war waging and even its unsuccessful results; the second set of problems are about the misperception and misinterpretations of the existing situation and the actors in this war and about future anticipations.

### *Conceptual Dilemmas*

A number of conceptual flaws in analysis have created a big conceptual conundrum that further perplexes the assessment of the real situation in Afghanistan. For instance:

*First:* the assertion that the Taliban are Pashtuns and part of the Afghan society? Such rhetoric is just like an assertion that any other terrorists belong to a particular national community. Such an assertion cannot but

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16 C. Uday Bhaskar. 2018. “Tashkent conference: Fading hopes for a consensus on Afghanistan.” <https://theasiadialogue.com/2018/03/27/tashkent-conference-fading-hopes-for-a-consensus-on-afghanistan/>.

17 Bawa Singh. 2018. “Tashkent declaration 2: Phony peace harbinger for Afghanistan?” *South Asia Journal* April 26. <http://southasiajournal.net/tashkent-declaration-2-phony-peace-harbinger-for-afghanistan/>.

create a wrong impression that this group constitutes something of a national liberation (or resistance) movement.

*Second:* portraying the Taliban as insurgents, not terrorists. The reason for such a depiction perhaps is twofold: (a) to soften their posture and make them look more attractive; (b) to make official negotiations with them more justifiable internationally. However, such a rebranding of the Taliban may, on the one hand, create an undesirable precedent in the overall global war on terror and, on the other, distort the real nature of Taliban. One recent story, among many, speaks for itself:

July (2019) was the deadliest month for Afghan civilians in over two years. According to the United Nations Assistance Mission in Afghanistan (UNAMA), over 1,500 civilians were killed or injured that month, the highest monthly toll so far in that year and the worst since May 2017. The Taliban claimed responsibility for the bulk of the casualties. There was no respite from the violence in August. Just days before the US and the Taliban reached a draft accord, the latter launched major offensives on the strategic town of Kunduz in northern Afghanistan and Pul-i Khumri, the capital of the neighboring Baghlan province. On September 2, just hours after Khalilzad had briefed the Afghan government on the draft deal and was outlining the draft agreement to the Afghan people in an interview broadcast on ToloNews television channel, the Taliban carried out a massive truck bomb explosion in Kabul's Green Village compound, a residential area for foreign nationals and offices, killing 16 people and injuring 119.<sup>18</sup>

*Third:* After the 2014 withdrawal of American forces some contingents were left in Afghanistan with the aim of training and assisting the Afghan Army and security forces. By the time of the full withdrawal in 2021, this specific mission turned out to have been a complete fiasco, because Taliban fighters not only continued terrorist attacks but in the end seized power without encountering any resistance from the Afghan Army. Does this reveal the fact that the Afghan forces were really unable to fight the insurgents effectively or was there something else going on behind the scenes that made those

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18 Sudra Ramachandran. 2019. "Afghanistan headed for a new spiral of violence as U.S. cancels talks with the Taliban", *CACI Analyst*, October 14. <http://cacianalyst.org/publications/analytical-articles/item/13590-afghanistan-headed-for-a-new-spiral-of-violence-as-us-cancels-talks-with-the-taliban.html>.



forces so impotent? How should the US forces' mission in Afghanistan be reconceptualized?

*Fourth:* the speculation that, after the US Forces withdrew, the Taliban would return to power. This was too simplistic a view and a misleading apprehension, at least for the following reason: “[T]he US would withdraw its forces in a hasty measure. With this, the state would become more fragile, weakened, and prone to collapse. The Taliban might escalate their offensive, and finally, the anti-Taliban constituency would have no other option than to regroup itself to fight and defend from Kabul.”<sup>19</sup> The likelihood of such a scenario should restrain all parties involved from new vicious cycle of war in absence of US forces.

The Security and Defense Cooperation Agreement between Afghanistan and the US which was adopted on 30 September 2014 contains the provision that says: “The United States shall regard with grave concern any external aggression or threat of external aggression against the sovereignty, independence, and territorial integrity of Afghanistan, recognizing that such aggression may threaten the Parties’ shared interests in Afghanistan’s stability and regional and international peace and stability.”<sup>20</sup>

We can hypothetically suppose (although this would be an illusion) that even after complete withdrawal the US forces might return to this country if it were again to be mired in deadly conflict with the Taliban because the latter were the main target when the former came to Afghanistan in 2001.

Meanwhile, this logic contradicts the fact the Taliban did return to power in August 2021 and without any resistance. However, it should be admitted that this return was not predetermined and happened in vague and strange circumstances.

*Fifth:* the irrelevance of democratic rhetoric. Many pundits argue that a democratic settlement is the solution for Afghanistan. In conditions of perpetual war, geopolitical rivalry, and tribal divisions Afghanistan has turned into a highly decentralized failed state. It is true that the pre-Taliban Constitution and political system of Afghanistan had a democratic design per se. However, this is just a de jure statement which is far from describing the de facto situation. Democratic settlement is hardly a relevant model for peace-building for such a very fragile and conflict-prone country and disunited people.

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19 Sadr. *Political Settlement of the Afghanistan Conflict*, p. 107.

20 Security and Defense Cooperation Agreement between the Islamic Republic of Afghanistan and the United States of America.

Sociological surveys made in Afghanistan on the perception of democracy among ordinary Afghans reveal that there are tensions between support for democratic values in the abstract and a willingness to apply these values in specific instances.<sup>21</sup> Moreover, democracy in Afghanistan (regardless of whether real or false) must be assessed in relation to Islam, war, and tribalism – three specific contexts this country is living in.

Therefore, peace-building ought primarily to take the form of state-building. It is the case in all non-democratic countries which are vulnerable to security threats: they always reduce freedoms and democratic institutions when they need to consolidate the state and ensure stability. A country as disrupted as Afghanistan needs state-building even more urgently than other non-democratic but stronger states. This thesis was also expressed some time ago by Lakhdar Brahimi: "There is now a very well-meaning and welcome Western interest in supporting democracy everywhere, but they want to do it like instant coffee. It doesn't happen that way".<sup>22</sup>

Mr. Brahimi said of his short-term objectives: "Give the country *a state* (emphasis in the original) that is fairly well organized, and give the people a sense that they can have justice, and you have done a lot for all the other things you talk about, in particular democracy." Elections, he said, should come at the end of the process, not the beginning.<sup>23</sup>

### *Strategic communication*

For a stronger analysis of the above topic leading to a more correct answer to the questions arising from the previously mentioned problems, it is necessary to pay attention to "strategic communication," which is a key notion in strategic analysis and strategic planning. It means delivering messages about strategic goals and plans to one's opposite number, persuading them, and thereby influencing their will, views, and character. In strategic communication discourse, at least five different ways of understanding strategic

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21 Arpita Basu Roy. 2009. "Challenges to peace building in contemporary Afghanistan," in *Emerging Afghanistan in the Third Millennium*, Mondira Dutta (ed.). New Delhi: Pentagon Press, p. 93.

22 Carlotta Gall. 2004. "Kabul Journal: With future charted UN envoy departs." *New York Times*, January 6. <https://www.nytimes.com/2004/01/06/world/kabul-journal-with-future-charted-un-envoy-departs.html>.

23 Ibid.

communication can be identified:<sup>24</sup> (a) as the orchestration of words and deeds; (b) as a way to explain action; (c) as a way to convey an image; (d) as a strategic tool; and (e) as a branch of planning and operations.

Strategic communication in the Afghan context has been controversial, so far. Frankly speaking, international forces', especially US forces', strategic communication in Afghanistan deserves much criticism. The messages and signals that they delivered to the local population aimed at gaining trust and increasing hopes among people. However, the success and effectiveness of these undertakings were often diminished and outweighed by terrorist groups' own "strategic communication." The language of fear often prevailed over the language of hope. This strategic failure of the "forces of good" against the "forces of evil" has, among other things, a cultural explanation: the Americans will always look like an alien people vis-à-vis local fighters even if the latter are terrorists.<sup>25</sup>

Strategic communication is directed not only to the people but also to the adversary. From this point of view, a key element in ending the campaign is the realization that terrorism is a "highly problematic means of bringing about change," a realization that requires, among other things, inflicting demoralizing losses on the terrorists through military action and law enforcement activities; it also requires convincing the terrorists themselves that they have been defeated politically, or at least that they cannot succeed, as well as actively deterring sponsors who support terrorist groups and eliminating the conditions that gave terrorists legitimacy in the first place.<sup>26</sup>

That is why spreading the truth about the Taliban is one of the basic strategic communication tasks as long as the Taliban themselves and their supporters create a false image of this grouping. For example, Kalim Bahadur in his article illustrated them as illiterate in Islam and argued that they are not strategically, militarily, or morally strong. He writes: "Slowly

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24 Magnus Johnsson. 2011. *NATO and the Challenge of Strategic Communication*. Rome: NATO Defense College.

25 Shanthie Mariet D'Souza. 2018. "Taliban narratives: the use of stories in the Afghanistan conflict." *Small Wars & Insurgencies*, 29(4), 830-834, DOI: 10.1080/09592318.2018.1488425.

26 Antulio J. Echevarria., II. 2007. "Clausewitz and the nature of the war on terror" in Hew Strachan & Andreas Herberg-Rothe (eds.) *Clausewitz in the Twenty-First Century*. Oxford: Oxford University Press, p. 211.

the myth of Taliban invincibility was spread partly by the Pakistani media and the ISI [Pakistani Inter-Services Intelligence].<sup>27</sup>

Another task for strategic communication should be to address the issue of achieving broader international support for peace-making in Afghanistan. This means stronger and principled messages need to be sent out from the UN, the Organization of Islamic Cooperation, and the Shanghai Cooperation Organization as well as the great powers and regional powers: a) to all terrorist and insurgent groupings about the inevitable failure of their actions; b) to the Afghan people about the principles and values on which peace, statehood and government in Afghanistan can be built and recognized. This is very important in terms of demonstrating the resolute willingness of the broader international community, not only the American forces, to put an end to war in this country.

Some years ago, the former UN Envoy to Afghanistan Lakhdar Brahimi in an interview pointed to important nuances of the Afghan war that many strategic analysts overlook in their elaborations on strategic communication:

Afghanistan is a land-locked country. A fly cannot go in unless it stops somewhere; therefore weapons, fuel, food, money will not go to Afghanistan unless the neighbors of Afghanistan are working, are cooperating, either being themselves the origin or the transit. During the Soviet occupation, Pakistan was the necessary indispensable transit place that the Americans and Saudis were using to channel money and weapons to the Mujahadeen who were fighting against the Soviet Union. When we moved from that to a civil war it was the same thing: Iran, and Pakistan in particular, were very, very much part of the problem.<sup>28</sup>

He even almost predicted the global consequences of a misunderstanding and misinterpretation of the causes and nuances of the Afghan war: "Afghanistan is a small country, it's a very poor country, it's an isolated country, it's a faraway country, but if you think you're going to keep that conflict within the borders of Afghanistan, you are wrong. It will spill over on all of us one day."<sup>29</sup> By and large, Brahimi was right when he noticed the strategic connotations of the supply of fuel, ammunition, military guidance, money,

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27 Kalim Bahadur. 2009. "The future of Taliban" in Mondira Dutta (ed.) *Emerging Afghanistan in the Third Millennium*. New Delhi: Pentagon Press, p. 268.

28 Conversation with Lakhdar Brahimi, <http://globetrotter.berkeley.edu/people5/Brahimi/brahimi-con3.html> April 5, 2005.

29 Ibid.

weapons and so on to those fighters who would have quickly been defeated without such supply. Strategic communication should address this issue and create a more adequate explanation of war dynamics.

Today, the role of the United Nations in Afghanistan might be strengthened. In particular, the principle might be introduced according to which if war/conflict in one country dangerously drags on for several years and constantly causes casualties among the population, then this war is no longer considered to be an internal affair of the state, and the international community, primarily the UN, must take the initiative in order to restore peace and stabilize the strategic situation in the country. UN forces would represent the world community, not just the US. In this context, parties to the conflict, primarily the Taliban, would have to face not its eternal enemy—the United States—but a broader and stronger peace-enforcing mission. That would be a novel and promising strategic communication addressed both to the Afghan population and all insurgents/terrorists.

In any event, strategic communication could be based on a more adequate assessment of the situation which should acknowledge that conceptual deficiencies and strategic mistakes were the reasons for the protracted war in Afghanistan.

### *Conclusion*

Many pundits and politicians have so far attempted to apply standard theories to the non-standard environment. This has led them to a strategic stalemate in war waging and a conceptual conundrum around peace-making in Afghanistan. At the end of the day, we are left with the situation of “too much diplomacy, too little solution.” Afghanistan is a failed state in every respect. The difficulties faced by any analysis stem from neglecting this fact.

Very often we see a strange confusion in distinguishing who is the stronger and who should be begging for negotiations in this long-lasting war. Misperceptions and misinterpretations of the problems of peace-making disguise the real driving forces behind war-making. International forces’ and local government’s strategy of peace-making in this war-torn country have not been significantly modified since the start of the war to reflect lessons learnt from failed strategy.

The biggest confusion relates to undermining the importance and necessity of military success in this war. The formula “no military solution”

can be relevant and acceptable only in three circumstances: (a) the supply of fighters (including the recruitment of new fighters) is cut off and the Taliban are deprived of material capability and a feeding ground; (b) the strategic, military, and moral supremacy of one warring side and its victorious advance convince the other to raise the white flag; (c) parity in military power is established on both sides and the consequent strategic stalemate prompts both sides to start peace negotiations. None of these circumstances is currently available in Afghanistan. Instead, the above-mentioned simplistic and illusive formula is more often than not taken for granted.

The following observation by Omar Sadr can be supplementary to the previous one: “An insurgency does not accept a settlement in three conditions: (1) If it is fighting an ideological war and does not want to compromise on it; (2) If it has multiple financial sources other than the people, such as natural resources, drug trafficking and sponsorship from patrons; (3) If it perceives the status quo in its favor. All three conditions confirm with the Taliban.”<sup>30</sup>

Therefore, as Arpita Basu Roy wrote back in 2009, “reconciliation and social rehabilitation remains a distant goal until ongoing hostilities and armed resistances come to an end. Therefore, peace-building in Afghanistan can largely be explained in the context of a new war on terrorism rather than the transformation of local conflict dynamics through negotiation.”<sup>31</sup>

For a regular army “in war there is no substitute for victory” (General MacArthur’s maxim). For an irregular army or a rebel group waging a small war, the substitute for victory is success in politics.<sup>32</sup> This formula has to be considered when one tries to comprehend the means of war-making and ways of peace-making in Afghanistan. This formula for the real substitute for victory by the regular army was reflected in an “Agreement for Bringing Peace to Afghanistan” signed by the US and Taliban on 29 February 2020. However, this bilateral deal seems like “stepping on the same rake twice.”

As Indian analyst Dr. Sudha Ramachandran writes, “The Agreement for Bringing Peace to Afghanistan, signed by the U.S. and the Taliban on February 29, 2020, is a major milestone in the almost two-decade long war

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30 Sadr. *Political Settlement of the Afghanistan Conflict*, p. 104.

31 Roy. “Challenges to peace building,” p. 105.

32 Daase. “Clausewitz and small wars,” p.191.

between the two adversaries. While it could change the trajectory of the conflict, it is unlikely to bring peace to Afghanistan. Narrow self-interest of the two signatories drove the deal, rather than the objective of peace in Afghanistan. This and the flawed content of the agreement will, in all likelihood, lead to escalating violence in the coming months.”<sup>33</sup>

### *Postscript*

Recently Grégoire Chamayou wrote a book in which he argues that, unlike Clausewitz’s conception, modern war is no longer a duel. Its paradigm does not imply two enemies meeting face to face. It is rather about a crouching hunter and a lurking prey; therefore, the rules of the game have changed. The hunting scenario is different from the classic war scenario, since the fugitive wants to escape capture whereas hunter pursues him until capture. So, for victory, the pursuer needs direct confrontation, whereas for his victory a fugitive needs to hide.<sup>34</sup> Yes, the era of drones as a means of modern war has come, and the hunter–prey picture/scenario of war-waging is perhaps relevant. But this vision does not deny the nature and causes of war waged by the states or terrorists or insurgents rooted in geopolitics, ideology, religion, criminality, poverty, human ambitions, and so on.

In the context of the new era of drones but old-era causes of war, the international community will most likely repeatedly face the Afghan syndrome, until the lessons of the tragedy of this country are learned.

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33 Sudha Ramachandran. 2020. “What will the U.S.–Taliban peace agreement bring for Afghanistan?” *The CACI Analyst*, March 7. <http://cacianalyst.org/publications/analytical-articles/item/13608-what-will-the-us-taliban-peace-agreement-bring-for-afghanistan?.html>.

34 Grégoire Chamayou. 2020. *A Theory of the Drone*. New York: The New Press.

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# Governance problems in Kyrgyzstan: rentier state and building resilience (1991-2018)

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## *Introduction*

Kyrgyzstan is a country in Central Asia that during its recent 32 years of history has seen three of its president's overthrown, two instances of mass ethnic violence and 32 prime ministers. After gaining independence in 1991, Kyrgyzstan encountered a range of socio-economic problems associated with the collapse of the USSR, the establishment of a new state, the rupture of traditional economic and trade relations with other Soviet republics, and the suspension of centralized financial subsidies from Moscow. The new government had to seek other sources of funding for its sustainability and development. The international community treated Kyrgyzstan as a "more advanced democracy" (Garcés de los Fayos and Mendonça 2018) than other regional states, as an "island of democracy" (Anderson 1999) surrounded by Russia, other authoritarian Central Asian countries, and China. This recognition led to increasingly international, mainly Western, support, which included development aid and assistance with democratization and governance reforms. There was an expectation that Kyrgyzstan would become a more liberal and prosperous state as a result.

However, despite receiving a substantial amount of external aid and revenues from mining and from leasing military bases to foreign powers, donors' optimistic expectations have not been realized, and the country has been unable to improve its governance effectiveness. The main research question for this article, therefore, is to analyze to what extent direct connections between changes in sources of government revenue and adjustments in governance can be tracked and how ignorance of a bottom-up approach to development has negatively affected the country's resilience. To this end, the research question has been divided into three sub-questions:

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- (1) Why has Kyrgyzstan been facing problems such as high-level corruption, clientelism, low levels of accountability and submission to the rule of law, and generally inefficient governance plus severe economic problems despite receiving substantial external aid and implementing numerous development projects?
- (2) Why has Kyrgyzstan been unable to make effective use of the considerable aid and state revenues it has received to build resilience?
- (3) What is the connection between increasing revenues from different sources of rent such as external aid, gold exports, and leasing military bases, and increased authoritarianism and corruption, degraded governance, stability, and economic development in Kyrgyzstan?

According to the assessments of the World Bank (2019b), V-Dem (2018), Freedom House (2019), the Bertelsmann Stiftung (2018) and other international institutions, Kyrgyzstan's major governance indicators have not improved or have even deteriorated. The country, to some extent, advanced in democratization reforms between 1991 and 2018. In 2017 the first time in its contemporary history Kyrgyzstan could peacefully and legally conduct a power transition from the previous to the newly elected head of state. However, this fact could not demonstrate stability of the governance system and quickly in 2018 the former president Atambayev and the new one Jeenbekov faced several public clashes showing substantial division between them. Therefore, this research investigates the developments in Kyrgyzstan until 2018 to understand the reasons for back-to-back destabilizations in the country starting from the gaining of independence in 1991.

Most Kyrgyz presidents have remained authoritarian. As far as governance indicators are concerned, the following six categories set up by the World Bank and widely used in academia have been considered by various international organizations: voice and accountability; political stability and lack of violence; government effectiveness; regulatory quality; rule of law; control of corruption (Kaufmann et al. 2003). The V-Dem Institute's (2018) clientelism, political corruption, accountability, rule of law, democracy and civil liberties indexes have been checked as well, as has the Bertelsmann Stiftung's (2018) governance performance evaluation, which consists of the following indicators: steering capability, resource efficiency, consensus building, and international cooperation.

It is widely recognized that the resource-rich post-Soviet states such as Kazakhstan, Russia, Azerbaijan, and Turkmenistan can be considered as classic rentier states. Investigation of the above indicators demonstrates that

Kyrgyzstan can be also viewed as a rentier state, since it depends heavily on natural resources, as well as on international aid and other sources of rent, and this has had a negative effect on its democracy and governance. This study puts forward the argument that this rentier state status and the dominance of a top-down approach in the administration adversely shapes governance and causes problems with the country's resilience. My research attempts to understand the causes of ineffective governance in Kyrgyzstan by analyzing the possible link between the rent-seeking character of its government, a disregard of bottom-up development, and the dysfunctionality of public institutions. The article draws on the theory of the "rentier state" (Mahdavy 1970; Karl 1997), the concept of "unearned income" (Moore 2001) and the concept of resilience (Chandler 2014 ; Korosteleva 2020 ). The combination of these three provides a basic framework for this work. There is some literature (Cooley 2000; Ostrowski 2011; Pál 2016) that discusses the negative influence of external aid and the extraction of natural resources on the governance and development trajectory of Kyrgyzstan. Nevertheless, it does not fully explain the causes of the relationship between excessive development assistance and rising revenues from minerals and renting military bases to powerful states, on the one hand, and worsening misgovernance, reduced resilience, and an underdeveloped economy on the other.

This chapter starts with definitions of "rentier state" theory, "unearned income" and "resilience," before evaluating their advantages and shortcomings in explaining governance issues. The current debates about the different outcomes of rent-dependence on governance, democratization, and state capability have been pointed out. Finally, there is a calculation of rent sources in Kyrgyzstan and their effect on the country's political institutions and governance indicators. This helps to explain why its democracy ratings have improved slightly, whereas governance indicators have shown no improvement despite the country receiving a substantial amount of revenue from aid, the mining industry, and leasing military bases. Altogether, then, this chapter contributes to the ongoing debate about the causes of bad governance by underlining the negative role of rent-dependence.

### *Theoretical framework: rentier state theory, unearned income and resilience*

To my understanding, the concept of a "rentier state" might be valuable in explaining the current situation of "bad governance" in Kyrgyzstan. In

political economy, the term “rent” means “the surplus that is earned after all production costs and ‘normal profit’ have been accounted for” (Moore 2004a). Exporting natural resources like petroleum, gas, and diamonds has been regarded as a rent source for many Middle Eastern, African, Latin American, and other states (Ross 2015). This rent contributes to the revenue acquired by the government and gives it greater opportunities to spend its earnings on strengthening its authority and stability, though this is not attainable in all cases. Hossein Mahdavy (1970: 428) considers countries to be rentiers when they “receive on a regular basis substantial amounts of external rent.” At the same time, the primary beneficiaries of these rents will be states that do not put much effort into the production of rent, being responsible for a relatively limited number of the engaged workforce (Beblawi 1987). The main feature of these revenues is that they originate from both internal and external sources accumulated by state institutions. This aggregation allows the leadership of governments to control their further distribution for various social programs, supporting clientelist networks, strengthening the security apparatus, etc. Most of the more recently published literature on this topic concludes that the impact of mineral affluence on countries’ democratization is negative: it decreases transparency and political accountability (Ross 2001).

Later studies also find the negative implications of the resource “curse” on democracy, good governance, and increased conflict probability (Le Billon 2014). Governments reliant on rent sources may be released from the need to raise taxes from citizens and become more autonomous, which can make public agencies less accountable and more authoritarian, impede the diversification of economies and thereby hinder economic growth. Rent-dependence may heighten the struggle for power in rentier states, because their traditionally authoritarian nature considerably increases the personal gains obtainable from leadership positions (Kuru 2014: 413). Other research places emphasis on the influence of resource revenues on the capacity of public servants, the development of political institutions, the rise of corruption, absence of transparency in public spending, and a worsened judicial system (Robinson et al. 2006).

Many countries dependent on the export of natural resources are indeed excellent examples of rentier states: the majority of the Gulf States, Nigeria, Angola, Venezuela, etc. However, this theoretical approach cannot be made a general rule for all countries exporting a substantial quantity of natural resources or explain the rising authoritarianism and the governance and development problems in the world. Some countries like Chile, Botswana,

and Norway, despite their dependence on natural resources, have been able to avoid the resource curse and are currently considered as democratic countries. At the same time, countries that are not so dependent on income from exporting natural resources and do have experience of democratic institutions can also turn to authoritarian rule, as has happened in Turkey and Hungary. Therefore, testing the rentier state theory and resilience concept with concrete cases is essential in order to understand its operational capability and the implications of the countries' rent-seeking behavior on governance and development.

The current expansion of democracy and good governance in Europe is rooted in the historical period when European states needed a considerable amount of funds to provide the resources for regular military campaigns, so they evolved capable public institutions and bureaucracies to collect taxes from their citizens who in return required increased accountability and responsiveness from their governments (Tilly 1992). However, in rentier states leaders do not rely substantially on generating internal revenues such as taxes, which means the people do not have enough instruments to influence their policies (Kuru 2014: 399). This leads to “political underdevelopment” in countries when their governments are “ineffective ..., arbitrary, despotic and unaccountable” (Moore 2001: 386) with an immature civil society, widespread patron–client networks and suppressed human rights.

Mick Moore (2001), while explaining the causes of states' “political underdevelopment” identified rent theory by introducing the concept of “unearned income.” He (ibid.: 389) underlines that any country's income “can be considered ‘earned’ to the extent that the state apparatus has to put in organizational and political effort in working with citizens to get its money.” He also argues (ibid.: 404–406) that the prevalence of “unearned income” in a state's revenues makes the government less dependent on citizens, public bureaucracy ineffective, the political system unstable, and state expenses non-transparent. Elsewhere (Moore 2004b), he also separates the dependence of countries on rents from natural resource, a concept mainly developed to elaborate the resource curse narrative in the Middle East, from dependence on strategic rents (including aid and military support) that could be more relevant in explaining the case of Kyrgyzstan, which does not possess natural resources in considerable quantities apart from gold.

“Resilience” is a relatively new concept that criticizes the top-down governance model with respect to solving existing problems and foreseeing new development challenges (Edkins 2019). This new approach was quickly

integrated into the agendas of leading international institutions like the World Bank, European Union, UNDP, etc. One of the most popular definitions of “resilience” was given by the EU: “the ability of states and societies to reform, thus withstanding and recovering from internal and external crises” (European External Action Service, 2016: 23). However, in later views resilience developed into an ability to understand and facilitate local self-reliance and self-organizing practices instead of adopting top-down techniques through international intervention (Korosteleva and Petrova 2022). Bottom-up development trajectories based on local responses to emerging problems are expected to be more sustainable and effective in the longer term than simplified efforts to implement blueprint approaches.

Whereas Moore concisely analyzes the possible implications of rent-dependence for governance under the new label of “unearned income,” most of his analysis is based on assumptions without giving convincing evidence using either specific case studies or cross-country tests. Moreover, while speaking about the aid-dependence of some countries and acknowledging the difficulty of calculating the exact amount of aid received, he has not differentiated the types of foreign assistance that can go into public budgets or be spent directly by development agencies without going through the state financial system. Also, it is not clear how international aid in the form of humanitarian support, technical assistance, or capacity-building training can be harmful to governance effectiveness and revenue-raising.

It is widely accepted that oil and natural gas-rich Central Asian states such as Kazakhstan and Turkmenistan are classic rentier states (Gawrich et al. 2011). However, Kyrgyzstan is also hugely dependent on non-tax revenues to maintain its public functions. Reliance on these types of income may inhibit economic and political change in Kyrgyzstan. Unearned revenue could lead to deteriorated government effectiveness, rising instability, and authoritarianism. The problem in providing evidence for this claim comes from the difficulty of counting income from rent sources accurately and the ambiguity of timeframes when rent revenues might have negative implications.

Kyrgyzstan received a considerable amount of foreign assistance to support its governance and democratization reforms. Together with the mining industry and military base leasing, foreign aid formed a significant part of the public revenues. This issue raises a question about the possibility of considering aid as a rent source. Many scholars agree that aid has similar negative results to natural resources (Knack 2001; Brazys 2016) and “might create perverse incentives and lead to anti-developmental outcomes” (Moss



et al. 2006: 4). Besides, the external character of the aid makes recipient governments accountable mainly to foreign donor countries and their citizens, not to their own voters (Brautigam 1992). It leads aid-dependent countries into the situation known as the “aid curse” when they cannot cover their essential expenses without funding assistance from donors. According to the various research findings, aid can be harmful to recipients when it makes up from 5 to 15.45% of a country’s GDP (Moss et al. 2006: 19). Particularly relevant to Kyrgyzstan’s case is research that proves that a combination of resource extraction and dependence on aid flows is associated with political instability and the resignation of leaders as a result of popular protest or coups (Ravetti et al. 2018).

Despite the widespread belief in the negative implications of aid windfalls being similar to those of revenues from natural resources, there are some fundamental differences. Usually, donor aid has a conditional basis, requires advance negotiations as to the amount and form of the planned assistance. It may not be in the form of financial support and might be given instead as technical assistance; it could also to some extent involve control by the donors over funding transfers. The existing situation in the country and the level of its government’s effectiveness seem to be significant features in the rational and productive spending of the aid. Furthermore, the aid amount is usually very volatile and may change substantially from one year to the next, depending on many political and economic factors, so this feature limits the capacity of recipient countries for long-term planning and allocation of the donor funding.

### *Rent sources in Kyrgyzstan, their impact on governance and democratization*

This section covers the listing of primary rent sources in Kyrgyzstan, calculation of their amount yearly from 1992 to 2017, analysis of the democracy and governance indicators trying to find consistency between these indicators and received rents, discussion of examples of the government’s ineffectiveness and rent-seeking behavior. The results demonstrate the improvement in several democracy indicators such as electoral process, accountability, and civil liberties provision, but at the same time stagnation or decline in almost all governance indicators in comparison with 1991–1992. These improvements in democracy indicators might only reflect some cosmetic changes made to please aid donors, whereas overall governance has not advanced.

After 1991 Kyrgyzstan encountered a problem in solving the increasing socio-economic issues related to the collapse of its existing political and economic links with ex-Soviet republics, and the stoppage of financial transfers from the central government that formed a substantial portion of the country's budget revenues. In 1991, for example, transfers from the Soviet Union budget to Kyrgyzstan amounted to 12.2% of the country's GDP and 35.2% of its total budget income (Dąbrowski and Antczak 1994). Moreover, compared to its other bigger neighbors in the region (Kazakhstan and Turkmenistan), Kyrgyzstan did not own vast oil and gas resources to compensate for the withdrawal of these significant subsidies from Moscow. Therefore, this situation pushed the country to concentrate its efforts on finding new funds from international aid and development assistance.

In the 2000s, the Kyrgyz government diversified its income sources slightly by raising revenues from the extraction and export of precious metals (Pomfret 2011) and giving the USA and Russia access to military bases in exchange for a rent payment, assigned financial development assistance, and large-scale military aid (Cooley 2008). At the same time, Western countries gave Kyrgyzstan's declaration that it was moving towards democratization and liberal economic reforms high praise, increased development aid and political support, and accepted the country into the World Trade Organization in 1998 making it the first ever post-Soviet country to be admitted to this international institution. However, continuous receipt of aid required the country to follow the recommendations of the donors in implementing reforms in the spheres of democratization, elections, liberalizing civil society activities and the media, governance, the rule of law, and tackling corruption.

### *Rent sources and their calculation*

Here are the primary rent sources in Kyrgyzstan:

1. *External aid and development assistance.* From 1991, Kyrgyzstan received a massive amount of development assistance and financial aid—about US\$8.4 billion between 1992 and 2017 (112% of the country's GDP in 2017—US\$7.5 billion), which was equal to US\$129.3 per capita in 2015 – the highest rate in the whole of Central Asia (World Bank 2018).

2. *Revenues from precious metals (mainly gold) exports* provided an average of 10% of GDP (EBRD 2015) and more than 40% of the country's export revenues (World Bank 2015).

3. *Military base leasing revenue.* Up to 2014 Kyrgyzstan simultaneously hosted military bases for the USA and Russia. The US paid US\$60 million per year in official rent for Manas airbase, US\$100 million a year via USAID projects and around US\$300 million-plus for fuel supply (Hartley and Walker 2013). Russia paid approximately US\$4.5 million annually until 2018, then increased payment to US\$4.8 million for renting Kant airbase from 2019 (RFE/RL 2019), but, at the same time in 2012 Moscow cancelled US\$489 million of Kyrgyzstan debt and promised to grant military equipment costed at more than US\$1 billion in exchange for a prolongation of the rent agreement for the base (Ott 2014).

A small and mountainous country with limited natural resources and underdeveloped industry, dependent on obtaining raw materials from other Soviet republics, its economy predominantly based on agricultural production,<sup>2</sup> Kyrgyzstan also suffered from poor transport infrastructure<sup>3</sup> and its distance from any open waters. Therefore, the country's new leader, Askar Akaev, decided to draw in Western countries and international financial institutions as new funding sources. Kyrgyzstan's needs stimulated the country's broader openness to foreign advice and aid in comparison with its neighboring states (Bossuyt and Kubicek 2015). At the same time, Akaev initiated mining of the goldfields. Later Kyrgyzstan leased its military bases to the US and Russia for additional income. The rent from all these sources went partly to the state, partly to politically well-connected people, however, this research considers as rent only the revenues received by the state.

In 1995 GDP decreased to 47% of the 1990 level and industrial production to 75% (CASE 2005). During the period 1993–95 the highest poverty rate among Eastern European and ex-Soviet republics was registered in Kyrgyzstan (Pomfret 2006). From 1992 to 2000 Kyrgyzstan received, solely from the IMF and the World Bank, aid and loans amounting to US\$1.7 billion (Ostrowski 2011: 296) to support its economic transition from a Soviet-style centrally planned economy to a market economy. The majority of these funds were spent on budget support, improving public financial management and the rule of law, raising the effectiveness of the public administration, and developing the education sector.

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2 In 1992 40% of the GDP was agricultural sector production, two thirds of the population lived in the rural area (UNCTAD 2013).

3 After the collapse of the Soviet Union the length of the Kyrgyz railway network was only 372 km which connected the capital Bishkek with a couple of surrounding towns in the north of the country (Center for Social and Economic Research CASE 2005).

Primary datasets for aid statistics by the OECD, IMF, the World Bank, USAID, DFID, and the National Statistical Committee of the Kyrgyz Republic were analyzed to measure the amount of rent.<sup>4</sup> There were slight differences in the statistics: the Kyrgyz national statistics do not have a special section devoted to development aid and assistance, though they do provide data in the national currency on yearly “transfers” from foreign states and international organizations to the Kyrgyz public budget. The lack of clarity in this category of national statistics and the use of data in the national currency, conversion of which to foreign currency (US\$ for the purposes of this research) might cause difficulties through varying exchange rates prevented me from working with this data. Consequently, I decided to confine myself predominantly to using the data given by OECD and the World Bank.

Collection of the data for gold production and revenues from sales of gold also required extensive research. According to Kyrgyz legislation, the government has a priority right to buy all precious metals extracted on its territory (Valdez & Baimagambetov 2005: 1024) and uses this privilege to purchase all the gold produced annually for subsequent processing and selling (Centerra Gold 2018). Gold export is considered as rent for the government, because all export revenues go to the state accounts. The data from the UN Comtrade, the National Statistical Committee of the Kyrgyz Republic, the Observatory of Economic Complexity of the MIT Media Lab,<sup>5</sup> The Extractive Industries Transparency Initiative,<sup>6</sup> the Natural Resource Governance Institute,<sup>7</sup> the World Gold Council,<sup>8</sup> and the information given on the website of the biggest gold mine operator in Kyrgyzstan – Canadian company “Centerra Gold” have been analyzed.<sup>9</sup>

The most challenging part of this research was to find the amount of rent obtained for leasing military airbases to the USA and Russia. Given the security aspects of the agreements between Kyrgyzstan and these great powers, their full texts and the exact sums paid to the Kyrgyz government as defined in these documents are not available. I therefore collected most

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4 Official website - <http://stat.kg/en/statistics/vneshneekonomicheskaya-deyatelnost/>.

5 Official website - [https://oec.world/en/visualize/tree\\_map/hs92/export/kgz/all/show/2017/](https://oec.world/en/visualize/tree_map/hs92/export/kgz/all/show/2017/).

6 Official website - <https://eiti.org/homepage>, website of the organization's office in Kyrgyzstan - <https://eiti.org/kyrgyz-republic>.

7 Official website - <https://resourcegovernanceindex.org/country-profiles/KGZ/mining>.

8 Official website - <https://www.gold.org/goldhub/data>.

9 Official website - <https://www.centerragold.com/operations/kumtor>.

of the data by investigating the official websites of the US, Russia, and Kyrgyzstan and media news. Besides, the total revenues for hosting the air-bases surpassed the official rent payment to the Kyrgyz government many-fold. Both the USA and Russia provided multimillions' worth of military equipment and training to representatives of the Kyrgyz law enforcement and military agencies, besides increasing development aid and writing off Kyrgyz public debt in exchange for access to the bases (Gelfgat 2014). In addition, the USA allowed high-ranking Kyrgyz officials and their relatives to be incorporated in the commercial fuel supply chain to Manas airbase that brought in hundreds of millions US\$ annually (Toktomushev 2015). However, this study considers as rent from the military bases in Table 1 only payments acquired by the government budget and does not count any tax payments, military equipment, or earnings by private companies.

### *Implications for governance and democratization*

All the indicated rent sources were added together to arrive at the amount of annual total rent and the rent-to-GDP ratio was assessed to understand the significance of rent revenues for the Kyrgyz public budget and the overall economy. The results of this calculation are given in Table 1. These calculations show significant annual fluctuations in the rent amount. In the early days of Kyrgyz independence, the rent-to-GDP ratio was only 5%, but it quickly rose to almost 38% in 1999, the highest rate recorded during the research period from 1991 to 2017. Analysis shows that, comparatively speaking, Kyrgyzstan received slightly greater aid packages immediately before and after the toppling of presidents in 2005 and 2010. Aid and gold revenues have increased during recent years, which has compensated to some extent for the closure of Manas airbase and stoppage of the US rent payments in 2014.

Table 1. Rent sources in Kyrgyzstan, 1992–2017 (counted in million US\$)

	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017											
Aid	21.08	95.01	173.5	284.67	230.45	238.59	184.34	195.82	183.12	195.35	224.57	187.72	185.72	200.02	281.13	267.48	311.05	224.74	281	357.38	463.48	529.47	313.91	383.92	470.49	533.33	606.19	736.78	539.45	626.57	665.33	769.99	701.58	515.96	700.38	460.82	
Gold				0.07	0.002	184.34	195.82	183.12	195.35	224.57	187.72	185.72	200.02	281.13	267.48	311.05	224.74	281	357.38	463.48	529.47	313.91	383.92	470.49	533.33	606.19	736.78	539.45	626.57	665.33	769.99	701.58	515.96	700.38	460.82		
Military base renting (US)										2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2	2
Military base renting (Russia)		4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	
Total rent	21.08	99.51	178	289.24	234.952	428.43	438.81	470.79	414.56	418.79	354.98	466.15	555.02	594.67	523.51	677.64	842.66	864.28	1233.72	1594.02	1097.13	1340.73	1377.99	1439.82	1613.09	1822.04	1822.04	1822.04	1822.04	1822.04	1822.04	1822.04	1822.04	1822.04	1822.04		
GDP (current USD)	2316.56	3028.29	1681	1661.02	1827.57	1767.86	1645.96	1549.06	1389.69	1525.11	1605.64	1919.01	2311.53	2460.25	2834.17	3802.57	5139.96	4690.06	4794.56	6197.77	6605.14	7335.03	7468.1	6678.18	6813.09	7702.93	7702.93	7702.93	7702.93	7702.93	7702.93	7702.93	7702.93	7702.93	7702.93		
Percent age of rent to GDP	0.91	4.91	10.59	17.41	12.86	24.23	26.72	30.69	30.27	27.46	22.11	24.39	25.1	20.51	18.47	17.82	16.29	18.42	25.73	25.72	16.61	18.28	18.45	21.56	17.94	15.13	15.13	15.13	15.13	15.13	15.13	15.13	15.13	15.13	15.13		

Sources: OECD, World Bank, Kyrgyz Republic National Statistical Committee, academic articles and media news (on military base payments)

On average, the rent-to-GDP ratio in Kyrgyzstan 1992–2017 was about 20% annually, which is close to the results of the classic rentier states in Central Asia, Turkmenistan and Kazakhstan (Gawrich et al. 2011; Pál 2016), which are heavily dependent on revenues from sales of gas and oil. According to World Bank data (2019a), the ratio of rent from natural resources to GDP in Kazakhstan on average during the period 1992–2017 was 18.5% with a top rate of 33% in 2008. In Turkmenistan the average was 43%, with a top rate of 86.5% in 2001 (see Table 2). In Kazakhstan, this data does not include revenue from the mining industry and the export of gold, coal, iron, uranium, copper, and other minerals, which together with oil and gas earnings made up about 50% of GDP in 2018 (EITI 2019a). In this way, Kyrgyzstan's revenue from its rent sources is less than that of the countries heavily dependent on extractive industries.

Several international organizations, think tanks, and NGOs have assessed the advancement of Kyrgyzstan in governance and democratization issues during its independence period. This chapter investigates the assessments made by the World Bank, the V-Dem Institute, Freedom House, the Economist Intelligence Unit, Fund for Peace, Center for Systemic Peace, and Bertelsmann Stiftung. The various indices evaluating Kyrgyzstan's per-

formance give contradictory results on the advance of democratization in the country. While Freedom House and the World Bank assess democratic development trends negatively, the majority of these indexes show improvement in political accountability, electoral processes, political participation, and democratic institutions. However, almost all evaluations of Kyrgyzstan governance that I analyzed found that the situation had either deteriorated or stagnated; very few assessments believed that the country had enhanced its performance even to a minimal degree.

*Table 2. Total natural resources rents in Kazakhstan and Turkmenistan (% of GDP)*

	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Kazakhstan	9.5	8.8	7.0	7.1	8.6	10.6	9.3	3.1	11.0	26.7	21.0	21.7	22.3	27.0	30.1	29.5	26.7	32.6	21.0	24.4	27.5	24.4	20.0	18.4	10.8	12.4	16.2
Turkmenistan	61.9	47.9	51.9	40.4	39.4	53.6	30.9	7.2	19.2	71.2	86.5	63.5	58.7	51.9	53.9	64.7	63.2	65.3	29.3	30.5	43.5	38.9	33.5	24.1	18.2	12.0	17.4

Source: World Bank, 2019a

The Bertelsmann Transformation Index (see Table 3) observed substantial progress in the democratic status of the country: the rate has increased more than three times from 1.8 in 2003 to about 6.2 in 2018 (on a ten-point scale); at the same time the governance index showed a negligible and uneven rise from 3.4 to 4.7 with intermediate declines in 2010 and 2014 (Bertelsmann Stiftung 2018). Transparency International (2018) ranked Kyrgyzstan in 132<sup>nd</sup> place out of 180 countries on its corruption perception index with a score of 29 points in 2018, which is a slight improvement from 21 in 2003 (Table 4).

Table 3. Bertelsmann Transformation Index, Kyrgyzstan 2003–2018 (0 worsening to 10 improvement)

Year	Democracy Status Index	Governance Index
2003	1.8	3.4
2006	4.08	4.19
2008	6.0	4.7
2010	4.4	4.2
2012	5.4	4.9
2014	5.8	4.7
2016	6.0	4.8
2018	6.15	4.73

Source: Bertelsmann Stiftung, 2018

Table 4. Annual Corruption Perception Index, Kyrgyzstan 2003–2018 (0=most corrupted, 100=least corrupted)

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Kyrgyzstan	21	22	23	22	21	18	19	20	21	24	24	27	28	28	29	29

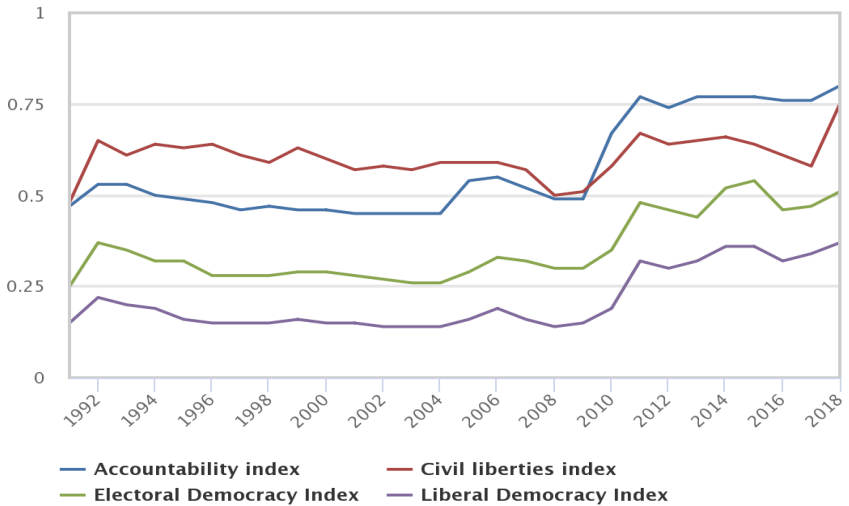
Source: Transparency International, 2018

The V-Dem Institute has also given a different evaluation of Kyrgyzstan’s development in the democracy and governance components. In the Institute’s Electoral Democracy Index, the country gradually doubled its score from 0.25 in 1991 to 0.51 in 2018 (scaling from 0 to 1); on the Liberal Democracy Index Kyrgyzstan also rose from 0.15 to 0.37 with rates stagnating during the Akaev and Bakiev presidencies; the accountability index went up from 0.47 to 0.8; the civil liberties index from 0.48 to 0.75 with significant intermediate fluctuations (V-Dem 2018; see also Figure 1). For the most part, in giving higher assessments to Kyrgyzstan in democratization and liberalization indicators the experts have considered its regular parliamentary and presidential election campaigns, the presence of a huge number of political parties, active private media, and diversity of views among the main political figures. However, these positive democratic changes in the country did not affect its sustainable development, resilience to political



upheavals and economic crises, productive public administration, and capable bureaucracy.

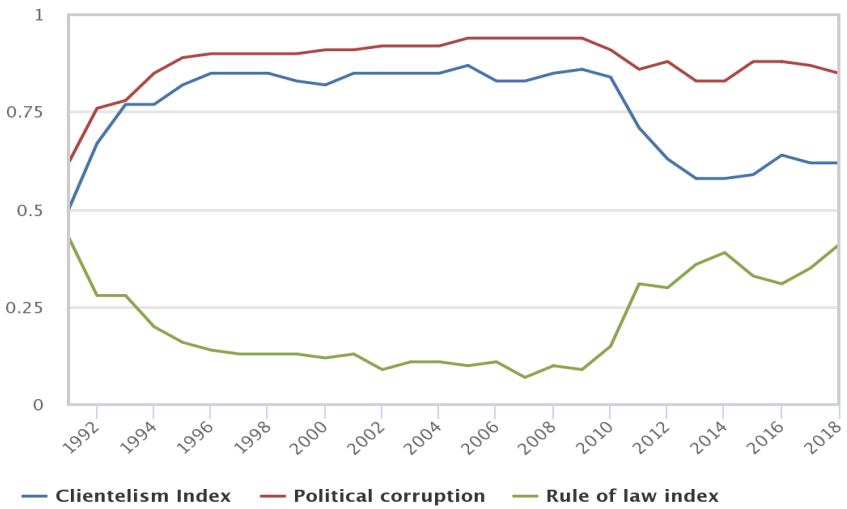
Figure 1. Performance on several democracy indexes, Kyrgyzstan 1991–2018



Source: V-Dem Institute 2018

At the same time, in the V-Dem Institute's indicators measuring governance activity, Kyrgyzstan's ratings are not so positive and show a worsening or stagnation after independence was gained in 1991 (Figure 2). For example, over the longer term, between 1991 and 2018, the rule of law deteriorated slightly from 0.43 to 0.41, though there was a substantial interim fall to 0.07 in 2007, the level of political corruption grew considerably from 0.62 to 0.85, and the clientelism index was also boosted from 0.5 to 0.62 with an interim peak of 0.87 in 2005.

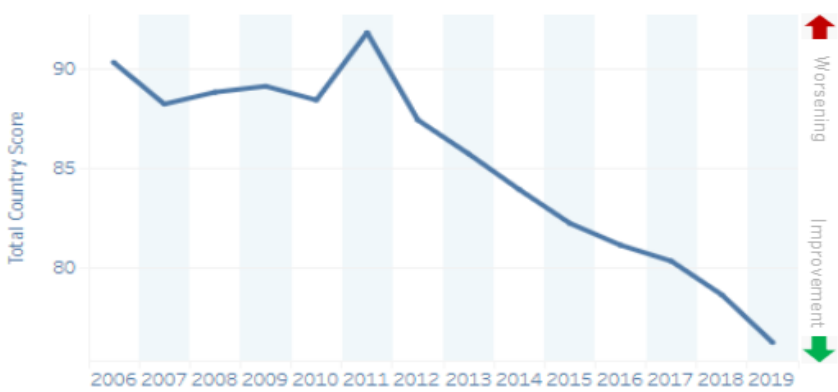
Figure 2. Performance on several governance indexes, Kyrgyzstan 1991–2018



Source: V-Dem Institute, 2018

The Fund for Peace (2019) that publishes the Fragile States Index annually has praised Kyrgyzstan’s improvement of its position in the rankings from 28<sup>th</sup> most fragile country in the world in 2006 out of 146 countries assessed to 68<sup>th</sup> in 2019. Only in three subindicators—fragmented elites, equality and inclusion of various groups in political processes, intervention of external actors in internal political and economic issues—has the country undergone a decline in comparison with previous years. However, recent turmoil in Kyrgyzstan after the parliamentary elections in 2020 and the border conflict with Tajikistan in 2021 demonstrated that the country is still frail, and during the last several months it has been facing substantial difficulties in establishing order and covering budget expenses and has even approached foreign donors asking for immediate financial support. Despite this serious instability in Kyrgyzstan, however, the Fund for Peace did not change its ranking in 2020–2021.

Figure 3. State Fragility Index, Kyrgyzstan 2006–2019



Source: Fund for Peace, 2019

The Economist Intelligence Unit (EIU) has been producing a Democracy Index for the countries of the world since 2006. It has evaluated Kyrgyzstan's democratization positively with a rise in the overall score from 4.08 in 2006 to 5.11 in 2018; civil liberties provision has been assessed stably with an average rate of more than 5 points; though, while underlining the substantial improvement in political participation from 2.78 to 6.67, experts have considered government functioning to be ineffective with low rates from 1.86 to 3.29 and tangible fluctuations (EIU 2018).

Table 5. *Economist Intelligence Unit's Democracy Index, Kyrgyzstan 2006–2018 (0 worsening to 10 improvement)*

	Electoral process and pluralism	Functioning of government	Political participation	Political culture	Civil liberties	Overall score
2018	6,58	2,93	6,67	4,38	5,00	5,11
2017	6,58	2,93	6,67	4,38	5,00	5,11
2016	7,42	2,93	5,56	3,75	5,00	4,93
2015	7,83	3,29	5,56	5,00	5,00	5,33
2014	6,58	3,29	6,67	4,38	5,29	5,24
2013	6,58	2,21	5,00	4,38	5,29	4,69
2012	6,58	2,21	5,00	4,38	5,29	4,69
2011	5,75	1,86	4,44	4,38	5,29	4,34
2010	5,75	1,14	5,00	4,38	5,29	4,31
2008	4,83	1,86	3,89	4,38	5,29	4,05
2006	5,75	1,86	2,78	5,00	5,00	4,08

Source: EIU 2018

The Polity IV index, worked out and counted annually to estimate the development of democratization and authoritarianism in various countries, has been evaluating tendencies in Kyrgyzstan from 1991. The findings of this index are, to some degree, contradictory. It has positively appraised the changes in the country in the directions of the institutionalization of democracy, decrease in authoritarianism, electoral process, competitiveness of the highest public positions, and constraints on unilateral decision-making by public officials (Marshall et al. 2017), but, at the same time, by its reckoning the fragility of the country has grown slightly and political and economic effectiveness has fallen (Marshall and Elzinga-Marshall 2017).

The World Bank and Freedom House are the most consistent critics of Kyrgyz advancement in the governance and democratization spheres. Among the former's six primary World Governance Indicators Kyrgyzstan has demonstrated (see Table 6) tiny growth only in "Voice and Account-

ability”; in the other categories, “Control of Corruption,” “Government Effectiveness,” “Political Stability,” “Regulatory Quality,” and “Rule of Law” the country has shown an apparent deterioration in comparison with 1991 (World Bank 2018). The adverse change in the categories of government effectiveness and the rule of law has been especially significant (see Table 6). At the same time, Freedom House (2019) has criticized Kyrgyz performance in democratic governance, independent media presence, and judicial framework indicators; though other spheres like civil society, electoral process, local governance, and corruption have shown a lesser decline (see Table 7).

Table 6. *The World Bank Governance Indicators, 1996–2017 (-2.5 worsening to +2.5 improvement)*

	1996	1998	2000	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
<b>Control of Corruption: Estimate</b>	-1.0	-0.8	-0.9	-1.0	-1.0	-1.1	-1.3	-1.3	-1.3	-1.2	-1.3	-1.2	-1.2	-1.1	-1.2	-1.1	-1.1	-1.1	-1.1
<b>Government Effectiveness: Estimate</b>	-0.4	-0.1	-0.5	-0.6	-0.6	-0.7	-0.9	-0.8	-0.8	-0.8	-1.0	-0.7	-0.6	-0.6	-0.7	-0.9	-0.9	-0.9	-0.7
<b>Political Stability and Absence of Violence/Terrorism: Estimate</b>	-0.2	-0.2	-0.2	-0.6	-1.1	-1.2	-1.2	-1.4	-1.0	-0.6	-0.6	-1.0	-1.1	-0.9	-0.9	-0.8	-0.9	-0.6	-0.4
<b>Regulatory Quality: Estimate</b>	-0.3	-0.1	-0.1	-0.1	-0.4	-0.3	-1.0	-0.7	-0.4	-0.4	-0.3	-0.3	-0.2	-0.3	-0.3	-0.4	-0.5	-0.4	-0.4
<b>Rule of Law: Estimate</b>	-0.7	-0.7	-0.9	-0.8	-0.7	-0.8	-1.1	-1.3	-1.3	-1.4	-1.3	-1.3	-1.2	-1.1	-1.1	-0.9	-1.0	-1.0	-0.9
<b>Voice and Accountability: Estimate</b>	-0.8	-0.8	-1.1	-1.0	-1.0	-1.0	-0.9	-0.8	-1.0	-1.1	-1.0	-0.9	-0.7	-0.6	-0.5	-0.5	-0.4	-0.4	-0.4

Source: World Bank, 2018

Table 7. Freedom House. Nations in Transit: Kyrgyzstan 1999–2018

	1999-2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
National Democratic Governance	5,00	5,25	5,50	6,00	6,00	6,00	6,00	6,00	6,25	6,50	6,75	6,50	6,50	6,50	6,50	6,50	6,50	6,50	6,50
Electoral Process	5,00	5,75	6,00	6,00	6,00	6,00	5,75	5,75	6,00	6,00	6,25	6,00	5,50	5,50	5,50	5,50	5,25	5,50	5,75
Civil Society	4,50	4,50	4,50	4,50	4,50	4,50	4,50	4,50	4,50	4,75	5,00	4,75	4,75	4,75	4,50	4,75	4,75	5,00	5,00
Independent Media	5,00	5,00	5,75	6,00	6,00	5,75	5,75	5,75	6,00	6,25	6,50	6,50	6,25	6,25	6,00	6,00	6,00	6,00	6,25
Local Democratic Governance	-	-	-	-	-	5,75	6,25	6,25	6,50	6,50	6,50	6,50	6,50	6,25	6,25	6,25	6,25	6,25	6,25
Judicial Framework and Independence	5,00	5,25	5,25	5,50	5,50	5,50	5,50	5,50	6,00	6,00	6,00	6,25	6,25	6,25	6,25	6,25	6,25	6,50	6,50
Corruption	6,00	6,00	6,00	6,00	6,00	6,00	6,00	6,00	6,25	6,25	6,50	6,25	6,25	6,25	6,25	6,25	6,25	6,25	6,25
<b>Democracy Score</b>	<b>5,08</b>	<b>5,29</b>	<b>5,46</b>	<b>5,67</b>	<b>5,67</b>	<b>5,64</b>	<b>5,68</b>	<b>5,68</b>	<b>5,93</b>	<b>6,04</b>	<b>6,21</b>	<b>6,11</b>	<b>6,00</b>	<b>5,96</b>	<b>5,89</b>	<b>5,93</b>	<b>5,89</b>	<b>6,00</b>	<b>6,07</b>

Source: Freedom House, 2019

In general, the findings shown above reveal quite a strange situation—the advancement of democratization and enhanced provision of human rights and freedoms are not correlated with improved governance and even run in parallel with deteriorated public administration. Almost all the indices analyzed predominantly confirm the same results. This can be explained by the fact that Kyrgyzstan, being dependent on external aid, has had to meet the expectations and requirements of its major donors—Western states and international organizations. Consequently, the country has liberalized its legislation, provided opportunities for private media, allowed the registration of a large number of NGOs and political parties, and conducted blueprint reforms in governance system. Even so, at the end of the day all this could not bring real positive changes to Kyrgyzstan. In many cases these NGOs and political parties were captured by specific politicians or families and used to further their own narrow interests rather than promoting prosperity, accountability, and diversity.

### *Examples of government ineffectiveness and rent-seeking behavior*

The existence of major rent-raising sectors in Kyrgyzstan has resulted in the classic implications of rent-dependence mentioned in the literature—authoritarianism, clientelism, corruption, limited economic diversification and growth. Part of the received rent has been misused and, as has been

the case with the allocated aid, been directed to promoting internal reforms predominantly to satisfy donors and to demonstrate progress in “democratization” without real and profound changes.

Major aid organizations’ announcement of advancement in democratization and market reforms as one of the significant criteria for aid allocations in the early 1990s (Resnick 2018) had a direct impact on the development strategy adopted by Kyrgyzstan. Its reliance on aid influenced the country’s hurry to reform the political system, public administration, and economy under pressure from donors. This rush led to a weakly designed implementation of reforms without full consideration of the local context, history, and traditions (Andrews 2013). Also, because of widespread corruption, the aid provided was not spent effectively and efficiently, the government leaders directed the funding flows to their political and financial-economic support groups strengthening the patronage network and the power of the president, Askar Akaev.

To meet the anticipations and preconditions of foreign donors, Akaev’s administration quickly copied the majority of the “best practice” programs in exchange for increased financial support. The donors concentrated their requirements initially on promoting transparency, increased accountability, and tackling corruption in public sector (Sharshenova 2015). An example of such a “blueprint” approach was the civil service reform in Kyrgyzstan in the early 2000s. When the Kyrgyz government asked for the new tranche of financial aid, the World Bank demanded an improvement in the public service, which was characterized as highly corrupt (Liebert 2013). Without proper analysis of the consequences, recognition of possible challenges, and, more significantly, authentic commitment to its implementation, the country’s leadership admitted this reform and the outcome was not positive. Copying the experience of Western countries Kyrgyzstan introduced the institution of state secretaries in ministries who would not be political appointees, but this innovation ended up with the current first deputy ministers being renamed state secretaries and did not substantially change the existing system (ibid.).

Misuse of donor aid became a widespread practice as in the case of the World Bank’s funding for the program supporting the restructuring of inefficient state-owned enterprises, which were quickly bankrupted or privatized soon after receiving grants (World Bank 2001). McGlinchey (2011b: 95) underlines that this funding was predominantly distributed among the enterprises headed by representatives of Akaev’s support network. The Asian Development Bank (ADB) also reported (2012: 43) that its water

supply and sanitation project that aimed to construct 300 water supply systems in 730 Kyrgyz villages was suspended halfway because of “serious governance issues involving procurement and financial irregularities” and that at that moment only 118 systems had been built and they were of poor quality. These examples demonstrate the use of the aid in many cases for the benefit of the clientelist network and financial fraud by local and central government officials.

The mining industry, another primary sector for rent collection, has also been characterized as inefficient, corrupt, and non-transparent. Kumtor gold mine, as the leading export product provider, is always under the scrutiny of Kyrgyz politicians. Over a period of 15 years, the mine’s operator Centerra Gold renegotiated its working conditions in the country five times (*The Economist* 2013; *Eurasianet* 2018). This number almost coincides with the number of presidential changes in the country between when Jeenbekov negotiated the contract for extracting gold in Kumtor for the second time during his short presidency starting from 2017, and when the newly elected president Japarov nationalized the mine in 2021 (Reuters 2021).

The mining sector has faced several corruption scandals arising out of the connections between Kumtor’s operator company and top-level public officials, with bribery and clientelism involving the establishment of shell companies, suspicious transfers to bank accounts in various foreign countries, etc. (Galdini and Satke 2014). The Extractive Industries Transparency Initiative (EITI 2019b) evaluates Kyrgyzstan’s progress in compliance with organization’s standards as “inadequate” and criticizes non-disclosure of contracts and license agreements with extractive companies and the opaqueness of the state-owned mining company’s financial transfers. According to one more ranking, the National Resource Governance Index (NRGI), the Kyrgyz Republic’s performance in the mining industry has been assessed as “weak” (NRGI 2017) with a strongly negative appraisal of its shortcomings in regard to the rule of law, the high level of corruption in the sector, and its harmful influence on the environment.

To boost rent sources, the Kyrgyz government has also developed the “sale” of its strategic location in proximity to China, Afghanistan, Iran, and other regions of significance for great powers like the USA and Russia (Schatz 2009: 218). Leasing military bases to these countries became an essential source of revenue to both the Kyrgyz national budget and corrupt public officials. The government required an increase in the annual payment for the Manas based rented by the USA three times from 2001 until its



closure in 2014 from US\$2 to 60 million (Toktomushev 2015). The US made substantial additional payments of US\$150 and 117 million to the annual rent price for Manas airbase twice, in 2007 and 2010 after the renegotiation of the rent terms with the Kyrgyz government (Cooley 2010). The list of additional Russian payments to rent a military base and support the Kyrgyz government is even more impressive. The Kyrgyz Republic saved US\$2 billion on oil deliveries thanks to its exemption from Russian export duties between 2011 and 2019 (*Eurasianet* 2019), besides receiving a US\$150 million grant and US\$300 million in preferential loans in 2010 (Djumataeva 2010) and a US\$30 million budget support grant (*The Moscow Times* 2019).

Moreover, children and other close relatives of both presidents Akaev and Bakiev had personal business interests in maintaining the US airbase by the provision of jet fuel and other services amounting to US\$300 million annually (Engvall 2018). The concentration of rent sources around the presidents' families and, at the same time, the limited access that other powerful networks had to these revenues augmented their resentment and readiness to oust the country's leaders. Similarly, Bakiev's attempt to use the rivalry between the USA and Russia for his own benefit with regard to their military presence in Kyrgyzstan eventually undermined his regime.

The Kyrgyz economy is still weak, average annual GDP growth for the period 1991–2018 was 1.57%, and GDP per capita (in constant 2010 US\$) at US\$1087 in 2018 had still not reattained its 1990 level of US\$1096 (World Bank 2018). Gold accounted for almost 40% of the country's exports in 2018 and remittances from Kyrgyz labor migrants for 33% of GDP (Holzhacker and Skakova 2019).

The above examples of how rent sources are distributed in Kyrgyzstan illustrate their controversial consequences for the country's stability and progress. Absence of true political commitment among the country's leadership considerably restricted the expected positive outcomes of the governance and democratization reforms carried out in the country. In reality, not many spheres in Kyrgyzstan underwent meaningful change in accordance with the recommendations of donors. In many cases the income from rent strengthened clientelist networks, increased corruption, fueled inter-elite confrontations over the control of the revenue sources, and intensified the North–South division causing permanent instability and uncertainty in the country. Aid donors to Kyrgyzstan definitely had positive intentions of bringing sustainable development, political cohesion and building up a capable governance system, but local realities captured this agenda for their

own purposes and largely redirected these funds to strengthen the regimes and benefit ruling groups.

### *Findings of the analysis*

1. The research found a correlation between increased rent and ineffective governance—while rent has been rising yearly, governance indicators have been stagnating or declining gradually and stability and sustainable economic development have not been achieved. The V-Dem Institute, the World Bank, Freedom House, and the Centre for Systemic Peace’s datasets on government effectiveness, political stability, corruption, the rule of law, and clientelism, which have the most extended observation history of Kyrgyzstan’s development from the 1990s, demonstrate this tendency. Other assessments by the EIU, the Fund for Peace and the Bertelsmann Stiftung, even if they reveal a slight positive change in governance indicators in the interim period show significant fluctuations because of political instability. These variations illustrate the vulnerability of these achievements as a result of the fragile internal political situation in the country.

2. The evidence provided demonstrates that Kyrgyzstan is in a paradoxical situation: despite ineffective governance, the country has improved its results in democratization according to the rankings of the Centre for Systemic Peace, the EIU, and the Bertelsmann Stiftung. There are probably two reasons for this inconsistency. First, to obtain the vast amount of financial support it has received Kyrgyzstan needed to please the donors and adopted several laws and procedures to meet “international standards,” which barely had any effect in practice—as in the examples given above of what happened with regard to civil service reform, the water supply, and state-owned enterprises. The existence of more than 200 registered political parties (Ibraev 2017) and 17,391 registered civil society organizations in the form of NGOs (ICNL 2019), plus regular changes of president have also positively influenced the advancement of democracy indexes. However, the parties are usually created on the basis of patron–client relations, have a personalized leadership, and are riven by continuous infighting (Imanalieva 2015); NGOs are almost entirely dependent on foreign aid and lack accountability or professionalism (Bayalievva-Jailobaeva 2018). Regular changes of president happened after three presidents were ousted and the elections were criticized for “widespread misuse of public resources and pressure on voters, as well as vote-buying” (OSCE/ODIHR 2017). Second,

the location of Kyrgyzstan, with its dynamic internal politics and openness to cooperate and to follow the proposed agenda of foreign donors, in a deeply authoritarian region has likely led various international NGOs to put the country in a favorable light and resulted in overrated evaluations of its democratization.

3. Fluctuations have been observed in both rent sums and governance performance in different years that have limited the opportunity to trace the precise tendencies in rent-taking and its influence on governance and democratization. Moreover, as it is difficult to determine when the effect of rent received usually begins to influence governance performance, it is hard to make robust linkages between rent and governance.

### *Conclusion*

This chapter has investigated the changes in governance in Kyrgyzstan from 1991 to 2018 and the influence of rents on these transformations and on building resilient governance. I have collected and counted the annual amounts of rent, then checked development trends in governance using several sources. The results can be presumed to have indicated interrelations between receipts of lavish rent and governance indicators. Much of the rent received has been used to support existing patron-client networks and specially to benefit the presidents' family members and close relatives, so it has contributed to the deterioration in governance. Whereas there are contradictory evaluations of governance effectiveness in various sources, the indexes that analyzed these indicators over the most extended period, those of the World Bank, V-Dem Institute, and Freedom House, are unanimous in their negative assessments. Nevertheless, observed variance among many democracy and governance indexes prevents me from passing strong judgments on the rent–governance relationship in Kyrgyzstan.

There are consistently negative trends in many indicators assessing governance effectiveness in terms of political stability, corruption, the rule of law, and clientelism, and positive movements in indexes evaluating the advance of democratization in terms of civil liberties, civil society, and electoral processes. This inconsistency and the improvement in the democracy indexes might be explained by the country's relative openness and the implementation of shallow amendments to its political system mainly to please donors. The rent-dependence of Kyrgyzstan might encourage it, following the requirements of foreign donors, to conduct "democratic

transition and market reforms” and ignore local responses to the current challenges. However, the real results of these changes still seem to be vague and limited. The substantial amount of aid allocated and the accessibility of the country to donors and international NGOs might influence the progress in the evaluation of its advances in democratization.

My research has faced two difficulties in testing the “rentier state” theory in the case of Kyrgyzstan. First, while extremely important in terms of supporting local elites and creating new funding sources for government expenses, the rents are difficult to measure in precise numbers. For example, the amount of foreign aid from different countries and international organizations varies in different sources, so the author has used the numbers from the World Bank and OECD, the institutions that have the most extended history of collecting these statistics. In exchange for leasing airbases to the USA and Russia, Kyrgyzstan received not only direct budget revenues, but also benefitted from considerable amounts of indirect earnings made when various kinds of goods and services were purchased from local companies affiliated with presidents’ families; military equipment and continuous training were provided for Kyrgyz military personnel; and large quantities of public debt were forgiven that had been an onerous burden on the national budget. Second, there is no real guidance in the literature about the time sequencing one might expect to find between a change in the rent variable and changes in governance variables.

Finally, it is important to underline that rent-dependence may not be the principal cause of the bad governance in Kyrgyzstan. It is essential to consider other factors as there cannot be a single explanation of the governance problems of the country. Ignoring local specifics and directly implementing “best practices” from around the world contributed substantially to the decline in Kyrgyzstan’s resilience in the face of new vulnerabilities and crisis. At the same time, the rentier nature of Kyrgyz government has contributed to the deterioration of public administration and the gradual weakening of the country. This has made Kyrgyzstan fragile in the face of any emerging situation like political turmoil, a pandemic, border conflicts with neighboring countries, or withstanding pressure from powerful external countries.

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# E-justice and Cyber Security: Balancing between Openness of the Courts and Data Protection in Kyrgyzstan

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## *Introduction*

The digital transformation of public services includes the implementation of e-justice (i.e., information and communication technologies [ICT] in the judicial system) in Kyrgyzstan. The e-justice systems, such as e-case management, audio-video recording of criminal proceedings, remote hearings via videoconference in court, an online portal for publicly available court decisions, and the e-portal “Digital Justice” facilitate transparency, efficiency, and accessibility, the openness of information connected with the courts, and the digitalization of court business processes and administration. At the same time, however, they significantly increase data storage and raise challenges and risks for privacy, confidentiality, and data security.

Kyrgyzstan signed the Universal Declaration of Human Rights and ratified the International Covenant on Civil and Political Rights, which guarantee a fundamental right to a fair trial, the right to public information, and the right to a public trial. The Constitution of the Kyrgyz Republic also contains similar provisions. According to part 3 of Article 33 of the Constitution, everyone will be guaranteed access to information under the jurisdiction of state bodies, local self-government bodies, and their officials. The procedure for providing information is to be determined by law. Part 1 of Article 100 of the Constitution stipulates that “all courts shall hear cases in public. A case may be heard in closed session only in cases provided for by law. The court judgment shall be announced publicly”.<sup>2</sup> The transparency and openness of the courts are based on the aforementioned constitutional rights.

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2 The Constitution of the Kyrgyz Republic (2021). Available online at: <http://cbd.minjust.gov.kg/act/view/ru-ru/112213?cl=ru-ru>.

In this chapter the word “transparency” means a mechanism that should be the result of a method of governing, administration, and management by the state that allows citizens control of and participation in public matters. In practice, this should include access to public information, the state’s obligation to generate information and make it available to citizens in a manner that allows for broad access, and the empowerment of citizens to demand that the state comply with its obligations. Openness is an element of the transparency; it can be understood as the various manifestations of a proactive policy whereby relevant information is made available to the public (Herrero and López 2010: 9).

Since the implementation of e-justice systems in courts the concept of openness of the court has been changed. Eszter Bodnár (2016: 154) argues that today openness no longer means only the physical presence in the courtroom, but also includes an electronic aspect. Court websites become an effective tool for e-communication between the judiciary and citizens. The e-portal “Digital Justice” and website *act.sot.kg* provide access to a database of court judgments and judicial acts. The websites of the Constitutional Court, the Supreme Court, Bishkek city court and regional courts (*oblastnye sudi*) enable the public to learn about what they do and how they operate (through, e.g., calendars of court hearings on constitutional, criminal, civil, and administrative cases, an e-calculator of state duty, information about judges, samples of documents, an e-court application form for citizens and legal entities, the work schedule of the courts, and a timetable for the reception of citizens). Only the Constitutional Court publishes video recordings of court hearings. It also provides access to a database of court judgments and press releases regarding the cases on its website.

As a result of the relatively recent application of e-justice systems in Kyrgyzstan, the 2018 Information Security of the Judicial System Concept outlining the cyber security of e-justice has to be amended. In light of this gap, this chapter shows how to keep the balance between openness of the courts and data protection while using e-justice systems. The methodology for this research includes analysis of national legislation, government strategies, and implemented e-justice systems, and is complemented by a case study of 280 court judgments on domestic violence cases published online by district and appellate courts in Bishkek, the capital city, and in the regions between 2019 and 2021, the aim being to examine the impact of online publication of these judgments on the principle of openness of

courts and personal data protection, as well as an interview with a court clerk.

Analysis of the literature on the impact of e-justice systems on the openness of the courts, cyber security in the judicial system, and data protection reveals several approaches. Bodnár (2016) has argued that the transparency and openness of the judicial system are supported by the constitutional principle of legal certainty. Specifically, she has stated that “from this principle comes the requirement that the decisions should be published and available for analysis. Openness and transparency ensure that courts operate in a predictable and foreseeable manner, which contributes to legal certainty” (Bodnár 2016: 154). On the other hand, however, Peter Winn has emphasized the balance between the presumption of the openness of judicial proceedings and the privacy rights of litigants, witnesses, and other third parties that the court should maintain. In addition, he has stressed that “failure of the legal system to maintain the ancient balance between access and privacy will lead to the greatest danger of all – inhibiting citizens from participating in the public judicial system” (Winn 2004: 311). The study by Isam Faik and colleagues has revealed “the inherently equivocal nature of the role of ICTs in transformation towards more open forms of organizing the judicial system” (Faik 2019: 694). On the one hand, the introduction of ICTs into the judicial system can maintain and reinforce entrenched boundaries. On the other, it can constrain openness.

The chapter examines e-justice and cyber security and how they impact on the traditional balance courts have reached between the openness of proceedings and data protection for litigants, witnesses, and other third parties in the digital era, as well as providing recommendations on how to ensure balance between the openness of courts with respect to information and data protection in Kyrgyzstan by improving national legislation.

### *Architecture of e-justice in Kyrgyzstan: a brief outline*

E-justice is an umbrella term that captures any effort to administer, deliver, strengthen, or monitor justice services using digital technologies. E-justice broadly covers all kinds of digital technologies from complex case management or innovative apps to information technologies and the use of online communication. It includes the tools and processes used by justice sector professionals and those used by the public and the media. E-justice initiatives include the strategies, process (re)engineering, automation, data

collection, and the integration of systems as well as online dispute resolution, e-filing, remote court process and technologies used to digitize, store and provide access to legal documents and evidence (UNDP 2022: 52).

In Kyrgyzstan, there are two main types of e-justice systems. First, e-justice systems that provide access only for authorized users such as judges, court clerks, prosecutors, investigators, bailiffs, and litigants. They comprise: (1) an e-case management automated information system (hereinafter AIS “Sud”) which also includes automated allocation of cases, (2) audio-video recording of criminal proceedings, (3) remote hearings via videoconferencing, (4) the AIS “Unique Register of Crimes”, (5) the AIS “Enforcement Proceedings”, and (6) the AIS “Probation.” These e-justice systems are intended to digitize business processes, provide access to audio-video recordings of criminal proceedings to parties and develop e-registries within the courts, prosecutors’ offices, bailiff service units, and the probation department of the Ministry of Justice. They are not open to the public.

Second, e-justice systems that ensure openness of the courts for public access. They include: (1) an online database of court judgments (*act.sot.kg*), (2) websites of the Constitutional Court, Supreme Court and regional courts, (3) the e-portal “Digital Justice”. The latter was introduced in 2023 and is now at the stage of active development. This e-portal is an umbrella that “brings together all types of services in the justice system and is designed to provide easier access to court for ordinary citizens,” including access to a database of court judgments and acts, information about court hearings including the date, time, and place of the trial, as well as general access to judicial acts on the Internet resource of the Supreme Court. It allows open interaction with citizens, which allows them to file applications, lawsuits, and complaints with the court, as well as to perform other procedural actions in electronic format. Within the framework of the portal, it is planned to launch an online participation system for parties to court proceedings.<sup>3</sup>

In legal scholarship, the principle of openness of judicial proceedings is “limited when it interferes with the fair and impartial administration of justice, or threatens the safety or the reasonable expectation of privacy of the participants in the judicial process” (Winn 2004: 308). For this reason, it is necessary to determine the approach that could help to keep the

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3 “Chief Justice of the Supreme Court: Kyrgyzstan will be able to achieve full transition to digital format and electronic court proceedings.” Available online at: <https://kg.akipress.org/news:2006245/?from=kgnews&place=maincats>.

balance between openness of the courts and data protection of participants of proceedings.

*E-justice and openness of the courts in the digital era: main findings*

E-justice and Access to Information in Constitutional Proceedings

Bodnár has highlighted the importance of openness and transparency in cases of constitutional review. She has argued that “these decisions are taken in the political sphere, sometimes limiting the power of the two other branches, the legislative and executive branches” ( Bodnár 2016: 155)

According to the Article 97 of the Constitution of the Kyrgyz Republic the power of constitutional review is vested in the Constitutional Court. Part 3 of Article 97 of the Constitution establishes that “Everyone shall have the right to challenge the constitutionality of a law and other normative legal acts if he or she believes that they violate the rights and freedoms recognized by the Constitution.”<sup>4</sup>

The principle of openness of constitutional justice is embodied in Article 12 of the Constitutional Law “On the Constitutional Court of the Kyrgyz Republic”, which guarantees public hearings by the Constitutional Court. “The court hearings are held in a courtroom accessible to representatives of civil society and mass media. Decisions of the Constitutional Court are proclaimed publicly.”<sup>5</sup> At the same time, the presumption of openness is limited. Closed court hearings are allowed for the protection of state secrets, the safety of citizens, the privacy and the protection of public morals.<sup>6</sup> In other words, there is no general public right of access to the court when these types of hearings are in progress.

The e-justice system facilitates public access to the Constitutional Court and guarantees the principle of openness of proceedings. The Constitutional Court publishes the court judgments on its official website and press releases on cases. According to the Law of the Kyrgyz Republic “On Access to Information under the Jurisdiction of State Bodies and Local Self-Governance Bodies of the Kyrgyz Republic,” the judgments and opinions of the

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4 The Constitution of the Kyrgyz Republic (2021). Available online at: <http://cbd.minjust.gov.kg/act/view/ru-ru/112213?cl=ru-ru>.

5 Constitutional Law “On the Constitutional Court of the Kyrgyz Republic” (2021). Available online at: <http://cbd.minjust.gov.kg/act/view/ru-ru/112318>.

6 Ibid.

Constitutional Chamber of the Supreme Court of the Kyrgyz Republic<sup>7</sup> are fully published.<sup>8</sup>

At present, only the Constitutional Court provides public access to video recordings of proceedings on the official website and a Youtube channel. However, the Constitutional Court website is not adapted for people with disabilities. In this regard, Chyngyz Shergaziev (2023: 458) has highlighted that accessibility for people with disabilities contributes to openness of constitutional justice.

The Covid-19 pandemic had an impact on the digitalization of constitutional proceedings. In 2021 the new Constitutional Law of the Kyrgyz Republic “On the Constitutional Court of the Kyrgyz Republic” was adopted. It establishes online court hearings in certain cases in order to provide access to constitutional justice and ensure the principle of openness of the court.<sup>9</sup> However, the Constitutional Court does not conduct online court hearings yet (Shergaziev, 2023: 457).

Another type of e-justice system that provides access only for authorized users such as justices and court staff was implemented in the Constitutional Court with support of IDLO USAID in 2014. It is called an “Electronic Document Management System” (hereinafter EDMS). It was designed specifically for internal e-workflow within the Constitutional Chamber. According to new Constitutional Court Regulations adopted in 2022 “the list of applications accepted for proceedings and cases scheduled for court hearings are placed in EDMS”.<sup>10</sup> Shergaziev has elaborated:

EDMS [allows you] to fully automate the office workflow, reduce the time for processing documents and reduce the risks of accidental loss of data. All incoming and outgoing documents are stored in the system in PDF format, which are downloaded immediately after their registration. The EDMS function of monitoring the flow of documents and controlling their execution allows monitoring the workload of both judges and staff, which, in turn, facilitates the distribution of cases and

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7 The Constitutional Chamber was a predecessor of the Constitutional Court, which was reestablished in 2021.

8 Law “On Access to Information under the Jurisdiction of State Bodies and Local Self-Governance Bodies of the Kyrgyz Republic” (2006), available online at: <http://cbd.minjust.gov.kg/act/view/ru-ru/202010>.

9 Constitutional Law “On Constitutional Court of the Kyrgyz Republic, available online at: <http://cbd.minjust.gov.kg/act/view/ru-ru/112318>.

10 Constitutional Law “On Constitutional Court of the Kyrgyz Republic” (2021). Available online at: <http://cbd.minjust.gov.kg/act/view/ru-ru/112318>.



documents depending on their workload. For the convenience of judges and staff, a “Workroom” has been created where they can see up-to-date information on their workload, as well as on scheduled meeting dates. In addition, the EDMS has provided a wide range of possibilities for the output of statistical reports for analyses, which include summarized information on core subjects, regions of applications, on the progress of the execution of applications and complaints. (Shergaziev 2023: 456)

Since 2022, the Constitutional Court has also joined the automated electronic document management system “Infodocs” which allows digital interaction with other governmental bodies (Shergaziev 2023).

Overall, the e-justice system introduced in the Constitutional Court does contribute to the principle of openness of the court.

### *E-justice and Access to Information in Criminal Proceedings: The Case of Domestic Violence*

For criminal proceedings, the principle of openness is embodied in Article 291 of Criminal Procedural Code, which guarantees a public trial. Nevertheless, the right to public trial is not absolute. The principle of openness of criminal proceedings is limited. There is no public access to closed trials, which are allowed:

in cases when it may lead to disclosure of information constituting a state or other secret protected by law; in cases of offences against sexual inviolability and sexual freedom of the person, and other crimes in order not to disclose information about intimate aspects of the life of participants in proceedings or information degrading their honor and dignity; in the case of criminal cases involving offences committed by children under 16 years of age; in cases where this is required in the interests of safety of participants in proceedings, their close relatives or spouse.<sup>11</sup>

In criminal proceedings e-justice systems such as audio-video recording of court hearings facilitate transparency. They are aimed at ensuring accuracy of court proceedings and establishing factual data in criminal trials. According to the Article 310 of the Criminal Procedural Code, audio-video

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11 Criminal Procedural Code of the Kyrgyz Republic (2021). Available online at: <http://cbd.minjust.gov.kg/act/view/ru-ru/112308>.

recording is mandatory only in criminal proceedings<sup>12</sup>. It provides access to information about criminal proceedings only for judges, court staff, prosecutors, and litigants.

The court provides copies of audio-video recording on CD to participants in proceedings at their request. Nevertheless, the right to obtain copies is limited. In the case of closed court hearings, the participants are not provided with audio-video recordings and summary minutes of the court session, though they are able to study them in the courthouse.<sup>13</sup>

In terms of the principle of openness of the courts, two e-justice systems provide access to court judgments: the “Digital Justice” e-portal and the publicly available website *act.sot.kg*. Nevertheless, the court must keep a balance between public access to court judgments and privacy of litigants and other participants in proceedings. In this regard, the Law of the Kyrgyz Republic “On Access to Information under the Jurisdiction of State Bodies and Local Self-Governance Bodies of the Kyrgyz Republic” with amendments adopted in 2016 establishes the obligation for the courts to depersonalize the personal data of litigants and other participants in the trial in published court judgments. Furthermore, it also determines limits for the disclosure of data privacy. For example, the following information cannot be disclosed by the court because it would allow participants in the trial (natural persons and legal entities) to be identified: (1) the name, patronymic, and surname of individuals; (2) the addresses of the place of residence or stay of citizens (natural persons), telephone numbers, or other means of communication such as email addresses; (3) passport data, personal numbers (codes), and information related to the civil status records of natural persons; (4) technical passport data of vehicles; (5) the name and identification number of a legal entity, legal claims against which have been recognized by the court as unlawful and unfounded; (6) any other information allowing the person to be identified.

However, disclosure of information is legal insofar as it concerns the surname and initials of the judge, court panel, prosecutor, defense counsel, officials of state and local self-government bodies, names, patronymics, surnames of citizens (natural persons) found guilty of committing crimes, and the name and identification number of a legal entity, claims against which are recognized by the court as legitimate and justified in the court

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12 Ibid.

13 Ibid.

judgments. The publication of judicial acts involved in cases examined in closed trials is prohibited, except for requisite introductory and resolute parts.<sup>14</sup>

In order to examine the impact of online publication of court judgments on the publicly available website *act.sot.kg*, 280 court judgments on domestic violence cases published by district and appellate courts in Bishkek, the capital city, and in regions between 2019 and 2021 were analyzed both in Kyrgyz and Russian. According to Article 75 of the Code on Misdemeanours, domestic violence was a misdemeanour entailing punishment in the form of a fine of the second category or correctional labour of the second category or public works of the second category.<sup>15</sup> In 2021 the Code on Misdemeanours became inoperative. After a dramatic increase in the number of cases of domestic violence during the Covid-19 pandemic, the Kyrgyz parliament returned the corpus delicti of domestic violence back to the Criminal Code adopted in 2021 (Maralbaeva and Pierobon 2023: 205-206). At present, domestic violence resulting in less serious harm to health is a crime embodied in Article 177 of the Criminal Code and punishable by corrective works for a term of 2 months to 1 year, or public works from 40 to 100 hours, or imprisonment for up to 5 years.<sup>16</sup>

*Table 1. Data on when the court judgments in cases of domestic violence were issued.*

Year	Percentage of court judgments
2019	25%
2020	63%
2021	12%

Source: Author's analysis of court judgments on domestic violence cases.

Among 280 court judgments on domestic violence cases that were examined within the framework of this research, the majority of cases (82%) were dismissed upon conciliation of perpetrators and victims of domestic

14 Law of the Kyrgyz Republic "On Access to Information under the Jurisdiction of State Bodies and Local Self-Governance Bodies of the Kyrgyz Republic" (2006). Available online at: <http://cbd.minjust.gov.kg/act/view/ru-ru/202010>.

15 Code of the Kyrgyz Republic on Misdemeanours (out of legal force) (2019). Available online at: <http://cbd.minjust.gov.kg/act/view/ru-ru/111529>.

16 Criminal Code of the Kyrgyz Republic (2021). Available online at: <http://cbd.minjust.gov.kg/act/view/ru-ru/112309>.

violence. In a much smaller number of cases perpetrators were found guilty and convictions were issued (17.6%). Only in one case did the appellate court cancel the original judgment and return the case to the district court.

Table 2. The data on types of court judgments.

Type of court judgment	Total amount
Conviction	17.6%
Case dismissed	82%
Acquittal	0%
Court ruling that the original judgment be cancelled and the case returned to the district court	0.4%

Source: Author’s analysis of court judgments in domestic violence cases.

The research revealed a mixed impact of online publication of court judgments on the principle of openness of courts and data protection taking the cases of domestic violence as an example. On the one hand, in a majority of court judgments personal data (such as the surnames and initials) of judges (67%), prosecutors (51%), and court session secretaries (59%), except defense counsels (15%) were disclosed in the court judgments. In a smaller number of court judgments on domestic violence cases these personal data were depersonalized. However, according to the Law “On Access to Information under the Jurisdiction of State Bodies and Local Self-Governance Bodies of the Kyrgyz Republic” this type of personal data should be disclosed because public officials and defense counsels, if they participated in the trial, fulfil the governmental function of administration of justice (Table 3).

Table 3. The personal data (i.e., surnames and initials) of judges, prosecutors, defense counsels, court session secretaries disclosed in the court judgments published online

Surname and initials	Disclosed	Depersonalized	Did not participate in trial
Judge	67%	33%	n/a
Prosecutor	51%	49%	n/a
Defense counsel	15%	29%	56%
Court session secretary	59%	41%	n/a

Source: Author’s analysis of cases of domestic violence.

In the context of personal data of defendants, the study revealed that in all examined cases the surname, name, and patronymic of defendants were depersonalized and not disclosed. Only the initials of defendants were indicated in the court judgments. This complies with the provisions of the Law “On Access to Information under the Jurisdiction of State Bodies and Local Self-Governance Bodies of the Kyrgyz Republic.”

However, other types of personal data such as defendants’ date of birth, gender, family status, level of education, employment, prior criminal record, relationship between defendant and victim of the crime were disclosed in the majority of cases. Fewer cases depersonalized these types of personal data. The gender of defendants was not directly identified in the court judgment. It was determined according to the grammatical rules of the Russian and Kyrgyz languages (Table 4). Online publication of this data does not allow perpetrators to be identified. Based on the principle of the openness of the courts, anyone is allowed to participate in trials, except closed trials. In this case, the personal data of the perpetrator, victim, witnesses, and other third parties involved in the proceedings will be disclosed during the trials.

This issue raises the problem of the transformation of the concept of a public trial in the digital era. Previously, court judgments were not published online and only a small number of people attended court hearings. However, the online publication of court judgments dramatically changed the situation. Now the personal data disclosed in judgments are available online to the public not only in Kyrgyzstan but also abroad. In this regard, Winn has argued that “electronic records do not grow old, get moved to warehouses, or eventually get destroyed. They continue to exist, potentially forever” (Winn 2004: 317).

*Table 4. The data of perpetrators disclosed in the court judgments published online*

Type of data	Disclosed	Depersonalized
Date of birth	67%	33%
Gender	89%	11%
Family status	89%	11%
Level of education	91%	9%
Employment	79%	21%
Prior criminal record	77%	23%
Relationship between defendant and victim of the crime	83%	17%

Source: Author’s analysis of cases of domestic violence conducted in December 2022.

The study revealed that in majority of cases of domestic violence men were perpetrators (84%). In a smaller number of cases women were perpetrators (5%). In 11% of cases the gender of the perpetrators was not disclosed (see Table 5).

*Table 5. Gender of perpetrators in the cases of domestic violence*

Gender	Amount
Male	84%
Female	5%
Not indicated	11%

Source: Author’s analysis of cases of domestic violence conducted in December 2022.

In 75% of court judgments information on the dates of birth of victims of domestic violence was not disclosed, but in 25% of cases it was. In 98% of court judgments data on the employment of victims of domestic violence were not disclosed. Only in two cases they were disclosed. In 99.6% of cases data on the level of education of victims of domestic violence were not disclosed. The data were disclosed only in one case (0.4%). Online publication of these data does not allow the victims to be identified (see Table 6).

*Table 6. The data on victims of domestic violence disclosed in the court judgments published online*

Type of data	Disclosed	Not disclosed
Gender	89%	11%
Date of birth	25%	75%
Employment	2%	98%
Level of education	0.4%	99.6%

Source: Author's analysis of cases of domestic violence conducted in December 2022.

The study revealed that in the majority of cases (82%) women were the victims of domestic violence. In a much smaller number the victims were men (7%). The gender of victims of domestic violence was not indicated in the court judgments directly. It was determined on the basis of the rules of Russian grammar and the traditional peculiarities of the Kyrgyz language (see Table 7).

*Table 7. Gender of victims of domestic violence*

Gender	Amount
Female	82%
Male	7%
Not indicated	11%

Overall, the study revealed that, in the court judgments on domestic violence cases examined, district and appellate courts applied different approaches for the disclosure or depersonalization of the surnames and initials of judges, prosecutors, defense counsels, if they participated in the trial, and court session secretaries. For example, in a majority of the court judgments examined these types of personal data were disclosed. By contrast, in a smaller number of cases, these types of personal data were depersonalized, including the surnames and names of defense counsels. This shows that the courts do not adopt a single or consistent approach to the disclosure of the personal data of judges, prosecutors, defense counsels, if they participated in the trial, and court session secretaries, despite the fact that the Law “On Access to Information under the Jurisdiction of State Bodies and Local Self-Governance Bodies of the Kyrgyz Republic” establishes certain rules as mentioned previously. In addition, this case study also showed an equivocal impact of e-justice

systems on the principle of the openness of the courts. Online publication of court decisions on the publicly available website ensures the principle of openness of courts and provides access to court judgments for the public. However, published court judgment must not include any personal data of the victims of domestic violence.

### *Balancing Openness of the Courts and Data Protection in the Digital Era*

The balance between the principle of openness of proceedings and data protection becomes one of the core issues in the context of the digital transformation of justice. In this regard, Winn has highlighted that “courts must balance the presumption of the openness of judicial proceedings against the need to keep certain types of information confidential – in particular, sensitive personal information” (Winn 2004: 311). According to the Law of the Kyrgyz Republic “On Personal Information” public access to sensitive personal information is prohibited, unless the subject of personal data gives his or her consent.<sup>17</sup>

In the context of the Kyrgyz Constitutional Court’s judgments, balancing the principle of openness of proceedings and data privacy reveals jurisprudence addressing questions of privacy in other contexts. Winn has argued that “courts are accustomed to balancing the social benefits from the disclosure of personal information against the risk of harm that such disclosure may cause the individuals who are so identified” (Winn 2004: 312). For example, in the *Biometric Registration of Citizens Case*, the Constitutional Chamber of the Supreme Court determined that “the State, on the one hand, guarantees citizens the ability to control information about themselves and prohibits the disclosure of information of a purely personal nature, and, on the other hand, permits interference on legitimate grounds.”<sup>18</sup>

Since online publication of court judgments on the official website *act.sot.kg* and the “Digital Justice” e-portal have provided public access to court judgments, the understanding of different treatment of paper court records and electronic court records should be recognized. Electronic court records cannot be treated in the same manner as paper ones. In this regard,

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17 Law of the Kyrgyz Republic “On Personal Information” (2008). Available online at: <http://cbd.minjust.gov.kg/act/view/ru-ru/202269>.

18 Reshenie Konstitutsionnoy Palaty Verhovnogo Suda Kyrgyzskoy Respubliki po delu Toktokunova N. i Umetalievoy T. (2015). Available online at: <https://constot.kg/wp-content/uploads/2015/09/resh.-po-biomerii-1.pdf>.



Winn has emphasized that “if the shift from paper to electronic court records takes place without appropriate safeguards, we will celebrate the abstract value of the free flow of judicial information at the cost of the privacy and security of litigants and other participants in the judicial system” (Winn 2004: 315). Moreover, “instead of increasing social respect for the judicial system, unrestricted access to court records will undermine the respect and confidence the courts ... have traditionally enjoyed” (Ibid. 315)

Paper court records are protected under the concept of “practical obscurity” developed by the US federal courts. Practical obscurity means that “private information in public records is effectively protected from disclosure as the result of practical barriers to access. Practical barriers to access include travel to view the record, the passage of time, and the limits of indexing. When public records are accessible on the internet, those barriers are diminished.”<sup>19</sup>

In the context of remote hearings via videoconferencing, the principle of the openness of the courts and the right to a public trial can be analyzed through the prism of the concept of practical obscurity. In July 2020, due to the Covid-19 pandemic, remote hearings via videoconferencing were rapidly implemented in all Kyrgyz courts in order to protect the health of judges, court staff, prosecutors, defense counsels, litigants, witnesses, and other third parties to the proceedings.<sup>20</sup>

A legal framework for remote hearings was established by the 2017 Criminal Procedural Code which allowed the interrogation of defendants, witnesses, and victims via videoconferencing. This legal provision helped to ensure access to criminal justice during the Covid-19 pandemic.<sup>21</sup>

In 2021 several amendments were introduced to criminal procedural legislation also due to the Covid-19 pandemic. In addition to remote hearings via videoconferencing, the 2021 Criminal Procedural Code established remote interrogations via videoconferencing of defendants (accused persons), victims, witnesses, experts and specialists (Articles 289, 290), as well as of

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19 Practical obscurity. Available online at: <https://dictionary.archivists.org/entry/practical-obscurity.html>.

20 Decree of the Supreme Court of the Kyrgyz Republic “On Approval of the Regulations for Use of Videoconferencing in Courts of the Kyrgyz Republic” (2020). Available online at: <http://admin-sot.sot.kg/public/sites/4/2020/10/Prikaz-138-ot-30.07.20g.-Ob-utverzhenii-Reglamenta-ispolzovaniya-videokonferentssvyazi-v-sudah-KR.pdf>.

21 Criminal Procedural Code of the Kyrgyz Republic (out of legal force) (2017). Available online at: <http://cbd.minjust.gov.kg/act/view/ru-ru/111530>. The 2017 Criminal Procedural Code of the Kyrgyz Republic had legal force till 2021.

persons held in custody in a foreign state if such a procedure is allowed by an international treaty made by the Kyrgyz Republic that has entered into force (Article 516).<sup>22</sup>

Based on the data made available by the Judicial Department of the Supreme Court, 17,522 applications for remote hearings were submitted by judges via the “Remote Court Sessions” e-portal launched in June 2020.<sup>23</sup>

However, remote hearings via videoconferencing did not allow the public to join in online. People who wished to participate in proceedings could join in person in the courthouse. The courts did not share the online links for remote hearings. In the emergency situation created by the Covid-19 pandemic, the Supreme Court prioritized the protection of personal data of litigants, witnesses, and other third-party participants in criminal proceedings rather than the openness of the courts.

Since the restrictions caused by the Covid-19 pandemic were lifted, the number of remote hearings via videoconferencing has sharply decreased. Remote hearings have continued to be used for the interrogations of witnesses when they live far away from the court. (Interview with a court clerk conducted in June, 2022).

### *Cyber security and e-justice*

The National Cyber Security Index (NCSI) is an evidence-based global index that measures the preparedness of countries to prevent cyber threats and manage cyber incidents. It is also a database with publicly available evidence materials and a tool for national cyber security capacity building.<sup>24</sup> NCSI is held and developed by the Estonian e-Governance Academy Foundation.<sup>25</sup>

The NCSI’s remit includes cyber threats, analysis of legislation, established units, cooperation formats, and outcomes identification. Its indicators are based on the national cyber security framework. The major cyber threats include: (1) denial of e-services – services are made inaccessible; (2) data integrity breaches – unauthorized modifications; (3) data confidenti-

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22 Criminal Procedural Code of the Kyrgyz Republic (2021). Available online at: <http://cbd.minjust.gov.kg/act/view/ru-ru/112308>.

23 Audio-video recording of court hearings. Available online at: <http://suddep.sot.kg/page/avf>.

24 <https://ncsi.ega.ee/methodology/>.

25 <https://ncsi.ega.ee/contact/>.

ality breaches – secrets are exposed. The normal functioning of national information and communication systems and, through the ICT systems, electronic services (including critical e-services) can be affected by these threats. So, in order to respond to them, a state must have appropriate capacities for baseline cyber security, incident management, and general cyber security development.

The main measurable aspects of cyber security implemented by government include: (1) legislation in force – legal acts, regulations, orders, etc.; (2) established units – existing organizations, departments, etc.; (3) cooperation formats – committees, working groups, etc.; (4) outcomes – policies, exercises, technologies, websites, programs, etc. Country ratings are based on public evidence such as legal acts, official documents, and official websites.<sup>26</sup>

According to the NCSI 2023,<sup>27</sup> Kyrgyzstan obtained the second-highest score among countries in the Central Asian region, 37.66 out of 100. Kazakhstan had the highest score, 48.05. By contrast, Turkmenistan received 7.79 index points, the lowest score across the Central Asian region (see Table 8).

Table 8. *National Cyber Security Index 2023.*

Rank	Country	National Cyber security Index	Digital development
78	Kazakhstan	48.05	60.18
91	Kyrgyzstan	37.66	42.96
94	Uzbekistan	36.36	49.00
153	Tajikistan	10.39	34.56
164	Turkmenistan	7.79	No data

Source: National Cyber Security Unit, Version February 10, 2023<sup>28</sup>

Analysis of general cyber security indicators on the development of cyber security in Kyrgyzstan showed the data concerning three main aspects of the cyber security framework: general cyber security indicators, baseline cyber security indicators, and incident and crisis management. They revealed the achievements and gaps at the organizational, normative, and human resources levels.

26 <https://ncsi.ega.ee/methodology/>.

27 <https://ncsi.ega.ee/compare/>.

28 Ibid.

The *first group of indicators* comprises general cyber security indicators. They include cyber security development, cyber threats analysis and information, education and professional development in the field of cyber security, and contribution to global cyber security. In this context, Kyrgyzstan reveals medium to low scores in three indicators: cyber security policy development (71%), education and professional development (56%), and contribution to global cyber security (17%). There are no available data concerning cyber threat analysis and information (0%).

In terms of cyber security policy development, Kyrgyzstan recorded several achievements. The Coordinating Center for Ensuring Cyber Security of the State Committee for National Security of the Kyrgyz Republic is a specialized unit responsible for national cyber security policy development.<sup>29</sup> Under coordination by the Security Council, the State Committee for Information Technologies and Communications initiated the 2019–2023 Cyber Security Strategy and Action Plan made up of measures to implement the Strategy that were approved by a Decree of the Government of the Kyrgyz Republic in 2019.<sup>30</sup>

The 2019–2023 Cyber Security Strategy defines cyber security as “preserving the features of integrity (which may include authenticity and fault tolerance), availability and confidentiality of information of informational infrastructure objects, ensured through the use of a combination of means, strategies, security principles, security guarantees, risk management and insurance approaches, professional training, practical experience and technologies.”<sup>31</sup>

Education and professional development are another partially successful examples within this group of indicators. Cyber safety competencies are taught in primary and secondary education curricula. There are also cyber security programs at the bachelor’s and master’s levels.

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29 Decree of the Government of the Kyrgyz Republic “On Some Issues in the Sphere of Ensuring Cyber Security of the Kyrgyz Republic” (2020). Available online at: <https://www.gov.kg/ru/npa/s/2498>.

30 Strategy to Protect Cyber Space in Kyrgyzstan. Available online at: <https://digital.gov.kg/ru/%d0%b4%d0%be%d0%ba%d1%83%d0%bc%d0%b5%d0%bd%d1%82%d1%8b/cyber/%d1%81%d1%82%d1%80%d0%b0%d1%82%d0%b5%d0%b3%d0%b8%d1%8f-%d0%b7%d0%b0%d1%89%d0%b8%d1%82%d1%8b-%d0%ba%d0%b8%d0%b1%d0%b5%d1%80%d0%bf%d1%80%d0%be%d1%81%d1%82%d0%b0%d0%bd%d1%81%d1%82%d0%b2%d0%b0-%d0%b2/>.

31 Decree of the Government of the Kyrgyz Republic “On Approval of the Cyber Security Strategy of the Kyrgyz Republic for 2019-2023” (2019). Available online at: <http://cbd.m.injust.gov.kg/act/view/ru-ru/15478?cl=ru-ru>.

However, the country's contribution to global cyber security is not much developed. As a member-state of the Shanghai Cooperation Organization, Kyrgyzstan participates in *ensuring international information security*<sup>32</sup> (see Table 9).

Table 9. General Cyber Security Indicators: the case of Kyrgyzstan

Indicators	Score	Percentage
<b>1. Cyber security policy development</b>	<b>5 out of 7</b>	<b>71%</b>
1.1. Cyber security policy unit	3	
1.2. Cyber security policy coordination format	0	
1.3. Cyber security strategy	1	
1.4. Cyber security strategy implementation plan	1	
<b>2. Cyber threat analysis and information</b>	<b>0 out of 5</b>	<b>0%</b>
2.1. Cyber threats analysis unit	0	
2.2. Public cyber threat reports are published annually	0	
2.3. Cyber safety and security website	0	
<b>3. Education and Professional Development</b>	<b>5 out of 9</b>	<b>56%</b>
3.1. Cyber safety competencies in primary or secondary education curricula	1	
3.2. Bachelor's level cyber security program	2	
3.3. Master's level cyber security program	2	
3.4. PhD level cyber security program	0	
3.5. Cyber security professional association	0	
<b>4. Contribution to global cyber security</b>	<b>1 out of 6</b>	<b>17%</b>
4.1. Convention on Cybercrime	0	
4.2. Representation in international cooperation formats	1	
4.3. International cyber security organization hosted by the country	0	
4.4. Cyber security capacity building for other countries	0	

Source: National Cyber Security Unit, Version of February 10, 2023<sup>33</sup>

*The second group of indicators* are baseline cyber security indicators. They include protection of digital services, e-identification and trust services,

32 Shanghai Cooperation Organization. Available online at: <https://ccdcoe.org/organizations/sco/>.

33 <https://ncsi.ega.ee/country/kg/>.

protection of personal data. In this context, Kyrgyzstan achieves low, medium, and high scores in three out of four indicators: protection of digital services (20%), e-identification and trust services (78%), and protection of personal data (100%). There are no available data on protection of essential services (0%).

With respect to the protection of digital services, the Decree of the Government of the Kyrgyz Republic “On Approval of the Requirements for the Protection of Information Contained in the Databases of State Information Systems” establishes that public sector digital service providers must implement cyber security requirements and widely recognized security standards.<sup>34</sup>

In the context of e-identification and trust services, Kyrgyzstan has also recorded achievements as regards a unique persistent identifier and established requirements for cryptosystems. In addition, there is a legal framework for electronic identification and electronic signature. Both provide opportunities for digital interaction with state bodies and agencies via a public e-system “Tunduk.”

Protection of personal data is the most successful example within this group of indicators. The Law of the Kyrgyz Republic “On Personal Information” was adopted in 2008 on the basis of international principles and norms in accordance with the Constitution and legislation of the Kyrgyz Republic. The purpose of this law was to ensure the protection of human and civil rights and freedoms related to the collection, processing, and use of personal data.<sup>35</sup> According to this law, a state body responsible for ensuring control over the compliance of personal data processing with the law’s requirements and protection of the rights of personal data subjects was to be created. However, such a body came into being only in 2021. At present, the State Data Protection Agency under the Cabinet of Ministers of the Kyrgyz Republic fulfils these functions. The rapid development and implementation of ICT caused gaps in the Law of the Kyrgyz Republic “On Personal Information” which should be addressed in near future.

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34 Decree of the Government of the Kyrgyz Republic “On Approval of Requirements for the Protection of Information Contained in the Databases of State Information Systems” (2017). Available online at: <http://cbd.minjust.gov.kg/act/view/ru-ru/11511>.

35 State Agency for Personal Data Protection under the Cabinet of Ministers of the Kyrgyz Republic. Available online at: <https://dpa.gov.kg/ru/about>.

However, there are no available data on protection of essential services (Table 10).

Table 10. Baseline Cyber Security Indicators: the case of Kyrgyzstan

Indicators	Score	Percentage
Protection of digital services	1 out of 5	20%
Cyber security responsibility for digital services providers		
Cyber security standard for the public sector	1	
Competent supervisory authority	3	
Protection of essential services	0 out of 6	0%
Operators of essential services are identified	0	
Cyber security requirements for operators of essential services	0	
Competent supervisory authority	0	
Regular monitoring of security measures	0	
E-identification and trust services	7 out of 9	78%
Unique persistent identifier	1	
Requirements for cryptosystems	1	
Electronic identification	1	
Electronic signature	1	
Timestamping	0	
Electronic registered delivery service	0	
Competent supervisory authority	3	
Protection of personal data	4 out of 4	100%
Personal data protection legislation	1	
Personal data protection authority	3	

The third group of indicators is made up of incident and crisis management indicators, which include cyber incidents response, cyber crisis management, the fight against cybercrime, and military cyber operations. In this context, Kyrgyzstan shows medium and low achievement only in three out of four indicators: cyber incidents response (50%), cyber crisis manage-

ment (40%), fight against cybercrime (11%). There are no available data on military cyber operations (0%).

As far as the cyber incidents response unit is concerned, CERT-KG is part of the Coordination Center for Cyber Security of the State Committee of National Security of the Kyrgyz Republic.<sup>36</sup> CERT-KG counters cyber threats and regularly conducts technical checks and audits of the information systems of state bodies. For example, in 2019 67,000 samples of malicious software, 672,355 connections to malicious and potentially dangerous resources, and 8,534 attempts to redirect to malicious domains were registered. In addition, phishing emails targeting the public sector increased during the Covid-19 pandemic. Analysis of the enclosed malicious attachments provided by CERT-KG revealed that the file in question steals authentication credentials from various services from the computer. The cybercriminals used a trick word combination “gov.kg” instead of “gov.kg.”<sup>37</sup> In addition, in 2021 the Internal Computer Incident Response Team of the Ministry of Digital Development was launched.

In the context of national-level cyber crisis management, the first national cyber drill exercise “Digital Kyrgyzstan 2021” was organized by the Coordination Center for Cyber security of the State Committee for National Security of the Kyrgyz Republic with the support of the OSCE Program Office in Bishkek and the International Telecommunication Union.<sup>38</sup>

The Chapter 40 “Cyber security crimes” of the Criminal Code of the Kyrgyz Republic (2021) establishes the *corpus delicti* of cybercrimes<sup>39</sup> (see Table 11).

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36 <https://ncsi.ega.ee/country/kg/>.

37 Countering Cybercrime (2020). Available online at: <https://www.itu.int/en/ITU-D/Cybersecurity/Documents/CyberDrill-2020/CIS/%D0%9F%D1%80%D0%B5%D0%B7%D0%B5%D0%BD%D1%82%D0%B0%D1%86%D0%B8%D1%8F%20CERT-KG.pdf>.

38 OSCE supports the first national cyberdrill in Kyrgyzstan (2021). Available online at: <https://www.osce.org/programme-office-in-bishkek/484982>.

39 Criminal Code of the Kyrgyz Republic (2021). Available online at: <http://cbd.minjust.gov.kg/act/view/ru-ru/112309>.



Table 11. Incident and Crisis Management Indicators: the case of Kyrgyzstan

Indicators	Score	Percentage
Cyber incidents response	3 out of 6	50%
Cyber incidents response unit	3	
Reporting responsibility	0	
Single point of contact for international coordination	0	
Cyber crisis management	2 out of 5	
Cyber crisis management plan	0	40%
National-level cyber crisis management exercise	2	
Participation in international cyber crisis exercises	0	
Operational support of volunteers in cyber crisis	0	
Fight against cyber crime	1 out of 9	11%
Cybercrimes are criminalized	1	
Cyber unit	0	
Digital forensics unit	0	
24/7 contact point for international cybercrime	0	
Military cyber operation	0 out of 6	0%
12.1. Cyber operations unit	0	
12.2. Cyber operations exercise	0	
12.3. Participation in international cyber exercise	0	

Source: National Cyber Security Unit, Version of February 10, 2023<sup>40</sup>

The cyber security of the judicial system is an essential element for ensuring effective and successful e-justice implementation due to increasing cyber threats to the courts. It is aimed at preventing and responding to cyberattacks. The IT Agency “Adilet Sot” is responsible for ensuring the information security of the judicial system.

The courts hold sensitive personal data from judges, prosecutors, advocates, court clerks, litigants, and other third parties to proceedings. They operate databases of court judgments and other judicial acts, use e-case management systems, automated allocation of cases, audio-video record-

40 <https://ncsi.ega.ee/country/kg/>.

ings of proceedings, and carry out remote hearings via videoconferencing. These lead to increased data-governance responsibility.

Brian J. McLaughlin has argued that “there are multiple entry points for data breaches in the judicial branch ... judiciary case management systems, networks, servers, cloud storage, software programs, WiFi systems, employee devices, and an array of court-specific technology” (McLaughlin 2018: 68). Courts are public guardians of sensitive digital data assets. For instance, personal identifiers, victim information in domestic violence and sexual assault cases, confidential informants and search warrants in criminal cases, family court files involving children and families, testimony within sealed transcripts and recordings, medical and psychological reports, metadata within judiciary documents, employee personnel data in HR files, intellectual property and trade secrets, etc.

The 2018 Information Security of the Judicial System Concept is the main document which defines the approaches for ensuring comprehensive information security and establishes the procedure for the organization, the rules, and the distribution of functions and responsibilities for ensuring information security in the judicial system, as well as the information security requirements for the informational means used in the system.<sup>41</sup> It determines the threats to courts and the mechanisms for preventing and responding to them. In addition, the State Target Program “Development of the Justice System of the Kyrgyz Republic for 2023–2026” establishes obligations for judges and court staff to use an individual login and password, as well as an electronic digital signature. These are not allowed to be transferred to third parties.<sup>42</sup>

Overall, analysis of the 2018 Information Security of the Judicial System Concept revealed that it establishes only general provisions concerning cyber security for information resources in the judicial system such as AIS “Sud,” automated allocation of cases, and AIS “Enforcement Proceedings.” However, it does not include provisions to deal with the cyber security of court records of audio-video recordings of proceedings, remote hearings via videoconferencing, or the “Digital Justice” e-portal. These e-justice systems hold sensitive data assets that are recognized as objects of cyber security. For this reason, they should be included in the 2018 Concept. Likewise, the

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41 The Information Security of the Judicial System Concept (2018). Available online at: <http://suddep.sot.kg/post/informatsionnaya-bezopasnost-sudebnoj-sistemy-kr>.

42 The State Target Program “Development of the Justice System of the Kyrgyz Republic for 2023–2026” (2023). Available online at: <http://cbd.minjust.gov.kg/act/view/ru-ru/434916>.

mechanism for ensuring the cyber security of these types of data should be determined in the Concept too.

In addition, two types of offences relating to information security are embodied in the Code of the Kyrgyz Republic on Offences. Article 228 establishes liability for unauthorized access to computer information, while Article 228 determines liability for the violation of requirements for protection of personal and commercial data. However, these articles entail fines in the sum of 20,000 KGS<sup>43</sup> to which only natural persons are liable, but not public officials. If these types of offences are committed by public officials, they would not be punishable under the Code of the Kyrgyz Republic on Offences. No liability leads to impunity. For this reason, these articles should be amended.

### *Conclusion*

This chapter examines the impact of e-justice systems on the balance between the principle of the openness of courts and data protection, as well as on the cyber security of the judicial system in Kyrgyzstan. The research has revealed that online publication of court judgments has an equivocal impact on the principle of the openness of courts and data protection of litigants.

First, this issue raises the fundamental problem of the transformation of the concept of public trial perception in the digital era. In the predigital era, when few people attended court hearings, court judgments were not published online. In the digital era, court judgments published online are available for public viewing not only in Kyrgyzstan but also abroad. In this case the courts must depersonalize the personal data of litigants, victims, and other third-party participants in proceedings. Only the names, surnames, and patronymics (if any) of defendants found guilty of committing crimes can be disclosed in court judgments published online, according to national legislation.

Second, the different treatment of paper court records and electronic court records should be recognized at a national level. Electronic court records potentially can be stored forever on the Internet. For this reason, the court judgments published online must not include any personal data from victims, witnesses, and other third-party participants.

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43 224 USD as of October 26, 2023.

Third, Kyrgyzstan has notched up several achievements in strengthening national cyber security. However, it has not yet fulfilled all the requirements for three main aspects of the cyber security framework: general cyber security indicators, baseline cyber security indicators, and incident and crisis management. There are some gaps on the organizational, normative, and human resources levels.

Fourth, e-justice systems hold sensitive data assets that are recognized as objects requiring cyber security. The 2018 Information Security of the Judicial System Concept should include provisions concerning the cyber security of court records of audio-video recordings of proceedings, remote hearings via videoconferencing, and use of the “Digital Justice” e-portal. In addition, the mechanism for ensuring the cyber security of these types of e-justice systems should be determined in the 2018 Concept.

Finally, the Code of the Kyrgyz Republic on Offences should be amended and entail the liability for unauthorized access to computer information and violation of requirements for protection of personal and commercial data of public officials responsible for storage and management of these types of data.

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# Why New Democrats Fail: Preserving the Old Role of *Siloviki* in Armenia

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## *Introduction*

The phenomenon of hybrid regimes, or states that are unable to complete the democratic transition to form stable institutions and civil society, is not a new one. Synonyms such as transitional democracies, partially free or semi-democracies generally describe similar processes and highlight a unique political system in which democratic and autocratic features are mixed. Since such regimes often exhibit a tendency to democratic backsliding and, instead of solidifying democratic gains (usually after the pivotal democratic change), use their internal security services to consolidate the newly acquired power, the institutional tools that ensure an authoritarian reversal and their centrality in maintaining the well-preserved traditional (Soviet) construct of the power-pyramid, inevitably become the focal point of academic and policy analysis. Armenia is an interesting example of a similar trajectory. It experienced a massive democratic upheaval in the late 1980s and early 1990s, triggered by the increasingly fragile Soviet administration and escalating ethnic confrontation in the Karabakh region of Azerbaijan between the local Armenian and Azerbaijani populations. The early democratization process had subsided by 1998 when the former democratic leader and President Levon Ter-Petrosyan had to give up the power struggle and allow the so-called “Karabakh clan” to assume major positions in Armenia till 2018. This period is strongly associated with the monopolization of political power, the establishment of a patronage system, widespread corruption and political persecution, all this supported by the ever-growing influence of the internal security services. Despite the stunning victory in the aftermath of Velvet Revolution in May 2018 and expectations of radical democratic change and institutional transformation,

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as of November 2023 Armenia still ranks as only partially free, firmly occupying 54th place just above equally partially free Georgia in 58th place (Freedom House 2023).

The phenomenon of democratic backsliding cannot simply be explained by inefficient or absent democratic institutions, since these are in fact the effects of a lack of political motivation to transform. Not least the lack of motivation to carry through democratic institutional consolidation is strengthened by the (negative) role the internal security services play by offering a quick recipe for power consolidation to incoming new (and often) fragile political elites (Dziedzinski 2009). Therefore, the motives, beliefs and value systems of the leading figures who initiate and lead democratic change must be thoroughly studied. Even more importantly, the institutional legacies of the various agencies that collectively belong to the so-called security apparatus need to be examined and may, as in the case of Armenia, intuitively reveal their great dependency on the Soviet totalitarian bureaucratic and political tradition. This chapter looks deeper into the Armenian experience of democratic transition since the early 1990s and attempts to establish a nexus between failed attempts at democratization, the visions and beliefs of political leaders, and the formal and informal power mechanisms that had been made possible through a constant reliance on the power-preserving (internal security) services pretty much in the old Soviet manner of the all-encompassing *police state*.

### *Methodology and structure*

Since methodology consists largely in a consequent approach to the analytical (i.e., the research) design, which should serve as a solid foundation for rendering the empirical evidence (i.e. those findings that are valid) – as well as being a matter of additional interpretative coherency – my methodological choice is based, on one hand, on the rationale of its analytical utility, that is, the clarity of the objects of observation and their evaluation, while, on the other hand, being justified on the basis of an analysis of the literature and its empirical deficits or, better, by the potential for promising discoveries. Therefore, I shall combine the selection of analytical blocks that serve as the basis for the structural division of the chapter with a brief literature review, which will additionally support the logic of structurally organizing the argument. The objective is not to provide a general overview of the transitology literature, which is primarily occupied with the overall



assessment of the democratic transition by focusing on constitutive elements of governance, such as accountability, structural responsiveness, and resource distribution (Risse 2007; Linz and Stepan 1996; Finel and Lord 1999; Kaldor and Vejvoda 1997; McFaul and Stoner-Weiss 2004; O'Donnell 1999; Vanhanen 2003; Behn 2001; Ferejohn 1999; Philp 2009). Rather I shall attempt to focus on the more systemic factors of political change: institutional performance (the normative dimension), the role of elites (beliefs and value systems), and the nature of the bureaucratic tradition, matters especially relevant in those countries that were dominated by an internal security apparatus in the Soviet era.

Since the nature of institutional and bureaucratic arrangements is critical to our analysis and the normative aspect of institutional performance by no means excludes any informal practices that may exist and even proliferate, the interplay or rather the nexus between the leaders (representatives of the political elite), their interests, and the established institutional design, including the bureaucratic practices, must be examined. Not to mention that the legacy of totalitarian rule, especially in post-communist countries, must always be put under scrutiny due to the typical features post-communist regimes display such as clientelism and limited statehood. This is critical to understand, as even stable democracies frequently show little incentives on the institutional and organizational levels to advance the successful political outcomes that often result in policy reversals and government change, as Jane Mansbridge and Kathie Martin (2013) argue. In the case of Armenia, there are additional reasons for highlighting the socialist past as the critical variable determining institutional arrangements at all levels, where the expectations of consensual power-sharing have to be kept minimal. This comes as no surprise, due to the basic acknowledgement that socialism could be regarded as democratic as long as it allows for elite competition for power, and is not characterized by the rigid domination of politics and industry by a single elite (Medearis 2001). Abuse of power is directly associated with the monopolization of state institutions and public offices that operate as party branches and are tightly controlled (Jakala et al. 2018). It should also be noted, that the term *controlled institution* by no means excludes the existence of a hidden or informal centers of decision making. This phenomenon is not new and is very common in Russia, as pointed out by Jana Kunicová (2008) while commenting on distributive politics and formal institutions. Furthermore, informal institutions, so Michael Albertus and Victor Menaldo (2018) claim, can work in tandem with formal ones and even bolster them. Since formal institutions, in essence, function on

the basis of rules—laws, regulations and agreements—their effectiveness in theory has to be checked by implementation of their normative power, which is typically far from the reality. So, for instance, Jack Knight (1992) views institutions as the formalization of informal orders and norms, thus becoming the cultural phenomena and part of the cultural code that, as argued by Douglas North (1990), is much more stable and static than formal rules. Fuzzy legality, patronage, and clientelism are elements that are linked to the concept of informality and, especially in hybrid regimes like Armenia, have a negative proportional relation to the degree of democratic consolidation, often leading, for example, to a lack of institutional capacity to practice the rule of law consistently (especially against members of political or economic elite) (Iskandaryan et al. 2016). Not surprisingly, the informality concept becomes something like a *legal safe haven*, where interactions and relationships can be kept secret. Hence, it should not be a surprise that authoritarian regimes make changes in formal political institutions and informal political practices that significantly reduce citizens' capacity to control the government and keep it accountable, as Ellen Lust and David Waldner (2015) correctly conclude.

It seems that any attempt to illuminate the institutional aspect of democratic transformation in post-Soviet countries must include structural analysis of the functioning power-pyramid that serves the interests of the political elites. The role of political leaders and the elites cannot be underestimated here, as the bulk of the literature displays the relevance of power distribution between elites, security, interest conflicts (state vs. individual) and bureaucratic neutrality (Asmerom and Reis 1996; Etzioni-Halevy 1983; Johnston 2014; Adina Marina Stefan 2009; Graeme 2000; Albertus and Menaldo 2014). Regimes, whether incumbent or newly established, typically represent the conglomerate of group interests that are defined by the general notion of *elites*. And, as it appears, the basics for any change in political institutions is agreement on the very political and institutional arrangements (often the constitution) that serve the purpose of safeguarding the vital rights and interests of elites, especially those who are about to “exit the dictatorship on their terms” (Albertus and Menaldo 2018: 63). Yet, if agreement is not reached, as Justin Parkhurst (2017) argues, the incumbent regime (as well as its opponents) start treating politics as a “winner-takes-all” game and “abuse office with the purpose of permanently marginalizing oppositions”. Despite the heavy criticism of elite-led bargaining and transition from dictatorship that, according to Barbara Geddes (Geddes et al. 2018), turns the models of democratization explanation to useful simplifica-

tions, leaders exert immense influence on political processes and decision making. Leaders, largely charismatic and heroic individuals, mobilize supporters and define the objectives to be reached. However, as Ilie Cornelia and Stephanie Schurr argue, along with the defining relevance of individual leadership, that shapes the human and institutional environment, this stereotypical approach should not overshadow the corporate context and cultural values, where managers additionally play a critical role in defining the process of change (Ilie and Schurr, 2017). Here we arrive at the point, where both approaches carry comparable value: in one, managers and corporate-bureaucratic officials define the mechanism of change, and in another the individual influence of a leader can be immense, extending even to the very ability to control resources, being extremely well informed and dominating the rank and file (Binder and Lee 2015). Not least important is to acknowledge that the existing institutional mechanisms that contributed to the longevity of the previous regime can be used by the new ruling party as well. Yet, despite the fact that the essence of democratic consolidation is adherence to the same rules of the game by all political groups, a degree of formal acceptance by no means prevents them from adopting practices of informal decision making, in other words, informal institutions. As Mehmet Söyler (2013) puts it, defective democracies exhibit gray zones, where formal institutions mask other structural units and institutions that often are “the actual rules that are being followed.”

Hence, the nature of political culture and especially, the legacy and impact of the communist past with its all-encompassing presence of power-preserving internal security services must be carefully studied. The Armenian case is interesting not only because of the general fact of belonging to the camp of post-Soviet countries, but also because of the decades of very close political (including geopolitical) and security cooperation between Yerevan and Moscow, which decisively shaped the country’s economic and social fabric and led to the intensive symbiosis of political and economic elites, as well as the bureaucracy and power-agencies (in Russian, *siloviki*). In the context of institutional inertia in relation to formal structures (in the sense of institutionalized and sanctioned norms of behavior) it is impossible to avoid the role of the middle- and higher-ranking bureaucratic officials, who held exceptional power and influence in the times of the Soviet (communist) rule. To put it more precisely, the role of security elites, that is, the high-profile bureaucrats in state organizations who controlled the mechanisms of internal security and autocratic coercion, their corporate code (belief system), and the persistence of their corporate tradition,

make up a crucial element of the research puzzle. This inevitably makes the other side of the “coin,” the new generation of public servants (managers) and bureaucrats, even more interesting for our analysis. Whether they continued to show strong dependence on the practices of the feared Soviet persecution system, or managed to transform and abandon the essence of the political police (*Cheka*) is yet to be established. Additionally, the degree of autonomy of the internal security services and the general bureaucratic *nomenklatura* in shaping and implementing reforms in such a way as to secure their own interests (as in the case of Russia, see Ozernoy and Samsonova 1995: 275) opens up another promising path of investigation. The self-serving nature of the bureaucracy and state institutions can be very instrumental and effectively utilized in bringing them under the full control of the regime and even of personal or party loyalty. The depth of such control and state infiltration to the level of deep intrusion into the public and private spheres are very indicative of “autocratic quality” and have to be intensively studied (Vasilache 2009; 2012). It is interesting that the phenomenon of the ever-growing influence of the members of the internal security services can, in extreme cases, lead to the formation of a new elite—a mix between *nomenklatura* and *siloviki*—to destroy competitors and secure the economic and political instruments of power, including the very means of coercion, as brilliantly uncovered by Andrei Kovalev (2017). This type of *nomenklatura-siloviki*-based bureaucracy is intimately linked to the ability of the ruling regime to control and monitor at all levels of governance to ensure collaboration and prevent sabotage. However, it also, as Barbara Geddes points out, increases the power of the so-called inner circle of the regime and the clientele networks, as well as often requires a concentration of power by chief executives and the replacement of the bureaucracy by regime supporters (Geddes et al. 2018: 129; Huntington 1991: 137). These people, as shown in the extreme case of Russia, are united by the same value system and identity and can gradually take over in key positions across the country and be accountable to no one but the president himself, being the driving force behind authoritarian policies (Treisman 2018: 111–12).

Institutions that are captured by party members or regime supporters are very difficult to control, given the fact that parliamentary oversight is either limited or similarly under the control of the ruling party (regime). Often national legislatures simply refuse to execute control or even delegate legislative initiative to the concerned security agency themselves (Treisman 2018: 115). Excessive state control and unchecked administrative harass-

ment, a typical feature of the Soviet institutional legacy, can produce a significant impact on economic and business life (due to the interests of the clientele network) and take the form of direct state racketeering (Dabrowski 2023: 63). This can turn into a systematic practice if not detected and limited by a strong civil society. Yet if the grass-root activities are organized and controlled from above (by the state), the ConGos (government-controlled NGOs) can do little if anything to increase the quality of democratic control. Therefore, the institutional mechanisms of accountability that include the intrinsic interplay of roles and relational dependencies between the political leaders (elites), the bureaucratic body and the internal security services are the central elements of the analytical inquiry in this paper. These are the key variables, assumed to be the central ones that will determine the success or failure of democratic transformation and institutional change in Armenia, the adoption, that is to say, of democratic standards in institutional practices (good governance). In other words, if the ruling political elite's *modus operandi* for consolidating power had not experienced a radical change since the collapse of the Soviet Union, so that a corresponding (inner) institutional change in the power agencies and bureaucracy essentially was not required, there is no logical foundation for expecting democratic consolidation, even if the regime change was caused by a seemingly prevailing democratic movement (party).

The review of the empirical evidence in this chapter is primarily focused on the key events and individuals that decisively shaped the political and institutional fabric of Armenia after 1990. The periodic division of analysis could not be avoided due to the methodological approach selected that favors a closer historical lens for analysis by tracing the major junctures in (or through) which the crucial decisions were made (or triggered). I rely on extensive use of open-ended interviews, albeit with a similar structure and question topics (not limited) that serve the purpose of empirical verification of the links to be established. The institutional aspect of transformation, in other words, the bureaucratic body and the policies of the internal security agencies will be scrutinized from the normative legal perspectives as well as from the standpoint of the practical implementation of respective legislative efforts. Consequently, the structure of the chapter follows the logic of the historical development and focuses on three major periods in Armenia that can be easily distinguished from each other. The first one covers the early democratization efforts and approach to internal security from the early nineties to 1998, when a major political (regime) change took place. The second period of analysis embraces 20 years of political power

and institutional consolidation in Armenia from 1998 to 2018, that can symbolically be described as—in the service of (*heads of*) state. The third and last section of the historical review draws attention to the events of the 2018 “Velvet Revolution,” the hopes associated with it and post-revolutionary efforts of political change. In all three periods the major events and decisions will be presented and explained in the context of elite interests and security practices for the purpose of power consolidation. Not least, the chapter will attempt to shed light on the bureaucratic nature and interests of the internal security apparatus, typically represented by the Ministry of the Interior, prosecution office and the national security service, with others playing much lesser roles in the institutional power-pyramid of the state. The last section will sum up all the evidence collected in previous sections and, with the additional (external) variable of influence, such as foreign assistance with democratic reforms, will conclude and formulate key findings relevant to our inquiry.

### *Early democratization and the approach to (internal) security*

The Soviet political system in the late 1970s and early 1980s was approaching the peak of the so-called *Zastoi* (standstill) period. The need for political change was realized not only by Gorbachev and his allies but by KGB ranks as well, who often visited capitalist countries resulting in open suggestions for reforms “to get richer.”<sup>3</sup> The general administrative fabric of Soviet rule (although there were regional differences) was characterized by a high degree of regulatory systems at all levels being controlled by party officials (*Gorsoviet, Oblkom, Raikom etc.*). The bureaucracy, marked by an impressive implementary discipline, was nonetheless plagued by a general lack of initiative and responsibility, with empty and formal accountability, informality, struggling to get more resources from the center (Moscow) and thus inhibiting the complex and structured (hierarchical) system of corruption.<sup>4</sup> The all-encompassing *Pokazukha* (fake show of activity) extended to certain control elements as well, such as the *people’s*

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3 Interview with Aram Sargsyan, former (First) Secretary of Central Committee of the Communist Party in Armenia 1990–1991, April 19, 2023.

4 Interview with Armen Darbinyan, former prime minister from 1998 to 1999 and minister of finance in 1997, April 17, 2023; Interview with Khosrov Harutyunyan, the former Prime Minister from 1992 to 1993, April 20, 2023.

*control committee* or the OBKHSS (Department Against Misappropriation of Socialist Property, i.e. the financial police), the most corrupt body in the Ministry of the Interior that could always be used for selective punishment; and, despite the fact that the police force (*Militsia*) was massively used to control political opponents, ultimate power lay in the hands of the KGB, pretty much in line with the popular saying “и ЦК ЧК и ЧК ЦК” (the Party Central Committee is the KGB and the KGB is the Party Central Committee).<sup>5</sup>

Civil society activism was largely controlled from above during the Soviet time (Paturyan and Gevorgyan, 2014). It is interesting that the initial mass movements had nothing to do with the anti-Soviet political agenda or national independence. As many of the early national leaders reiterate, ecological issues such as the functioning of the nuclear power plant and the Nairi chemical factory, as well as the Armenian genocide of 1915, were the key questions that occupied the minds of the majority and the core of democracy understanding.<sup>6</sup> The demand for a more free society led the group of activists chaired by Vazgen Manukyan to issue a declaration of human rights (similar to the US declaration of independence) and to create in 1988 the so-called Karabakh Committee (henceforth KC) that was joined by Levon Ter-Petrosyan and Babken Ararktsyan.<sup>7</sup> Developing events in the Armenian-populated autonomous region of Karabakh in Azerbaijan, and the devastating earthquake in December 1988 strengthened the spirit of national unity and the influence of the KC inside the country and among the Armenian diaspora (for financial support). The Soviet regime responded with the mobilization of the 7th army deployed in Armenia, and a massive arrest of KC members, who were then sent to Moscow (and imprisoned).<sup>8</sup> Undeterred by that, hundreds of thousands of people continued to rally behind the Karabakh cause (especially after the Sumgait pogrom on February 27, 1998), so that even communist party and KGB members could not stand

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5 Interview with Paruir Hairikyan, the Soviet dissident, former aide to the President of Armenia in late 1990ies, Ombudsman from 1998 to 2003, and presidential candidate in 2013, April 17, 2023.

6 Interview with Khosrov Harutyunyan; Interview with Levon Zurabyan, aide to President Levon Ter-Petrosyan and head of Armenian National Congress parliamentary faction from 2012 to 2017, April 19, 2023.

7 Interview with Vazgen Manukyan, former leader of the Karabakh Committee, prime minister from 1991 to 1992, and defense minister from 1992 to 1993, April 21, 2023.

8 Interview with Valery Poghosyan, head of the Directorate of National Security from 1992 to 1993, April 20, 2023; Interview with Vazgen Manukyan.

aside, and it became increasingly clear that the Karabakh issue could only be solved in the context of Armenian independence.<sup>9</sup> The mass character of the Karabakh movement made many Armenian KGB and police officers so patriotic that the option of using state violence to disperse protesters was out of the question.<sup>10</sup> The tension inside the communist regime forced the first secretary of the party Karen Demirchyan to resign on May 25, 1988 with the words “I can't take Karabakh out of my pocket and give it to you”.

A power vacuum was created, as the Kremlin displayed a kind of uncertainty about “working” with the Armenian communist party leadership (including the MOI and KGB) and with the Karabakh movement as well.<sup>11</sup> This weakness was increasingly utilized by the KC. The second committee (after ousting its first leader Igor Muradyan), which had eleven official members and five secret ones, quickly realized that without changing the agenda from the naive demands for democracy to full independence and without fully taking power in the country, the defense of Karabakh would not be possible.<sup>12</sup> Amazingly, most of the KC members were not former military or driven by opportunistic interests, but very well educated people from the *intelligentsia* (writers, scientists, engineers etc.), as many key figures admitted, who nonetheless were very successful at turning the protests into a truly national movement. By 1989 the KC (later transformed into the AOD—Armenian United Movement) already possessed its own armed groups, was able to send delegates to the USSR Supreme Council and arranged a meeting with Michail Gorbachev, though only via the chief of the Soviet KGB Vladimir Kryuchkov.<sup>13</sup> There could be no illusion that the communists would easily surrender power. A number of provocations were organized to simulate armed robbery (stealing of weapons) from Soviet army units turning into bloody clashes (near the metro station Shengavit) and mass protests against Soviet military. AOD accused the communists, but was also facing a revolt of the KGB-run armed group called HAB (Armenian National Army) and was directly engaged in talks with Russian

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9 Interview with Karapet Rubinyan, vice-chairman of the National Assembly of Armenia from 1995 to 1998, April 18, 2023; Interview with Valery Poghosyan; Interview with Levon Zurabyan.

10 Interview with Aram Sargsyan.

11 Interview with Aram Sargsyan.

12 Interview with David Shahnazaryan, chief of the Directorate for National Security from 1994 to 1995, former member of the Karabakh Committee, April 27, 2023; Interview with Karapet Rubinyan.

13 Interview with David Shahnazaryan; Interview with Vazgen Manukyan.



generals to calm down the situation.<sup>14</sup> Despite the change of agenda and multiple change of its leadership (Russian speaking Igor Muradyan, was replaced by Vazgen Manukyan and he himself by Levon Ter-Petrosyan) the KC/AOD managed to have close contacts with both the members and supporters of GKCHP (e.g. General Makashov, ГКЧП–State Committee of Emergency Situation in 1991), as well as with Boris Yeltsin and the democratic camp (Vazgen Sargsyan kept up a warm relationship with Pavel Grachov, and Hrant Bagratyan was a friend of Igor Gaydar).<sup>15</sup> Similarly, the AOD kept intensive contacts with the Armenian communist administration on various levels, including heads of the communist party (Karen Demirchyan and Vladimir Movsesyan), the ministers of the interior or the Yerevan GORKOM (city committee).<sup>16</sup>

Close relationships of this kind enabled the AOD to win the elections to the Supreme Council (parliament) in 1990 despite the fact that the communists won a majority (114) of the seats (97 were won by the AOD) and there were no strong expectations of defeating the communists. However, the intensive and individual “work” with the communist members (often visiting them at home, encircling the Assembly building etc.) on the part of the Supreme Council, resulted in many communists changing sides and allowing Levon Ter-Petrosyan to win against the communist candidate Vladimir Movsesyan in the fourth round and become the Chair of the Supreme Council, once the support of the communist group around Vigen Khachatryan was secured.<sup>17</sup> As Vazgen Manukyan recalls, the victory against the communists was made possible because of a lack of support from Moscow and the great coalition of forces that united the entire society on the other side. However, as he continues, there was a general understanding of the need to cooperate with the communist machinery, due to the lack of administrative experience and expertise on the AOD side, which was clearly recognized by the AOD itself — “a romantic brotherhood with rosy visions of the country’s paradisaical future economic prospects.”<sup>18</sup>

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14 Interview with Levon Zurabyan; Interview with Karapet Rubinyan.

15 Interview with David Shahnazaryan; Interview with Khosrov Harutyunyan; Interview with Hrant Bagratyan, the former prime minister from 1993 to 1996, leader of the Freedom Party, April 25, 2023.

16 Interview with Aram Manukyan, member of the National Assembly since 1990 and the Armenian National Congress, April 28, 2023; Interview with David Shahnazaryan.

17 Interview with Levon Zurabyan; Interview with David Shahnazaryan.

18 Interview with Karapet Rubinyan.

Consequently, after the elections and becoming President of Armenia, Ter-Petrosyan selected communist Gagik Harutunyan as prime minister (after Vazgen Manukyan) till 1992 and as his vice-president until 1996, when he was elected as the chair of the constitutional court.<sup>19</sup> Many senior communist appointees took positions as deputy ministers and heads of departments. A process of massive administrative takeover was underway, in which the AOD was basically replacing the communist administration. As the first secretary of the Armenian communist party Aram Sargsyan recalls, he had the impression that Ter-Petrosyan wanted to destroy everything related to the communist party.<sup>20</sup> Surprisingly, however, there was no purge of communists as well as no great fear of communist revanche, resulting in the bulk of the government, except for prime minister Vazgen Manukyan and the minister of economy Hrant Bagratyan, remaining predominantly communist. As the former prime minister (1992–1993) Khosrov Arutyunyan recalls, Vazgen Manukyan openly declared that there would be no *raskulachivanie* (political and economic punishment of communists), thus securing the support of *red directors* and so-called *zekhaviks* and allowing many *apparatchiki* to remain in their places.<sup>21</sup> This policy, the rejection of purges, continued after Manukyan resigned, especially in the governmental branches of economy, industry, and finance. Communist members of the National Assembly even supported the push by the new government (led by Hrant Bagratyan) for liberal reforms (including land reforms), privatization, and the distribution of property vouchers. Interestingly, the law on the expropriation of the property of the communist party was supported by the vast majority of the communist Assembly members, and it was only the Kremlin's harsh response (Gorbachev kept silent), when officers of the 7th army visited first secretary Aram Sargsyan and showed Soviet defense minister Yazov's order to protect the Soviet/communist property in Armenia.<sup>22</sup> This was a pretty tense episode. The Russian (Soviet) forces initiated operation KOLJCO (Ring) encircling 24 Armenian villages in Karabakh and parading units on the streets of Yerevan.<sup>23</sup> Yet the communist leadership of Armenia rejected any option involving bloodshed, and the AOD placed all its hopes in Yeltsin. Once GKCHP (the coup d'état in

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19 Interview with Valery Poghosyan; Interview with Karapet Rubinyan.

20 Interview with Aram Sargsyan.

21 Interview with Khosrov Harutyunyan.

22 Interview with Aram Manukyan; Interview with Aram Sargsyan.

23 Interview with David Shahnazaryan.

Moscow in August 1991) failed, it became clear even to the communists that from now on the AOD was unstoppable.<sup>24</sup>

At this point a brief excursus regarding the nature of the bureaucratic body in the early transformatory period in Armenia is required. As was typical of every Soviet republic, bureaucratic (professional) promotion was extensively organized, structured, and linked to party membership, which implied a long pathway of professional experience and competence. It by no means excluded, however, the possibility of there being a large number of opportunists, who would betray the communist party for personal benefits if possible. Large numbers of the old bureaucratic cadre did not share the enthusiasm for independence, but nonetheless decided to cooperate with the new government (some left the country).<sup>25</sup> The AOD itself was aware of the high degree of incompetence among its cadres and did not hurry to replace communist *apparatchiki* (administrative staff members) with own its loyal but incompetent supporters, thus mainly occupying the top level and leaving more than 60% of government positions to former communists.<sup>26</sup> Despite the fact, that the question of lustration and political purge was debated in the AOD's leadership, fear of societal division with the consequent loss of massive popular support was too great to ignore. Therefore, as Vazgen Manukyan (former prime minister in 1991–1992) admits, even Karen Demirchyan, the communist party leader was offered a position as the director of a large factory. Others also had the green light, such as the director of GOSSNAB (state procurement), Gevork Vartanyan (nicknamed *Zhoko*) and a certain Tataryan, who were extremely corrupt, but did their work so effectively and quickly, especially in economy and industry (e.g. solving a coffins shortage in Yerevan after the earthquake, or organizing the construction of a gas pipeline via Georgia during the blockade from Azerbaijan) that the AOD had no option but to show patience.

The difficulties the new political regime encountered were primarily economic and institutional in nature. The urgency and aim of economic liberalization were not equally shared by the prime minister Vazgen Manukyan, the minister of economy (then prime minister) Hrant Bagratyan, and the President Ter-Petrosyan. The former was against radical privatization and voucherization due to the incapacity of aging Soviet factories to function in the market economy; the second, who also realized the problem of the

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24 Interview with Levon Zurabyan.

25 Interview with David Shahnazaryan.

26 Interview with Hrant Bagratyan.

Soviet economic legacy (the collapsed Soviet supply chain and market) nevertheless was pushing for more reforms in agriculture, the food chain, trade, and industry; and the president generally did not share the urgency of needed economic reforms.<sup>27</sup> Therefore, the legal efforts to change the normative foundation of the national economy were predominantly focused on deregulation and demonopolization, often being confronted with the irrelevant and ill-developed assistance models of foreign organizations (e.g. the World Bank).<sup>28</sup> Naturally, the efforts at economic liberalization could have no impact on the socio-economic fabric of the nation. As Khosrov Harutyunyan argues, there was no coherent plan of action, and not enough Western-type businessmen who could jump in and keep up with reforms. Social effects were disregarded and with the old economic system collapsed, President Ter-Petrosyan had already lost legitimacy among the wider populace by 1993 and the *Tsekhaviki* (red factory directors) gained a great deal of power.<sup>29</sup> All these provided the setting for the formation of a new political and economic elite in Armenia. As Vazgen Manukyan recalls, the AOD leadership was concerned with the massive influx of opportunistic individuals (*Barakhlo* - Garbage) in their ranks, who were active during the protest movements and now were pushing for an active takeover in political, administrative, and economic positions out of a fear that “if we don’t, others will take them and get that much richer.”<sup>30</sup> Khachatur Sukiasyan (nicknamed Grzo) and Gagik Tsarukyan were archetypes of the new emerging business elite and formed very close relationships with the highest ranks of government (the former linked with the interior minister Vano Siradegyan, and the latter with the Kocharyan ), a development made even more possible by the inadequate remuneration of government officials (600 rubles being the salary of a minister in 1992), galloping inflation and the resulting opportunities for corruption.<sup>31</sup> Under these circumstances, by 1995 a new group of leaders from Karabakh led by Vazgen Sargsyan were increasingly demanding more political and economic power in Armenia.

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27 Interview with Hrant Bagratyan; Interview with Vazgen Manukyan.

28 Interview with David Harutyunyan, minister of justice from 1998 to 2007, April 27, 2023.

29 Interview with Khosrov Harutyunyan.

30 Interview with Vazgen Manukyan.

31 Interview with Vazgen Manukyan.

*Power of the Siloviki before 1998*

The case of the ANA (Armenian National Army), supposedly created and controlled by the local Armenian branch of the KGB, is pretty telling with respect to the capacity of the Karabakh Committee, that is, the AOD, to exercise power when necessary. The ANA was encircled and disbanded and all armed units and formations became either part of the Ministry of the Interior (MOI) or the Ministry of Defense.<sup>32</sup> Another example is the night-time “special operation” conducted by the AOD in 1993—storming the KGB building (HQ) and establishing control over it with the subsequent release of senior officials over the next few days. The Soviet-type Ministry of the Interior, that after Khrushchev’s reign gradually increased its influence, was controlling the massive police force. Yet in the early 1990s, given the MOI’s massive tendencies to disintegration, the most unchanged and relatively coherent structure remained the Armenian KGB (the State Department for National Security [SDNS] at that time). Despite the rapid changes of leadership — once a year till 1995 — the internal structure and missions remained the same. As David Shahnazaryan, the chief of the SDNS in 1994–1995 and later Ter-Petrosyan’s son in law, recalls, police officials (e.g. Yerevan police chief Aram Sazaryan) frequently asked him for help against the armed gangs, and some MOI officials had to learn through tough lessons like incarceration.<sup>33</sup> The tense situation in power ministries lasted for quite a time. As former PM Hrant Bagratyan points out, despite the physical takeover of the KGB HQ (not least to gain control over local weaponry caches), the replacement of its leadership, and the general desire to purge the system, there was no clear idea what to do with the large body of old Soviet-molded KGB service members.<sup>34</sup> Interestingly, before 1993 the KC/AOD was much more cautious in dealing with the local KGB and, for instance, had to discuss Husik Surenovitch Harutyunyan’s candidacy to be head of the KGB with the Kremlin. This fact, along with the state of uncertainty among senior Armenian KGB officials, who were actually ready to arrest anybody if ordered to do so by Moscow and were waiting for the situation to get back to “normality” very soon, is corroborated by Vazgen Manukyan.<sup>35</sup> Once it was clear, that there was no way back to the

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32 Interview with Levon Zurabyan.

33 Interview with David Shahnazaryan.

34 Interview with Hrant Bagratyan.

35 Interview with Vazgen Manukyan.

USSR, the Armenian KGB started looking for personal benefits, thus the new government was able to start massively reforming it. Appointed as the head of the SDNS in 1994, David Shahnazaryan fired hundreds of people and almost shut the service down completely, leaving only a few major operational sections (for communication etc.) functioning.<sup>36</sup> Once the new laws and regulations were adopted, the hiring of new people started.

Several events can serve here as evidence of the stormy nature of the early 1990s in relation to the role of internal security agencies in Armenia: the assassination of the former head of SDNS Marius Yuzbashyan in July 22, 1993, who, according to Paruir Hairikyan, published the documents proving President Levon Ter-Petrosyan's links to the KGB, and even informed Hairikyan about the assassination plot against him.<sup>37</sup> It is not clear, whether the killing of Yuzbashyan can be attributed to one of the internal security services in Armenia (*New York Times* 1993). Yet to understand contextually whether this was a genuine possibility, the role of the key individuals in the power pyramid and their influence in shaping the nature of nascent internal security institutions in Armenia must be examined in the context of a general situation where, for nearly 25,000 police officers with no regular salaries and material resources, corruption was the only way to survive.<sup>38</sup> After trying several weak candidates in the position of minister of interior, it became clear to the new government that radical change could only be brought about by an individual who possessed a very strong personality, motivation, and loyalty. This figure was Vano Siradegyan, a talented writer, who became in the end something of a legend, subject to numerous controversies, but nonetheless admired by the overwhelming majority of his contemporaries. As Karapet Rubinyan recalls, in one of the government sessions Vano (chair of the AOD) passionately stated that chaos and *bespredel* (lawlessness) could no longer be tolerated and, according to Levon Zurabyan, he literally proposed himself for the position of the minister of interior.<sup>39</sup> Ter-Petrosyan, who was generally averse to unilateral decisions, feared to "spoil" Vano as a good writer and key member of the Committee. But he was the only high-profile party member with enough authority and energy to act. In 1992 Vano was appointed as the head of MOI and in a very short time the situation changed dramatically for the

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36 Interview with David Shahnazaryan.

37 Interview with Paruir Hairikyan.

38 Interview with Valery Poghosyan.

39 Interview with Karapet Rubinyan; Interview with Levon Zurabyan.

better. All gangs and armed bands were eradicated, criminality went down and peace was restored on the streets albeit with drastic methods. Restoring stability and police authority required a good portion of influence on Ter-Petrosyan and a strong *carte-blanc*, which Vano Siradegyan possessed for sure. He could fire and appoint anybody in a matter of seconds, did not care about the complexities, details, and rules of *Justizia*, yet developed the ability to grasp quickly the core of the problem and deal with it in a very extraordinary but effective way.<sup>40</sup> For instance, he frequently “asked” local businessmen to help certain groups of people (e.g. artists or writers) by implying the threat of using the police force; personally intervened in market regulation processes by abolishing (by force) the middleman function in local food markets; and used the language of the radical ultimatum (including the killer squad) when talking directly to criminal bosses.<sup>41</sup> This type of voluntarist behavior, left no chance of establishing proper institutional policies and procedures in the MOI and significantly contributed to the vast amount of informality and corrupt practices in the government and police system.<sup>42</sup> Vano had no private property but loved comfort and always had enough money, letting his cronies, such as local police chiefs, enrich themselves as well (frequent corruption cases were even regarded by the minister as proof of the restored authority of the police).<sup>43</sup> The same corrupt practices continued and acquired a much more hierarchical nature later, when other powerful individuals replaced Siradegyan in the Ministry. His influence was immense: he was one of the powerful members of the *Gruppa na Datche* (Dacha or Holiday Home Group), the inner circle comprising Ter-Petrosyan, Vazgen Sargsyan, Vano Siradegyan and Babken Ararktsyan. Within this group Vano often acted independently, disregarding the others' opinions, so that Ter-Petrosyan started to rely more on Vazgen Sargsyan ultimately appointing him as the head of all power agencies—*siloviki*.<sup>44</sup> Other figures gradually gained importance along with Sargsyan. These were Robert Kocharyan and Serzh Sargsyan, who entered the system where private relationships, friendships and preferences were key to gaining power and later became prime minister

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40 Interview with Valery Poghosyan; Interview with Khosrov Harutyunyan.

41 Interview with Aram Manukyan.

42 Interview with Aram Sargsyan.

43 Interview with Aram Manukyan; Interview with Valery Poghosyan.

44 Ter-Petrosyan even declared to ministers at one meeting that nobody was worth as much as the fingernail of Vazgen. Interview with Khosrov Harutyunyan.

and the minister of interior. As Vazgen Manukyan and Hrant Bagratyan (both former prime ministers) recall, all of them were instrumental in cementing the newly acquired power, but, as Karapet Rubinyan admitted, quickly transformed into real monsters by engulfing the country in the mass *bespredel* of police. The lack of control meant lack of institutional and parliamentary accountability in the first place. Neither Vano nor Vazgen Sargsyan truly understood the essence of institutional transformation in a democracy, but both were rightfully recognized by prime ministers Vazgen Manukyan and Hrant Bagratyan as extraordinarily effective managers in finding policy solutions, therefore successfully claiming the positions of minister of the interior and defense.<sup>45</sup> With the victory in Karabakh in 1995 and the resolute support of the army behind him, Vazgen Sargsyan became the major challenger to Ter-Petrosyan. The introduction of the new constitution and the appointment of Robert Kocharyan as prime minister, shifted the balance of power even more in favor of the newly emerged elite.

By 1996 the legitimacy of the President Ter-Petrosyan was heavily shaken due to mass falsification of elections and the grave economic crisis that forced thousands of Armenians to emigrate (US Department of State 1997). Protesters, predominantly supporters of Vazgen Sargsyan, gathered in the streets and stormed the parliament building, where the speaker and his deputy were physically beaten (Levine 1996). In 1997 the Armenian *intelligentsia* (cultural elite) gathered in the House of Kino in Yerevan and declared their vote of no-confidence in Ter-Petrosyan and his government. The Karabakh issue, i.e. the readiness of Ter-Petrosyan to compromise with Baku, was the last straw that consolidated all *siloviki* (power ministers) with a strong Karabakh background such as Vazgen Sargsyan (MOD), Serzh Sargsyan (MOI) and Robert Kocharyan (prime minister). They personally visited the president and, by threatening to withdraw twenty thousand troops from Karabakh, convinced him to resign in 1998, resulting in a massive transfer of Petrosyan's supporters to Sargsyan's *Erkrapa* (later Republican) party and the election of Kocharyan as president in 1999 and Sargsyan as his presidential aide.<sup>46</sup> As Vazgen Sargsyan's deputy (prime minister) at the time, Khosrov Harutyunyan highlights Vazgen Sargsyan's increased awareness (in a coalition with the communist leader Karen Demirchyan) of the need to fight corruption and improve government by initiating institutional changes. As he claims:

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45 Interview with Vazgen Manukyan.

46 Interview with Aram Sargsyan; Interview with Karapet Rubinyan.



We often sat after work together in his office and sipped whiskey, and he was talking about the need of institutional changes. He wanted to clean up his entourage and fought corruption initially with fear, making it instantly punishable, but he also wanted to make it inherently not profitable.

After the assassination of Sargsyan and Demirchyan on October 27, 1999 the existing government collapsed, obviously, because of the major role of party leaders dominating the entire political structure, thus creating the foundation for the rising of authoritarian rule and preservation of weak formal institutions in future. There was no proper investigation of who masterminded the assassinations, however, as Aram Sargsyan reiterates, the Russian special force unit *Alfa* was flown to Yerevan during those days.<sup>47</sup> Conveniently, president Robert Kocharyan and his aide Serzh Sargsyan remained the only meaningful figures in the political landscape (the latter becoming the defense minister in 2000).

Despite the turbulent and often chaotic nature of events in the early 1990s that logically presupposes the huge role of the internal security services during the fragile transitional period, the period up to the 1996 elections could easily be entitled the golden era of Armenian parliamentarism insofar as it featured open debates, intensive discussions, and intellectual contestations.<sup>48</sup> Despite the fact that even before 1996 the *siloviki* were the major instrument of power, no oppressive political control was ever exercised and the respect shown for democratic procedures and the general sense of democracy was much greater than thereafter, when all the liberties started to be gradually rolled back.<sup>49</sup> The Ministry of the Interior, restored by the radical efforts of the extraordinary Vano Siradegyan, did not experience any radical institutional change in its rules and practices, so it continued to be plagued by the legacies of the Soviet past. An overcentralized hierarchy, overemphasis on legalism, lack of human rights standards, widespread corruption and the unwillingness of the police authorities to engage forced the foundation sponsored by George Soros to stop working directly with law enforcement agencies in Armenia (Douglas 2018). In 1996 the Ministry for National Security was merged with the Ministry of the

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47 Interview with Aram Sargsyan.

48 Interview with Karapet Rubinyan.

49 “For instance, I often invited key newspaper editors to consult on information warfare in the war against Azerbaijan, and I had no problem with their criticism of me”—Interview with David Shahnazaryan.

Interior effectively creating a super agency: the Ministry of the Interior and National Security led by Serzh Sargsyan. In the same year the internal affairs departments were created in the ministry of the interior.<sup>50</sup> This indicates the growing concerns among the wider public with the practices adopted by the police, and an attempt by the political body to address the challenge. But, just as the ruling political establishment's commonly uses legalism to mask the absence of serious change, civil society, also lacking any influence on government policies due to its small size, centered around one charismatic individual to disguise an absence of activism and lobbying efforts (Paturyan and Gevorgyan 2014).

### *In the service of the (heads of) state*

The terrorist attack on the parliament and the killing of Vazgen Sargsyan and Karen Demirchyan changed everything, from political loyalty to the prospects of geopolitical development. Most of Vazgen Sargsyan's supporters joined Kocharyan's camp, and Kocharyan, once a *Komsomol* leader and loyal member of the security services, started reshaping the state system in a Russian "patronal" manner, albeit less repressively and with more space for societal contestation than in Russia (Lansky and Suthers 2019). There are some indicators that point towards conflicting interests in the new ruling elite. Kocharyan, former justice minister David Harutyunyan claimed, had a very clear vision for the future of the state and wanted to create a political system that would be more stable and predictable. So, he started reforming the internal security services, separated the national security service (NSS) from the ministry of the interior and retained political control of the *siloviki* merely at the top level, namely, as the chair of the National Security Council.<sup>51</sup> However, the stability of the system, clearly also meant the monopolization of political institutions, which he, as quite a charismatic individual with strong leadership qualities, in fact achieved. Kocharyan's supporters and critics both admit that he was pretty authoritarian, though open at the same time, and by 2000 the ruling regime had fully embarked on the path of authoritarianism with the state institu-

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50 "Regulation of the Ministry of Interior Affairs of the Republic of Armenia on Creating Interior Affairs Departments in the Regional and Yerevan City," Pub. L. No. 139 (1996).

51 Interview with David Harutyunyan.

tions under stable political control and a clear understanding that parliamentary elections alone could never guarantee a strong hold on power.<sup>52</sup> Naturally, this also meant establishing mutually beneficial relations with a wide class of clientele, which meant, for the sake of survival, often having to abandon former centers of political loyalty. From now on the state and oligarchic rule became conflated. Individuals controlling large businesses, like Michael Bagdasarov (aviation), Emil Grigoryan (jewelry factory), Gagik Tsarukyan (nicknamed Dodi Gago), Aleksanyan (hypermarkets) and Khachatur Sukiasyan (nicknamed Grzo) become close informal associates of the political power holders.<sup>53</sup> With the new (old) elite taking over the large swathes of the economy thanks to political patronage, corruption thrived. As Karapet Rubinyan claims, to solidify their personal power, Kocharyan and later Sargsyan chose the majority of their appointees based on their personal loyalty and did nothing to prevent the massive processes of personal enrichment, similar to those of ministers of interior or defense whose source of rapid and tremendous wealth was never explained or investigated. Kocharyan owns shares in the Russian state corporation “Sistema,” informally controls assets worth of six billion dollars and one of his major supporters, Andranik Margaryan, who changed sides after the assassination of Sargsyan and Demirchyan in 1999, received shares in several large companies and factories and was “allowed” to appoint his son as the mayor of Yerevan.<sup>54</sup>

Yet it should also be noted that Kocharyan clearly understood the need for more competent people and broader political consensus in national decision making. So, for instance, he invited Aram Sargsyan (former first secretary of the communist party) and Khosrov Harutyunyan to be his advisors in international politics and economy and did, in fact, achieve great results in economy and infrastructure in the initial years of his rule.<sup>55</sup> The same approach, in which the ruling political elite (i.e., the leader) tries to balance bad practices with a portion of competent professionals in the state body, continued during Serzh Sargsyan's time. He, for instance, was ready (after asking Vazgen Manukyan for help) to appoint 20–25 young professionals as deputy ministers and senior officials, but, despite the relatively progressive new law on public service introduced since Kocharyan,

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52 Interview with David Shahnazaryan.

53 Interview with Armen Darbinyan; Interview with Hrant Bagratyan.

54 Interview with Aram Manukyan; Interview with Karapet Rubinyan.

55 Interview with Aram Sargsyan; Interview with Khosrov Harutyunyan.

many candidates refused the proposal due to the low salaries and unstable career prospects.<sup>56</sup> Ironically, the slogan used by Kocharyan during his presidential campaign was “to bring clean people,” but it was exactly with his arrival at the top of the political scene that dozens and dozens of people who had connections to the ruling regime (former *tsekhaviks* or current business clans) entered politics to secure their businesses and make even more money.<sup>57</sup> The widespread practices of corruption are also captured by foreign observers. Transparency International attests the high value of corruption to Armenia throughout the period from 2000 to 2017.

Thriving corruption in law enforcement and justice in the mid 1990s had already forced the new government (AOD) to fire many corrupt judges, and appoint someone who had proven impossible to corrupt (such as Artavaz Gevorkyan) as general prosecutor.<sup>58</sup> Nonetheless, official positions radiated power. New appointees (often talented and clean individuals) quickly adopted corrupt practices, establishing informal links with similarly corrupt representatives in the justice system, which has remained a largely Soviet one with the tradition of executing the political orders of the government (especially since Kocharyan's presidency).<sup>59</sup> It becomes evident that the entire system including the prosecutor's office became more corrupt (more systemic and hierarchical). The prosecutor's office got so powerful that it dictated everything to the courts and judges and controlled all cases.<sup>60</sup> As Ruben Vardazaryan, former head of the judiciary council, testifies, till the late 1990s the prosecutor's office “was like God,” always dominated judges, dictating final verdicts to them so that they (the judges) had to consult the office beforehand. It was no wonder to him that corruption “revenues” were split accordingly, with 80% of bribes going to prosecutors and only 20% to judges.<sup>61</sup> Consequently, the internal security services (especially the police) were increasingly used to suppress political and social discontent. From the early 2000s the police were regarded by the public as not only extremely corrupt, but as the major body serving authoritarian rule rather than public order. The growing number of political prisoners and the arbitrary use of excessive violence became a routine

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56 Interview with Vazgen Manukyan.

57 Interview with Aram Sargsyan; Interview with Valery Poghosyan.

58 Interview with Valery Poghosyan.

59 Interview with Valery Poghosyan.

60 Interview with Aram Manukyan.

61 Interview with Ruben Vardazaryan, former Chairman of the Supreme Judicial Council of Armenia, April 28, 2023.

practice, so that the mass protests during the presidential elections in 2008 ended with 10 people shot dead (Khylyko and Tytachuk 2017). Many civil activists and associates of the former President Ter-Petrosyan (including Karapet Rubinyan and Nikol Pashinyan) were put in jail (more than 36 cases) (OSCE 2008). Similar things happened in July 2016, as the police used massive and disproportionate force to disperse crowds of protesters on July 29 (Human Rights Watch 2016). Despite the shift to more autocratic rule, the Armenian leadership nonetheless always tried to avoid a full-blown transition to autocracy. Early attempts to conduct institutional reforms were always accompanied by an eye to the overall democratization score in the region. Therefore foreign (western: EU and US) support was often appreciated. However, external partners faced a very difficult and complex challenge. By 2008 a massive police assistance program had been launched by the OSCE and coordinated by the national security council. Although it led to improvement in police working conditions and salaries, the overall culture, the mentality of the organization and therefore the behavioral patterns of the police) did not change, leading to the public assessment of the reforms as cosmetic and fake (Douglas 2018: 8). Still, during Serzh Sargsyan's administration in 2015 a decision was made to create an anticorruption council and a task force for the implementation and monitoring of anticorruption measures.<sup>62</sup> It was only a half measure, even more so, since the anticorruption council members were exactly those ministers, who were typically accused of highly corrupt practices. The cosmetic nature of the action was additionally highlighted by the envisaged 2015–2018 Action Plan, which had not yet been developed by January 2016 despite the financial support provided by USAID (Anticorruption Programmes Monitoring Division 2016). Even so, by 2017 the anticorruption council included a far wider representation of local and international watchdog organizations with a mission to participate in devising anticorruption policies in different relevant areas (e.g., the revenue collection agency) (Anticorruption Programmes Monitoring Division 2017).

The key figure in devising and implementing reforms in justice and law enforcement appears to have been David Harutyunyan, the minister of

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62 "Decision of the Government of the Republic of Armenia on Establishing Anticorruption Council and Expert Task Force, on Approving the Composition of the Council and Rules of Procedure for the Council, Expert Task Force and Anticorruption Programmes Monitoring Division of the Staff of the Government of the Republic of Armenia," Pub. L. No. 165-N, 13 (2015).

justice with the longest period of service from 1998 to 2007 and protégé of former prime minister Khosrov Harutyunyan. According to him, it became possible to implement the bulk of institutional reforms after 1998, when AOD and resistance from it disappeared.<sup>63</sup> The dominating role of the Prosecutor's Office, led by Aghvan Hovsepyan (a figure "smart but evil at the same time"), who tried to keep control over the court system vis-à-vis the ministry of justice was eliminated by early 2000. Thousands of old Soviet laws and regulations adopted since SOVNARKOM (the Soviet Peoples Commissariat) in 1927 were reduced to only 200 relevant ones, and the practice of the independent selection/appointment of judges was restored.<sup>64</sup> These facts are corroborated by Ruben Vardazaryan, who certifies that "a very talented David Harutyunyan" had the ability to implement his vision of the justice system and liberate judges from the yoke of the Prosecutor's Office. As he aptly puts it:

Since then they've (the judges) never been punished for a decision different from the prosecutor's office's demand. Never again could the prosecutor general visit a judge or the justice minister with a simple kick of the door, but had to make a telephone call in advance.<sup>65</sup>

The Ministry of Interior continued to be a controlling force rather than a service to the population. Unlike the NSS, the MOI was always an example of incompetence and tool of mass detention.<sup>66</sup> Structurally and mentality-wise it was suffering from the past and Soviet legacies, such as a responsibility to protect the regime, the old Soviet militarized ranking system, nepotism, poor training and facilities, and low wages that created strong incentives for corruption. The NSS was also structured as it was in the Soviet time. As the former head of NSS Artur Vanetsyan admits, the internal security services, being very conservative in nature, were and still are used for political control, always struggled to transform and till 2002/3 used the old Soviet work style, which included the massive application of Russian-language Soviet regulations and document forms.<sup>67</sup> All of these, he continues, caused the senior and mid-level personnel in the Soviet mold to

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63 Interview with David Harutyunyan.

64 Interview with David Harutyunyan.

65 Interview with Ruben Vardazaryan, former Chairman of the Supreme Judicial Council of Armenia, April 28, 2023.

66 Interview with Ruben Vardazaryan.

67 Interview with Artur Vanetsyan, former head of the National Security Service from 2018 to 2019, April 26, 2023.

resist even the digitalization of thousands of archive documents and turned it into a hard task.

The leadership of Serzh Sargsyan, a much less charismatic figure than Kocharyan, bore nonetheless a clear sign of policy continuation. With less education but much more attention to rational argumentation and consultative decision making “he could call a council and listen for hours to others to make his decision.”<sup>68</sup> For instance he appointed Arman Mkrtumyan, an MGU-professor (Moscow State University) as chairman of the supreme court, who introduced the precedent tradition into justice. Naturally, the mission of securing political control remained intact. However, in Sargsyan's time, typically, an intermediary individual (not an important one) from the government would ask a judge for a meeting, which was a clear indication that some political interest was involved, but implied no punitive consequences, if the judge came to an independent (different) decision.<sup>69</sup> Some changes (laws) were also initiated in 2003 to protect security service personnel from political influence and institutionalize career development procedures (rolled back by Pashinyan in 2020).<sup>70</sup> A significant increase in salaries for judges almost eliminated corruption cases at the lower level, but the need for a fundamental change grew even greater.

### *Promise of change and unchanged security practices*

There is a clear similarity in the nature of events between 2018 in Armenia and 2003 in Georgia. A revolutionary euphoria engulfed Armenia, resembling the events of the late 1980s. Like Micheil Saakashvili, Nikol Pashinyan did not arrive as the leader of a strong party, but as a charismatic individual with excellent communication skills—or mass manipulation skills, as some of his opponents claim.<sup>71</sup> The major slogan he proclaimed was a fight against corruption and democracy as the hallmark of national policy (even of foreign policy). It is unclear why Serzh Sargsyan abstained from harsh measures similar to those used in 2016 or 2008 to subdue protests and keep power. There could be several reasons to consider such as his desire to remain as the head of the governing (Republican) party after leaving

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68 Interview with Aram Manukyan; Interview with Ruben Vardazaryan.

69 Interview with Ruben Vardazaryan.

70 Interview with Artur Vanetsyan.

71 Interview with Ashotyan Armen, member of the Republican Party and minister of education and science from 2009 to 2016, April 20, 2023.

office. However, it seems that, despite facing thousands of protesters led by priests and soldiers, no one acceptable to the Kremlin as well as to local elites could be identified in the inner regime circle, who would “preserve the balance of power within Armenia’s elite” (Lansky and Suthers 2019: 92–3).

Expectations of a rapid fundamental catharsis in the political system began to crumble, as the new political leadership started displaying worrying symptoms. Despite visible effects that included renovating streets and buildings, increasing salaries and pensions, and liberating economic activities from excessive state control, attempts to consolidate political power by appointing close associates (based on personal loyalty) and dominating law enforcement as well as the judiciary, were very reminiscent of the old well-known bad practices being adopted again. According to Aram Sargsyan, Pashinyan has rejected his spiritual father Levon Ter-Petrosyan and is now forming a new elite but with no coherent ideology crystallized yet.<sup>72</sup> The revolutionary promises of erasing corruption hit some major figures from the former elite hard. Raids were conducted to apprehend General Manvel Grigoryan, revealing tremendous personal wealth and a stockpile of arms and other goods, which were followed by the detention of former president Kocharyan and the head of CSTO (Moscow-led military alliance), former deputy defense minister Yuri Khachaturov (Lansky and Suthers 2019: 94). Interestingly, however, Kocharyan’s long-time partner and business mogul Gagik Tsarukyan and his parliamentary faction (Prosperous Armenia) were key to Pashinyan’s confirmation as prime minister, which clearly pointed to an alliance being formed between these two figures. Similarly, Khachatur Sukiasyan, who began his oligarchic career in the 1990s and has had close relations with all administrations since Armenia’s independence, is now a member of Pashinyan’s party in parliament. According to claims from the political opposition, most of the corrupt figures from Sargsyan’s time remained either untouched or support Pashinyan.<sup>73</sup> But from these sources it is also very noticeable that the old “heavyweights” are gradually becoming mixed up with the new elites. So, for instance, former prime minister and current mayor of Yerevan, Tigran Avinyan, de facto monopolist owner of the real estate in the downtown and brother of the parliamentary chairman (Alen Simonyan) controls all the road construction tenders.

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72 Interview with Aram Sargsyan.

73 Interview with Ashotyan Armen; Interview with Ruben Vardazaryan.



The appointment practice for the highest-ranking officials in state agencies and ministries has received no less criticism. Valeri Osipyan, appointed head of the MOI from 2018 to 2019, was well known for being involved in violent attacks against protesters before 2018, while the minister of foreign affairs, Ararat Mirzoyan, who till 2018 had “no money to buy a vacuum cleaner” suddenly had no problem building a villa worth US\$ 260,000.<sup>74</sup> The principle of personal loyalty (as opposed to competence) can be traced in other high-level appointees such as ambassadors to major countries (USA, Germany, Ukraine etc.), who typically happen to be either Pashinyan’s close associates, friends, or subordinates. A slightly different situation existed in the internal security services, where the majority of the staff were, in fact, appointed and made their careers under the Kocharyan and Sargsyan administrations. This made the initial effort of tackling the old regime more challenging and, consequently, the initial raids and detentions were carried out under the leadership of the NSS, not the MOI. However, especially after the defeat in the Karabakh war of 2020, Pashinyan became even more distrustful and shifted his favor towards a much more massive security control body, that of the Ministry of the Interior.

As Artur Vanetsyan (former head of the NSS) argues, since Pashinyan appointed his classmate as the minister, the MOI has become much more powerful than the NSS, which has been stripped of technical surveillance, the anticorruption agency, and the state protection service, all of which have been transferred to the MOI while the foreign intelligence service has been made directly subordinate to the prime minister.<sup>75</sup> Artur Vanetsyan, the only high-ranking NSS career official who knew Pashinyan personally and who served as NSS head under his rule between 2018-2019, was arrested and charged (albeit unsuccessfully) with treason against the state. Increasingly, the MOI plays the role of the counterbalance to the NSS, which has significantly lost influence (major tasks) and is struggling to remain as a cohesive structure due to the “generational rifts” under the current head, Armen Abazyan, a compromise figure appointed to please Russia (*Intelligence Online* 2023). Pashinyan’s distrust of the NSS and army is difficult to conceal. Whereas, even in public speeches, the prime minister underlines the necessity (“not a bit of mistrust”) of the government being sure that the NSS is not crossing any red line, the MOI is getting more funding, and increasingly resembles a structure with army units (Prime Minister

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74 Interview with Ashotyan Armen; Interview with Karapet Rubinyan.

75 Interview with Artur Vanetsyan.

of the Republic of Armenia 2019). The controversy around the MOI and NSS redoubled when former head of police Hayk Harutyunyan and the Yerevan police chief Ashot Karapetyan were found dead (the former in his Yerevan home and the latter in Russia) in September and November 2019 respectively, and in December 2020 the former NSS head (2017–18) Georgi Kutoyan was also found dead in his apartment (OC Media 2020). There were allegations linking the deaths with the disappearance of documents from the NSS relating to the 2008 and 2016 crackdowns on protesters on the eve of Serzh Sargsyan's resignation during the Velvet Revolution. But nothing decisive has been proved.

Worrying symptoms of the use of the internal security agencies to exert more political influence and pressure, are interpreted by some government critics as a move towards their becoming a new version of the old Soviet Cheka (political police), whose ideological foundation has now been replaced by the criterion of personal loyalty down to the very low ranks of government, which inherently carries a high risk of corruption.<sup>76</sup> The MOI and Prosecutor's Office are again being used to pressure political opponents in addition to other methods such as public intimidation (encircling court buildings with government supporters), reviews of "disobedient" judges in the judiciary council, or the introduction of anticorruption courts.<sup>77</sup> Ruben Vardazaryan (former head of the judicial council) claims that Pashinyan initially implemented many of his ideas on securing the independence of courts by increasing salaries (up to 8000 USD) and the budget and introducing autonomous use of budgetary appropriations, as well as a vetting system for judges, all of which (especially vetting) he started to reverse after the military defeat in Karabakh in 2020 and a public appeal by Vardazaryan to judges to be guided only by principles of law and justice (not political motives).<sup>78</sup> Only a couple of days after the ceasefire agreement in November 2020, Vardazaryan claims, Pashinyan directly demanded that opposition leaders to be detained and, once charges rejected by the courts, a criminal investigation to be opened against Vardazaryan on the grounds of obstruction of justice (leaked conversation with Gagik Jhangiryan, acting chairman of the Supreme Judicial Council [SJC]) (US Department of State 2021). Anna Vardapetyan (the prosecutor general), for instance, admitted that she was regularly briefing the prime minister, and the head of the

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76 Interview with Artur Vanetsyan; Interview with David Shahnazaryan.

77 Interview with Khosrov Harutyunyan; Interview with Ashotyan Armen.

78 Interview with Ruben Vardazaryan.

judicial council, Karen Andreyan, who also admitted having Pashinyan's picture on his office wall, but was able to charge only one judge with corruption on the evidence available despite multiple open cases.<sup>79</sup> Like Anna Vardapetyan, Argishti Karamyan, the chairman of the investigative committee is a close associate of the prime minister. Both agencies are engaged in informal competition to showcase their loyalty and professionalism to the prime minister, the former being very competent and experienced and the latter having little independent judiciary expertise except for serving as the deputy and the head of NSS in 2020, and the minister of justice in 2021–2022.<sup>80</sup> Interestingly, by eliminating the previously existing major preconditions (e.g. three years' experience) for being appointed to the top and key positions in government (ministries and services) in the law on public service, the prime minister effectively gained control over the entire administrative body of power agencies.<sup>81</sup> The Ministry of the Interior continues to be the key pillar of power preservation with no major change in political and public perception. As Hrant Bagratyan recalls, even Levon Ter-Petrosyan was against the idea of reducing the MOI's relevance, and Pashinyan's reliance on the police has grown even greater, in contrast to other *siloviki*, as shown by the award of higher salaries and financial bonuses.<sup>82</sup>

It should not go unnoticed that Pashinyan's administration did, in fact, implement some positive changes as well. For instance, businesses have been freed from the state's repressive and punitive measures, as well as from the criminal takeovers that used to be the daily practice before.<sup>83</sup> Pashinyan has also tried to revitalize the anticorruption council and its respective policies. The national security strategy adopted in 2020 introduces very strong language, declaring any form of corruption to be a threat to national security (principle of zero tolerance), and aspirational reforms to security institutions that are “distinctive to democratic, parliamentary states, thus ensuring ... higher levels of parliamentary, political, and civil oversight”.<sup>84</sup>

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79 Interview with Ruben Vardazaryan.

80 Interview with Ruben Vardazaryan.

81 “On amendment to the law of the Republic of Armenia ‘On Public Service,’” Pub. L. No. Kh-192 2-14.06.2019-PI-011/0 (219AD).

82 Interview with Hrant Bagratyan; Interview with Khosrov Harutyunyan.

83 Interview with Armen Darbinyan.

84 “National Security Strategy of the Republic of Armenia: A Resilient Armenia in a Changing World,” July 2020, 24, 25, <https://www.gov.am/en/National-Security-Strategy/>.

The national assembly approved the government's five-year plan that declared the "dictatorship of the law."<sup>85</sup> Furthermore the 2022–26 Strategy for Judicial and Legal Reforms significantly increases funding for the cassation, constitutional and anticorruption courts, and introduces two-level periodic integrity checks for judges.<sup>86</sup> All these formally highlight the government's desire to implement reforms quickly and comprehensively. However, along with the ever-increasing (informal) domination of the several key agencies, such as the SJC, the lack of independent or public and parliamentary control while executing the declared reforms and strategies provides nourishing soil for distrust and accusations that these actions are overly legalistic in nature. So, for instance, police major Gerasim Mardanyan, charged with torture in 2017, was appointed as a deputy chief of Tavush police, and Mnatsakyan Martirosyan, despite serious problems with his integrity checks (conducted by the corruption prevention commission) was cleared by SJC for a judge's position in the anticorruption court (later removed) (US Department of State 2021). The overall size of the police force remains disproportionately large (in relation to the size of the population), as it was in the times of Kocharyan and Sargsyan's administrations (Douglas 2018: 15). And what is more alarming is that the low level of training and education of the police force (patrol units or municipal police), the subject of criticism from the political opposition, has been indirectly confirmed at public events where foreign aid (from OSCE, UNDP, and UNICEF) is intensively considered and discussed (First Channel News 2022).

The lack of thorough parliamentary control, the basic element of transparency, accountability, and public trust, is understandable due to the fact that the majority belongs to the ruling party that has turned the legislature into the extended hand of the government. As Pashinyan's opponents point out, any criticism in parliament can lead to the threat of or actual physical punishment (beating) for the individual involved, as was the case with the chairman of the national assembly, Alen Simonyan, who was involved in assaulting critics on the street, or the opposition ombudsman candidate, who faced seriously intimidating remarks during the parliamentary session.<sup>87</sup> In fact, the current parliament, many argue, represents a regrettable contrast

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85 "About giving approval to the program of the government of the Republic of Armenia," Pub. L. No. NDO-002-N (2021).

86 "2022–2026 Strategy for judicial and legal reforms of the Republic of Armenia," Pub. L. No. No 1133-L (2022), 31–33.

87 Interview with Artur Vanetsyan.

to the vibrant atmosphere of the national assembly in the early 1990s that was filled with intellectual contestation, failing to advance a truly developed democratic party system.<sup>88</sup> To a large extent, the deficits in political culture and tradition mentioned can certainly be attributed to the fact that the still existing gap between the state and the populace has not been able to be filled by an active civil society and NGO sector. Thanks to the Soviet legacy, people still believe that it is the state that is primarily responsible for people's well-being and are thus reluctant to take the initiative (Paturyan and Gevorgyan 2014: 29–30).

### *Conclusion*

It seems that the power transition in Armenia and the respective “paralysis” of the internal security apparatus in the late 1980s and early 1990s was pre-conditioned by the power vacuum in the Kremlin and the inability of the Soviet central apparatus to formulate and implement restrictive measures at its periphery—in Armenia in particular. The destruction of the communist party at the central level (by Gorbachev) left the Armenian communist government and administrative body paralyzed and without legitimacy, effectively eliminating the power of resistance to new challengers.<sup>89</sup> The new elite was, in fact, represented by a large number of intellectually advanced individuals, with a strong sense of individuality, motivation, and enjoying vast popular support. They were able to neutralize (initially) the omnipotent Soviet internal security apparatus and communist bureaucratic body, but very soon developed a certain symbiotic relationship with the former communist apparatus (especially in the administration and economy) due to a lack of governing competence and subject matter expertise among their rank and file.

The inherited security sector, especially that of the Ministry of the Interior (MVD) as compared to the committee of state security (KGB), displayed close to zero authority, disarray, and a highly corrupt structure. By combining the inherited state security institutions with the new paramilitary forces and bringing them under firm personal loyalty to strong individuals (ministers like Vano Siradegyan or Vazgen Sargsyan) the new political elite managed to quickly eliminate the chaos and instability in the

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88 Interview with Karapet Rubinyan; Interview with Aram Sargsyan.

89 Interview with Aram Sargsyan.

country. However, further steps strongly indicate that their aim was rather to strengthen the internal security agencies by improving their legal foundations and material-financial base without radically changing their fundamental principles (Avagyan and Hiscock, 2005). The power transition process, in which the old communist elite was replaced by the new revolutionary party (AOD) leaders, gradually arrived at the point, where the preservation of political power (for President Ter-Petrosyan) could only be managed by excessive use of the *siloviki*, completely controlled, in turn, by strong, independently minded and charismatic party leaders (Siradegyan, Sargsyan, Kocharyan). By completing the full transfer from leadership of society to state leadership, the new elite left a gigantic hole behind, which could never be filled again by influential civil activism en masse, even if some efforts promoted by external (western) actors in the fields of justice and fighting corruption were, and still are, in place. Thus, the split between the state and society (people) remained, as well as the traditional attitude toward the state, that is, of government being the ultimate patron of the Armenian people. This perception of the model of patronage from above very much resembles the Soviet political tradition, and renders the entire process of democratization a literal hostage of the political elites and their respective modes of power-preservation. This continuation of the same understanding of the role of the internal security forces (*siloviki*) as the major instrument of political domination, persecution, and arbitrary law enforcement, was never challenged and is still clearly visible in Armenia.

Any attempt to reform the established power structure, in which personal loyalty is the key criterion for political or administrative promotion, consequently subsides to the level of formality (legalism), in which formal (e.g. legal) improvements do not reflect the existing reality, and often, on the contrary, support continuing the existing informal (i.e. bad) practices, especially in the internal security services. It should be noted that the new elite of the mid-1990s and its successors up to now have never resisted external support aimed at advancing institutional reforms. However, the efforts and funding provided by multilateral donors and organizations usually run afoul of legal amendments that still have enough ambiguous content, overregulation and oppressive criminal code, to allow the internal security services to interpret and enforce them arbitrarily (Dabrowski 2023: 63). As the US ambassador in Armenia Lynne M. Tracy's remarks at the Democracy Forum in 2022 suggest, western financial support for institutional reforms in the country was significant (over three billion USD), and

the spectrum of assistance included an intensive effort to reform the Ministry of the Interior, police force, justice and anticorruption mechanisms (US Embassy in Armenia 2022). Despite the wealth of assistance programs, including those (reform of municipal police forces) supported by the UNDP, UNICEF, UN, and OSCE, the ambassador's diplomatic language could not conceal the growing concern with the conduct of the police against political opposition and the low level of accountability of security services (Police of the Republic of Armenia 2023; US Embassy in Armenia 2022). Interestingly, it is the technical dimension, where the external support was typically highly appreciated and implemented. Whether bringing the new equipment and training courses to police centers or adapting laws and regulations to meet EU standards, the technical nature of the assistance provided largely determined its practical implementation and success—for instance, the German GIZ was highly appreciated in Yerevan due to its “extremely well termed and timely advises” (Avagyan and Hiscock 2005).<sup>90</sup>

Consequently, the Soviet legacy in Armenia presents a mixed picture with regard to governance and the relevance of the internal security services. Although the general mission of securing the domination of the power-holding regime remained the same (as it was in the Soviet era), loyalty to party and ideology was essentially replaced by personal loyalty to a new leader through the extensive replacement of top to mid-level management in the bureaucracy. The national security service (NSS) no longer enjoyed the same terrifying image as its Soviet predecessor (KGB) and the frequent reshuffling of service leadership, as well as of its structure and authority, downgraded the service to an ordinary tool of political control and persecution, similar to those run by the MOI and the prosecutor's office. Nonetheless, the general Soviet perception that internal security services, the *siloviki*, represent the very backbone of statehood and the power pyramid, remained unchanged among political elites, the services themselves, and the general public. The corrupt practices of the late Soviet period in 1980s found nourishing soil with the introduction of the market economy. Thus, the process of formation of the new economic and business elites (existing *red directors/zekhaviks* and emerging business figures) proceeded in parallel to, and in close “cooperation” with, the newly established political regime. This type of the symbiotic relationship between the state (power-holders) and the business class (oligarchs) represents another distinctive feature of the current political system in Armenia, in which a strong link to

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90 Interview with David Harutyunyan; Interview with Ashotyan Armen.

the regime can guarantee and protect even the most corrupt oligarch from criminal charges. All these factors, along with the dominating (geopolitical) relevance of the Karabakh conflict on the general perception of security, played decisive roles in stalling security reforms and in a preference for formalism and informal practices over real efforts to transform institutions.

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# Governing the Extractive Sector: The Politics of Authoritarian Neoliberalism and Labor Resistance in Kazakhstan

Serik Beimenbetov<sup>1</sup>, Zumrat Sanakulova<sup>2</sup>, and Zhansaya Aitbay<sup>3</sup>

## Introduction

According to Karl Polanyi's seminal work *The Great Transformation: The Political and Economic Origins of Our Time* the rolling out of self-regulating markets invariably erodes societal relations, destroys jobs, and inflicts grave damage on the environment as a result of turning land and labor into pure commodities. If carried out consistently, this movement will inevitably provoke the emergence of a countermovement composed of disenchanted workers seeking to oppose the destructive power of the capitalist market and to reclaim justice (Polanyi 1944/2001).

This part of Polanyi's argument provides a good explanation for the situation of oil workers in Western Kazakhstan today. The 30 years of its neoliberal transition into a market economy have had devastating effects on labor, shrinking the workforce, dismantling independent trade unions, and depriving workers of social protection, among other things. At the same time, the intrusion of the neoliberal economy has been met with fierce resistance from affected workers who have been trying to reclaim their rights. In the oil industry in Western Kazakhstan, which forms the backbone of the country's growing economy, there have been frequent contestations between oil companies and disenchanted workers rallying behind issues of wage increases, improving working conditions and safety standards, social protection, and independent trade unions. The events in Zhanaozen in December 2011 provide a case in point. Back then, after ten months of continual protests by workers of the OzenMunaiGaz oil

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company to demand fairer payment, 17 oil workers were fatally shot by the police and dozens were injured and imprisoned. The events have been very well documented in detail elsewhere (Satpayev and Umbetalieva 2015; Evans and Sil 2020). Importantly, the Zhanaozen uprising was just one dramatic culmination in a series of recurrent labor protests challenging the neoliberal foundations of the capitalist transformation in the country. Since 2022 alone, there have been more than 134 larger and smaller uprisings of oil workers in the Western Mangystau region alone that produces close to 70% of country's oil output and is home to most foreign oil companies exploring for oil and gas in the country (Smolin 2023; Baisalov 2022).

Against Polanyi's assertion, however, oil workers were not able to institutionalize into an effective countermovement. As will be shown later, all workers' protests remained scattered, isolated, and poorly organized. Why? In this chapter we seek to interrogate this question. In doing so, we are informed by Friedman's concept of the "insurgency trap" that he developed on the basis of China's labor protest mobilization (Friedman 2013; 2014) and argue that the stalled labor protests of oil workers in Kazakhstan can be related to the fact that in Kazakhstan, as in China and other illiberal autocracies, the key obstacle to institutionalizing the countermovement has been a lack of powerful institutions in the form of independent trade unions that would help workers materialize their demands into deeds and take the lead. What they have instead is what Friedman has called "appropriated representation" (Friedman 2013: 302) in the form of a state-sponsored Federation of Trade Unions, created and orchestrated by the state with the aim of co-opting workers, and which acts as an umbrella organization for smaller unions at company level. This latter aspect is particularly induced by the form of neoliberalism that prevails in the country, which we will refer to as "authoritarian neoliberalism," following the seminal works of Ian Bruff and Cemal Tansel (Bruff 2014; Tansel 2017; Bruff and Tansel 2019). Characteristic of this subspecies of neoliberalism is the ominous alliance between the local state and big capital, which ultimately serves to stymie workers' attempts to form effective collective power through a barrage of disciplinary measures.

The chapter will be structured as follows. In the next section we expand on the properties of neoliberal restructuring in the extractive sector and how it has affected the situation of oil workers in Western Kazakhstan. This is followed by a discussion of the labor insurgency from 2008 to 2022. The penultimate section analyses the role of trade unions in the country. The chapter concludes with a summary of our results.

*Neoliberal transformation and the oil sector: all pain, no gain!*

We contend in this chapter that neoliberal restructuring of labor has constituted the backdrop and the main arena for recurrent labor protests in the country. There is still only a limited body of literature, especially in the region itself, that has explored the entry of neoliberalism into the labor market (Totaro 2023; Sorbelo 2023; Sanghera and Satybaldieva 2021; Yessenova 2012). By neoliberalism we refer here to a particular set of economic policies that elevate the expansion of transnational corporations, privatization of public goods and deregulation of welfare state services to the postulate of society's socio-economic development, while the fundamental role of the state is reduced to protecting the unhindered flow of capital and the pursuit of profit, even by force if necessary (Tansel 2017; Harvey 2007). Since the 1970s, neoliberalism has become a dominant development and policy practice worldwide, permeating almost all major socio-political and economic spheres today (Harvey 2007; Judt 2010). Everywhere in the world the rolling out of neoliberal reforms has been associated with the dismantling of workers' rights, the erosion of trade unions, and the growth of income inequality.

In Kazakhstan, as in all other post-Soviet states, neoliberal reforms were introduced in the 1990s (Zhussipbek 2011; Yilamu 2017). Initially touted as a panacea for all the ills that had befallen the country as a result of the political and economic upheavals following the collapse of the Soviet Union, the Kazakh authorities—initially at the behest of the IMF, World Bank, and WTO—embraced neoliberal reforms in the hope of making the transition to a market economy (Zhussipbek 2011; Gallo 2021). However, in stark contrast to Western democracies, where the implementation of neoliberal reforms took place in the context of established democratic institutions and the rule of law, the imposition of neoliberal reforms in Kazakhstan took place on top of established authoritarian institutions, which in the process exploited and exacerbated its negative tendencies. Consequently, neoliberal restructuring in this country went far beyond the mere structural adjustment reforms advocated for the western countries (Bruff and Tansel 2019). On the one hand, the resulting symbiosis in the form of “authoritarian neoliberalism” defined here as a mixture of authoritarian governance and neoliberal capitalism has provided state authorities with a blueprint not only for influencing lucrative financial investment and privatization channels in ways that benefitted only those embedded in the ruling class and their cronies (e.g., Sanghera and Satybaldieva 2021; Tutumlu 2019)

but also—to echo Tansel's seminal conceptualization of authoritarian neo-liberalism—for employing a barrage of disciplinary strategies ranging from more explicit forms of state coercion to specific legal and administrative mechanisms to marginalize and criminalize oppositional social forces in order to “entrench existing power relations and inequalities” (Tansel 2017: 6). As outlined in this chapter, the use of such strategies has served the sole purpose of protecting capital accumulation and reproduction from any attempts to circumvent it, in particular by disempowering the labor class and plunging it into a state of precarity. In what follows, we briefly interrogate the modalities of authoritarian neoliberal adjustment in the oil sector.

In Kazakhstan the oil sector constitutes an important pillar of the economy accounting for almost 19% of the country's GDP and a total of 35% of government revenues according to the Report on Transparency (Lobacheva et al. 2020; Kalyuzhnova and Patterson 2016). The extractive sector also accounted for more than 70% of total FDI stock as of 2017 (OECD 2017). The country's booming oil sector comprises 172 known oilfields, with the largest ones being Karachaganak, Kashagan, and Tengiz, all of which were transferred to private ownership in the wake of privatization campaigns in the 1990s and 2000s (Vakulchuk and Overland 2018; Jäger 2014; Yessenova 2012). During the 1990s the state was confronted with a series of non-lucrative deals with international oil companies, most of which had been signed singlehandedly by the former authorities bypassing parliament (Sanghera and Satybaldieva 2021: 128; Vakulchuk and Overland 2018: 144). That corruption was involved was self-evident and has been extensively covered elsewhere (Sanghera and Satybaldieva 2021; Yessenova 2012; 2015). A prominent example of this was the establishment of the TengizChevroil (TCO) company in 1993, a private business venture operated by Chevron Inc, which remains the core crude producer in the country. As detailed by Yessenova, the 1993 contractual provisions were massively coercive for the young state in terms of revenues and tax regulations, but extremely lucrative for Chevron; moreover, the terms of the contract were protected from any future changes in legislation, taxation policies, and political regime for 40 years (Yessenova 2012: 97). The most intriguing thing in the months leading up to the signing of the agreement was that neither the parliament nor the public were involved in the negotiations, as they took place behind closed doors, in a speedy manner, and within a very narrow circle of people in charge on the Kazakh side (Yessenova 2012; 2015). Those who were recalcitrant and resisted, such as the first democratically elected parliament,



were effectively sidelined and then dissolved in 1995 (Eschment, 1996). Only after 2000 did the state manage to turn the situation around its extractive sector in its favor by changing its policy toward transnational oil companies (Orazgaliyev 2018). In particular, the state renegotiated contracts with foreign investors, amended the fiscal regulations governing the petroleum sector, and established the state-owned KazMunaiGas (KMG) company in 2009, which will have at least a 50 per cent stake in all new oil development projects in the future (Orazgaliyev 2018: 146–149). Several scholars have explained these changes with reference to growing resource nationalism in Kazakhstan (Vakulchuk and Overland 2018: 144). At the same time, however, the new tax regulations did not affect the old obligations, such as those with Chevron (Sanghera and Satybaldieva 2021: 131).

Three decades on from the transition to a market economy, the situation in the oil sector remains tenuous. As will be shown in the next section, the sector has been repeatedly rocked by protests large and small. The oil companies appear to be above the law, while the state seems to have done little to protect oil workers from the arbitrary and abusive practices of oil companies. On the contrary, after the Zhanaosen uprising the state doubled down on its efforts to introduce a series of neoliberal reforms aimed at limiting the space for labor dissent and contestation, in an effort of preventing any attempt to circumvent its efforts at capital extraction and accumulation.

One such measure involved the introduction of a new Law on Labor Unions in 2014 and the new Labor Code a year later, both of which made the organization of independent trade unions and holding assemblies tantamount to inciting social unrest and thus liable to severe punishment. As will be discussed in more detail below, the new Law on Trade Unions introduced a two-stage registration process for local labor unions and obliged them to join the higher-tier trade union subordinate to the state, otherwise the registration of the trade union would be denied (Akhmetzhanov and Orazgaliyev 2021; Croucher 2015).

Besides the suppression of trade unions, there are other measures relating to the employment sector that are of particular interest here. It should be noted, for instance, that the oil sector makes an important contribution to cutting unemployment in the regions where oil production is based (Mangystau, Atyrau, West Kazakhstan, Aktobe). As of 2023, 43.9 thousand people were employed in crude production in the Mangystau region alone, more, that is to say, than in the construction, education, and retail sectors

(Qazstat 2023). At the same time, however, according to the World Bank, more than 15.5% of the region's population live in poverty (Toiken et al. 2023).<sup>4</sup> In other words, by and large oil revenues do not trickle down to ordinary citizens.

Moreover, recent research has found that working in the oil sector has little appeal to the local population. This may be due to tough working conditions, which often require 14- to 28-day shifts away from the family, working in harsh weather conditions, and living in labor encampments which often do not meet sanitary standards (Sorbello 2023; Kesküla 2018; Trevisani 2018; Yessenova 2015; Jäger 2014). That revulsion may also be linked to the restructuring measures in the employment sector, initially introduced and enforced by the transnational oil companies, but tacitly supported and defended by the local state. One such policy concerns the strategy of the employer company to split labor between regular companies and subcontractor companies that provide goods and services for the main operation company (Sorbello 2023; Totaro 2023; Trevisani 2018). According to some estimates, the oilfield sector is represented by more than 2000 service companies at the moment that have different ownership forms and affiliations (Economic Research Institute 2021). The practice of splitting work between regular workers and subcontractors has grown particularly since Zhanaozen and is infamously known as the “optimization policy” (Totaro 2023). Officially the policy was justified on the grounds of increasing competitiveness, but, as growing research shows (Sorbello 2023; Totaro 2023; Trevisani 2018), the practice generates a lot of injustice and harbors the seeds of conflict (Trevisani 2018). This is because the policy affects both working conditions and wage distribution, which are not equal between workers in regular companies and those in subcontractors. In terms of working conditions, research has shown that service companies do not always adhere to the same rules, standards, and safety measures as the regular operation companies, that their work depends on successful tenders, is at times seasonal, and is constrained by a limited number of contracts, which is why they are often pressured to cut costs for both technology and labor (Mazorenko and Sorbello 2023; Trevisani 2018). In terms of wages the differences can range from 150,000 Kazakh tenge (equivalent to 300 EUR) in a subcontracting company and four to five times that amount in the main operation company. So, it was not uncommon for the subcontracting

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4 In Kazakhstan, the poverty line is set at 70% of the regional subsistence level, equal to about 101 USD as of 2023 (Franke et al., 2009: 129).

system to lead to racialized class divisions, inasmuch as the employees in the transnational oil companies were foreigners, as a rule highly skilled and well paid, while the subcontractors were basically staffed by Kazakh workers who had comparatively low skills and were paid less (Totaro 2023).

All in all, the vertical division of labor between operating and service companies in Kazakhstan has created two distinct worlds of oil production, with the transnational oil companies having a privileged status and the subcontractors an inferior one. As will be seen in the next section, it was the service company workers who organized most of the protests during the last decade. More importantly, as critiqued at length elsewhere, the vertical splitting up of oil companies into operational and service companies allowed companies to destroy labor solidarity and shift responsibility for any wrongdoing to third parties (Yessenova 2018). For example, as observed by Dmitry Mazorenko and Paolo Sorbello (2023), due to the outsourcing of oilfield service contracts and labor it is no longer uncommon to meet several people in different overalls emblazoned with the logos of different companies doing the same work in the same fields, but under different working conditions, safety standards, and payment regimes. This observation is reinforced by international experience. For example, as shown by Eli Friedman (2013; 2014) in the case of China, in addition to maintaining greater flexibility in personnel management, separating the main companies from responsibility for third parties by outsourcing services to other companies is a popular strategy in this country to break workers' solidarity and thus prevent them from organizing effectively.

As mentioned above, the state appears to support the practice. For example, KazMunaiGaz, which, as was said before, is the main state-owned oil and gas company and an operative arm of Kazakhstan's government when it comes to other oil companies in the country that were created and privatized after 2011 in an effort to "optimize" the labor force. In reality, however, thousands of people were simply fired then later rehired by subcontractor companies under much worse conditions (Mazorenko and Sorbello 2023).

The 5/50 program, adopted in April 2017, is further evidence of similar government efforts to weaken the workforce. It was ostensibly intended to improve staff turnover, but actually aimed at further disciplining laborers in the restive oil sector. Specifically, the program provides for employees to voluntarily leave employment and receive a severance payment equal to 50 percent of their salary for the last five years of employment at one or other oilfield service company. The policy affected in particular the structure of

the KazMunaiGaz company and its subsidiaries. Again, this novel policy was implemented under the pretext of introducing more flexibility and increasing the competitiveness of the sector, as it mainly targeted those working for subcontractors in jobs not related to the oil sector, such as locksmiths, drivers, etc., but in reality, it only worsened the situation of those who were laid off under the program. For, as Paolo Sorbello and Almas Kaisar (2022) report in detail, although the affected workers were able to pay off their debts and buy houses, they had difficulty finding satisfactory work outside the oil sector, which was already overstretched by overstaffing in state-owned companies and deteriorating conditions in private service companies.

All these policies have, in effect, led to very exploitative conditions in the oil sector at a scale that some scholars have dubbed “precarity as slavery” (Galdini et al. 2023; Totaro 2023; Sorbello, 2017). According to Totaro, for example, “precarity as slavery” is a condition where workers are under the constant threat of dismissal and have no significant rights to protect them from the discretion of the employer (Totaro 2023: 8). As will be shown later and is argued here, the policies left oil workers in a hazardous situation of precarity, exploitation, and distress that made it unrealistic for them to conduct viable protest against a system in which they found themselves to be mere cogs, utterly weakened and voiceless but purposed to remain “working bodies” and produce material value for the new class of nouveaux riches. In this system of exploitation, the state has, unfortunately, adopted a very ambivalent position, tending to prioritize the interests of (foreign) capital over the rights and welfare of ordinary workers. This development has understandably led to growing discontent among oil workers. This will be discussed in more detail in the next section.

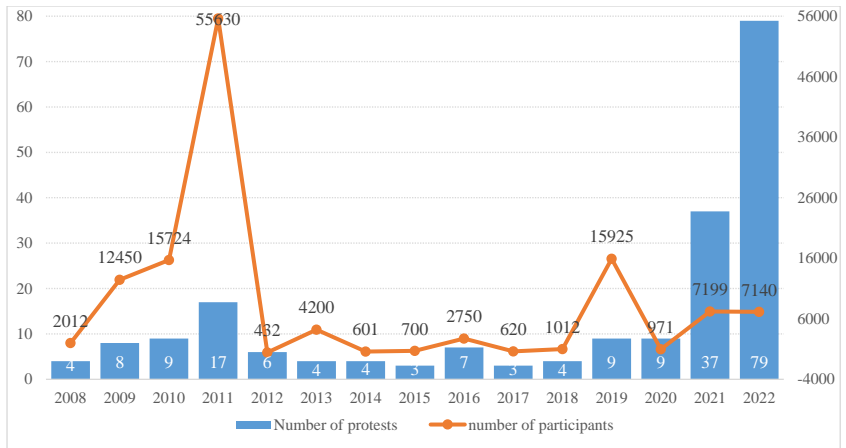
### *Dynamic of labor insurgency in the oil sector*

What can be concluded from the preceding analysis is that the Kazakh variant of authoritarian neoliberalism exerts considerable pressure on workers in the oil sector as an exclusionary, coercive, and exploitative form of governance. In the past, this has led to significant violence among oil workers, culminating in the deadly clashes between the oil workers of Ozenmunaigaz in Zhanaozen and the police on December 16, 2011, when 17 oil workers were killed, while dozens were injured and detained. The main motivation for the wave of labor protests was the growing awareness

of injustice in the workplace and inequality among workers, which most workers attribute to the capitalist restructuring in the country. As part of this challenge, the state is accused of playing into the hands of transnational oil companies instead of supporting the workers. According to Kirill Buketov, a senior official of the International Union of Federation and Allied Workers (IUF), the 2011 uprising in Zhanaozen “marked a turning point in Kazakh labor relations, as violent and unlawful repression was no longer the exception but the rule” (cited in Croucher 2015: 952). At the same time, as Richard Croucher (2015: 952) notes, the uprising demonstrated the contours of the national situation in the oil and gas industry in that the workers protests were insufficiently well-articulated and not grounded in formal institutions of employee representation.

There are no reliable statistics on the number of workers’ protests. The state often attempts to conceal the problem, while reporting on protest events remains a risky endeavor. Part of the reason for the lack of reliable data is also the character of the work of transnational oil companies in Kazakhstan, which tends to stay concealed from the eyes of the public, sealing off oil production sites and the residential areas in which oil workers reside with barbed wire fences and security personnel to prevent any outside interference, as well as to ensure that any wrongdoing remains within the territory. Saulesh Yessenova has variously reported on this in detail in her groundbreaking research (2012; 2018).

Figure 1: Number of labor protests and participants in the oil sector in Western Kazakhstan



Source: Authors' own composition

Based on available information from the internet and the analysis of protest coverage in the mass media, we identified 511 labor protests in Kazakhstan between 2008 and 2022. This number includes all the labor protests that took place and were reported during this period. Of these, most took place in the extractive sector, with oil and gas companies in the western part of Kazakhstan accounting for 40% or a total of 203 protests (Figure 1). Within this time period, the number of labor protests flattened out relatively in 2008, only to rise again after the price shock and the fall of the ruble in 2007 and 2008 in Russia. This wave continued in 2009 and 2010 and peaked in 2011, with the Zhanaozen uprising being the most sustained and violent outbreak of protest. The Zhanaozen uprising was also the largest protest action in terms of the number of participants, with almost 42,653 workers taking part. Following the violent suppression of the labor uprising in Zhanaozen, there was a decline in protests after 2011. The dearth of protest activity in 2015, when only three protests took place, can be attributed to restrictions on the rules for peaceful assemblies and the adoption of a new law on trade unions, which significantly restricted workers' rights to form independent unions, required them to re-register existing ones, and made amendments to the settlement of labor disputes by prioritizing individual settlement over collective bargaining. Protest activity

increased after 2019, which can be attributed to the change of government from Nursultan Nazarbayev to Kassym-Jomart Tokayev and the resultant hope for change. In 2021 there was a sharp increase in the number of labor protests—37 out of 203 protests, or almost 20 percent, which some scholars link to the parliamentary elections that took place that year (Beimenbetov 2021). In 2022 in particular there was a sharp increase in protests in the western region, with 79 protests involving more than seven thousand workers, indicating the critical situation in the oil sector in western Kazakhstan.

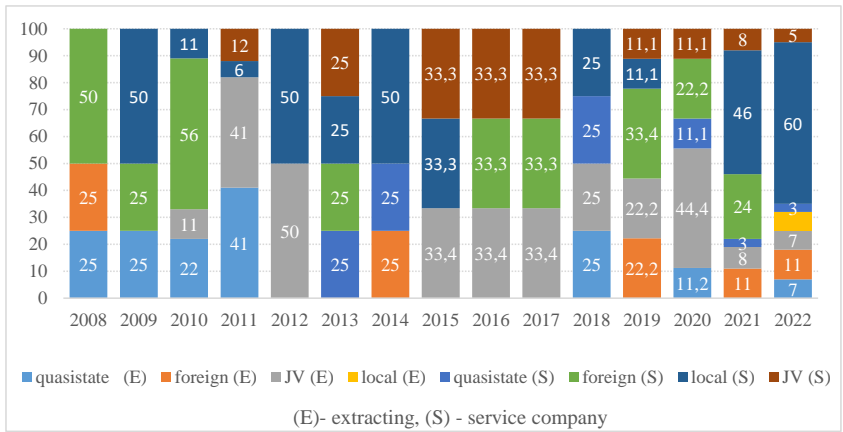
Another defining feature of the protest waves in the oil sector was that most of them took place in the service companies (Figure 2). As mentioned earlier, service companies differ from the oil extracting companies with regard to working conditions, safety standards, and payment. The lack of these provisions was often the cause for protest mobilizations of workers within the service companies. For the sake of analysis, in Figure 2 we divided the service companies by ownership form into local, quasi-state, foreign, and joint-venture and into extractive (E) and service companies (S). Local companies are service companies that are registered with the Kazakh chamber of commerce and have at least 95 per cent of employees with Kazakh citizenship. As a rule, local service companies were previously branches or divisions of large international oil companies but were later spun off as part of the optimization policy. Foreign service companies are companies run by foreign companies. As Sorbello reports, the transnational oil companies often favor foreign service companies over local Kazakh ones, which in turn outsource labor to local service companies (Sorbello 2023). Quasi-state companies include service enterprises that are partially or fully controlled by the state but operate like private companies. KazMunaiGaz provides an example of a quasi-state company. A joint venture (JV) is a service company in which two or more parties agree to pool their resources to provide services. West Oil Software, which was being hit by protests at the time of writing is an example of a joint venture.<sup>5</sup> Looking only at the most recent wave of protests since 2019, it can be seen that most protests took place in oil service companies operated by local companies: 22.2% in 2019, 44.4% in 2020, 46% in 2021 and 60% in 2022, followed by protests in foreign service companies (33.3% in 2019, 22.2% in 2020 and 24% in 2022) and joint ventures (11.1% in 2019 and 2020, 8% in 2021 and

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5 “Oil Workers In Kazakhstan’s Volatile West Continue Strike,” RFE/RL, December 15, 2023, <https://www.rferl.org/a/kazakhstan-oil-workers-hunger-strike-zhanaozen-tensio/ns/32732528.html>.

5% in 2022). The lowest number of protests was recorded by quasi-state service companies. Overall, these figures indicate a very critical situation for local service companies.

Figure 2: Protests within subcontracted service companies (2008-2022) in %



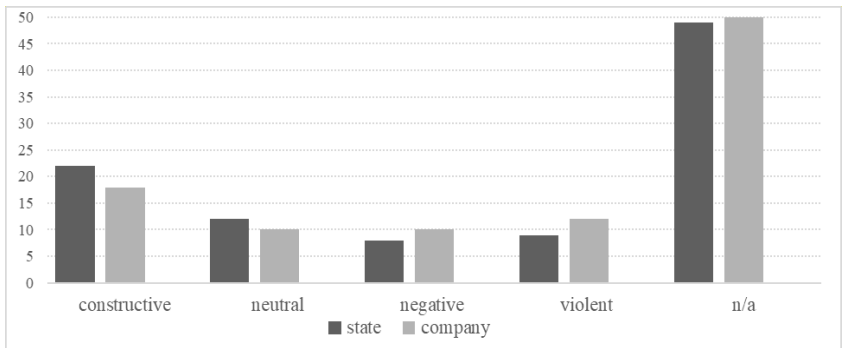
Source: Authors' own construction

Looking now at the way that the state and company management reacted to the workers' protests, the next figure illustrates the nature of state and company responses. According to the literature, the involvement of oil as such is assumed to provoke militant responses from the state due to the strategic importance of this resource (Evans and Sil 2019). Our data seem to confirm this observation. As far as the waves of protest in Kazakhstan are concerned and the nature of the reactions to them, the available data show that only in one third of the observed cases were the reactions of the state and the oil company management constructive. This was particularly the case after the change of government from Nursultan Nazarbayev to Qassym-Jomart Toqayev in 2019. By contrast, in two thirds of the conflicts, employees' demands were either rejected by the state and the company or remained unaddressed. In a similar number of conflicts, violence was used to suppress dissent. Overall, it can be inferred that the state adopted an ambivalent position in conflicts between the management of the oil companies and the employees. On the one hand, the Kazakh authorities sought to tighten the legislation; on the other they chose to leave the matter to the companies and not interfere or suppress them. Overall, the findings suggest



that in most conflicts the state sought to side with the company's management, while the interests of ordinary oil workers were subordinated to this goal. This observation confirms Yessenova's assertion in the case of the oil workers' conflict with TCO management that it was a calculated decision by the company and the state, both of which had an interest in maintaining the redistribution of resources around the oilfield and therefore a genuine interest in containing the workers' demands (Yessenova 2018).

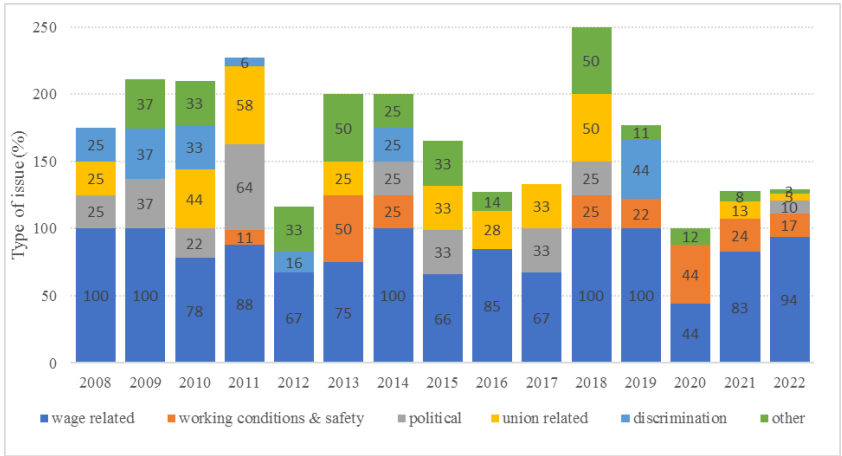
*Figure 3: State and company responses to oil workers' protests in Western Kazakhstan, 2008–2022*



Source: Authors' own construction

What issues moved the workers in the oil sector? As can be seen from the next figure, wage-related issues dominated the protest repertoire of the oil workers' conflicts in Western Kazakhstan. These included workers' dissatisfaction with low wages, inequality in wage arrears between foreign and local workers and changes to the remuneration system. In second place were political issues such as the renationalization of companies and the demand for intervention by the authorities. This was followed by demands for the right to belong to independent trade unions. Among other things, workers expressed their dissatisfaction with the persecution of union leaders, the rejection of independent trade unions, and the new trade union law passed in 2014. Finally, better working conditions and issues of discrimination in the workplace were also at the center of employees' demands.

Figure 4: Issues raised by oil workers in the western Kazakhstan oil sector 2008–2022



Source: Authors’ own construction

As already mentioned, our main concern here is to explain the reasons for the oil workers’ inability to form a successful countermovement. Indeed, despite numerous protests since 2008, oil workers have not been able to form a strong countermovement to reclaim their rights. Following Friedman’s work, it is best to refer to workers’ protests in Kazakhstan’s oil sector as “trapped insurgency.” According to Friedman, an insurgency is trapped if it has the following features: protests are cellular in nature, dispersed, fragmented, and ephemeral, they have no consistent, permanent, or formalized organization, no clearly articulated goals and no identifiable leadership (Friedman 2014: 35). Similar traits can be attributed to the oil workers’ protests in Western Kazakhstan. We contend that one reason for this is the lack of powerful trade unions. We expand on this argument in the next section .

### Trade Unions in the Kazakh oil sector: from cooptation to incapacitation

All over the world, the implementation of neoliberal reforms has led to a curtailment of trade unions’ ability to represent workers’ interests (Akhmetzhanov and Orazgaliyev 2021; Kesküla and Sanchez 2019). As neoliberalism

promotes flexible labor markets, puts an emphasis on deregulation and market-oriented wage systems, all of this can be at odds with the goals of trade unions, which often strive for job security and stable working conditions for their members. Against this backdrop, Eeva Keskülä and Andrew Sanchez (2019: 111) concluded that, due to the increasing disenfranchisement of trade unions, more direct or “performative forms” of confrontation with the capitalist state have become more likely.

What about the trade unions in Kazakhstan? In Kazakhstan, trade unionism dates back to the Soviet era. Trade unions in Kazakhstan were part of the larger Soviet trade union system, which was tightly controlled by the state (Akhmetzhanov and Orazgaliyev 2021: 135). After independence in 1991, trade unions went through a period of restructuring that can be best described as a transition from co-optation to decapacitation. Indeed, in Kazakhstan unions have suffered 30 years of continuous decline. It is indicative that in the Global Labor Rights Index for 2022, Kazakhstan was ranked among the 10 worst countries in the world in terms of treatment of workers, along with India, Thailand and the Philippines. The current form of representation of workers in the oil sector and at large can be best described by Friedman’s term “appropriated representation,” in which the state grants exclusive rights of political representation of an entire class to a particular organization “in the absence of substantive or formalistic delegation from membership” (Friedman 2013: 303).

Today, Kazakhstan’s Trade Union Law envisages a three-tier structure with national trade union associations at the highest level, industrial unions a tier lower, and local unions at the company level. Local unions represent workers employed at a single company or multiple companies in the same industry. Industrial unions represent workers employed in the same industry, while national-tier trade unions represent workers at the national level and are composed of industrial trade unions (Akhmetzhanov and Orazgaliyev 2021; Croucher 2015). Currently, there are three republican trade union associations in Kazakhstan: the Federation of Trade Unions of the Republic of Kazakhstan (FPRK), which is the largest and most important confederation, but linked with the state authorities and the ruling party Amanat (formerly: Nur-Otan), then the Kazakhstan Federation of Labor (KFL), and the Commonwealth of Trade Unions of Kazakhstan “Amanat” (Akhmetzhanov and Orazgaliyev 2021: 136). According to information from the Committee on Statistics of the Ministry of Labor in the third quarter of 2019, the total number of trade union members was 2,967,000 people or

44.5% of the number of salaried employees, an increase of 11% compared to the fourth quarter of 2015 (39.6%).<sup>6</sup>

None of the three associations is trusted by the workers to defend their rights and interests. The Federation of Trade Unions (FPRK), for example, which is the umbrella organization for other smaller trade unions in Kazakhstan is viewed with suspicion—and this for several reasons. First, many enterprise trade unions do not strive to be affiliated with the FPRK as they fear that by doing so they will lose bargaining power and, more importantly, become more vulnerable to “company influence and to their becoming, in local parlance ‘yellow unions’ or employer-driven bodies” (Croucher 2015: 951). Second, it is alleged that trade unions have remained largely unreformed and have not led significant industrial conflicts since 2011 (Croucher 2015: 952). According to Croucher, the FPRK is still haunted by the “Soviet model” of trade unionism in that it is controlled by leaders from Soviet times and, on the other hand, views its functions as limited to the following three: support of the government, being a watchdog, and providing material support for its workers in need and dispatching them to summer camps, vacations and the like (Croucher 2015: 951). Thus, Croucher (2015: 950) concludes, the story of Kazakhstani trade unions is one of “organizational stasis” and that they should move beyond a service-oriented toward a more labor-organizing function.

Of particular interest to us here are the policies that have been implemented to curtail workers’ rights. Overall, it seems that the curtailment of labor rights has coincided with the economic boom since the early 2000s, so that there is a certain rationale behind this: with the growing influence of transnational corporations and thus growing financial inflows, the Kazakh state was keen to remove any obstacles, including trade unions, that might get in the way of these windfalls. So legislative changes have made labor organizing tantamount to a criminal act and therefore severely punished.

Among the first was the adoption of the new Labor Code in 2007, ahead of the joining the World Trade Organization (WTO), which restricted the right of workers to organize strikes. From that point on, most strike actions became illegal, and strikers became the target of harassment and suppression. Of particular interest in this context was the introduction of the new Labor Code in 2015, which tightened requirements for labor representation. Specifically, the new law stipulated rules for the registration with the state

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6 Republican Association of Trade Unions, <https://kasipodaq.kz/strategy/>.

of new trade unions and the re-registration of existing ones. Among other things, the law introduced a mandatory affiliation requirement according to which sector-based, territorial, and local trade unions must affiliate to a national trade union association within six months of registration. According to Croucher and many others, this stipulation does not leave any option for local and industrial trade unions to remain independent of a higher-tier union (Croucher 2015; Buketov 2014). At present, trade unions at the enterprise level do not have any real choice about trade union affiliation, since the higher-level Federation of Trade Unions (FPRK) is their only viable option. As a result, local trade unions have lost their ability to make independent decisions as they are tied to following the decisions of the higher-level unions. The law has also created burdensome obstacles to the creation of industrial and national-level trade unions by introducing requirements regarding the geographic location of affiliated unions or workers' groups (Akhmetzhanov and Orazgaliev 2021: 136).

In fact, the new registration requirements have made it particularly difficult for independent trade unions in Kazakhstan to re-register. One example is the case the Confederation of Free Trade Unions of Kazakhstan (KSPK), which used to be the largest independent trade union in the country at the national level, but which failed to register due to the new geographical and representative requirements of the new labor code. When the KSPK subsequently attempted to register under the name Confederation of Independent Trade Unions of the Republic of Kazakhstan (KNPRK), it was banned by the court, along with three other smaller affiliated industrial unions representing medical, domestic, and mine workers, respectively, because it allegedly failed to confirm its trade union status, despite having branches in all regions. Its chairperson was arrested, while a number of oil workers who declared a hunger strike against the court's decision were heavily fined and some sentenced to prison (Akhmetzhanov and Orazgaliev 2021: 137; Rittmann 2021).

Ultimately, these innovations have meant that the labor movement, including the oil workers' movement, has no leadership and no chance of making its demands heard by the state, unless these demands are in line with state policy and do not jeopardize economic growth. As soon as they swim against the tide, they are massively suppressed. To return to the main idea of this chapter, mistrust of the official trade unions, coupled with the sheer impossibility of forming free and independent trade unions and the state's continued persecution of trade union leaders, is the reason why workers are unable to form an effective counter-movement, why their

protests have remained wildcat, and why their demands have been ignored by the state. Consequently, the trade unions, which have the task of protecting workers from the abusive practices of the state and employers and representing their interests and needs, do not fulfil this function.

This may also be because conditions in the workplace, which we referred to above with the term “precarity,” also mean that the workers do not represent a coherent community, but are fragmented and lack a collective identity, since they are confronted with their own problems such as fear of forced dismissal, low wages, poor working conditions, among other things. In this context, it is worth pointing out Yessenova’s suggestion that this may also be due to the nature of shift work in encampments, away from home and without connection with the community (Yessenova 2012: 104).

In response to these developments, there have recently been more and more efforts by workers to organize themselves into labor collectives (Kaisar and Sorbello 2022). Labor collectives are loose groups of employees organized via workplaces rather than branches of trade unions. The emergence of labor collectives may be indicative of a kind of resistance by workers to the state’s attempts to organize them from above. It could also indicate that a kind of affective bond persists among workers when it comes to collective organizing. Workers are knowledgeable about the functions of trade unions and anticipate the current trade unions will play a similar role. Indeed, according to some reports, labor collectives are increasingly becoming the driving force behind workers’ protests. In 2021 alone, they organized 31 protests and in 2022, according to incomplete information, around 40 (Kaisar and Sorbello 2022). It remains to be seen whether they will be successful and persuade the companies and the state to give in to their demands rather than succumb to pressure from the latter.

## *Conclusion*

Since independence the Kazakh authorities have directed their efforts toward enhancing the efficiency of the country’s economy by doubling down on efforts aimed at increasing the generation and accumulation of capital. In accordance with this neoliberal imperative, the interests of workers have become increasingly subordinated to this goal if not disregarded completely. The consequences have been quite dramatic with failing safety standards, falling wages, growing disenchantment and rising protests among workers, among other things. In this chapter we have looked into

the situation of oil workers in Western Kazakhstan, which is home to most of the transnational and national oil companies operating in the country. As has been illustrated, the reforms have invariably led to the economic development of the sector, but at the same time growing precarization among oil workers, which has translated into growing contestation. And yet there seem to be no institutional channels to channel this discontent into civilized forms of protest. Thirty years of neoliberal exploitation of the sector have resulted in weakened trade unions that do not seem up to the challenge of rising labor protest. As has been pointed out, the current trade unions lack a credible mandate from the workers, while their attempts to form independent representative bodies have been severely repressed. That the state allows these kinds of development leads to thoughts that all these policies were initiated and implemented with the sole purpose of precluding any possibility of forming resistance to capital accumulation and perpetuating the conditions that gave rise to it. In this regard, it is worth asking whether this development path is sustainable. It is worth referring in this context to Nicos Poulantzas's assertion that authoritarian responses to capitalist transformation were particularly responsible for new forms of popular struggle "which seek to create and live in a different kind of world to the one being imposed on them" (cited in Bruff 2017: 161)

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