

DIRECTORATE-GENERAL FOR EXTERNAL POLICIES
POLICY DEPARTMENT



Workshop on
EU-Turkmenistan
relations

AFET



WORKSHOP

EU-Turkmenistan relations

ABSTRACT

EU-Turkmenistan relations are in a position to be redefined by the proposed EU-Turkmenistan Partnership and Cooperation Agreement, which will require the consent of the European Parliament (and of the national parliaments of the EU member states). This workshop served as a debate platform with the intention of clarifying the understanding of the current political and societal dynamics in Turkmenistan. Such an agreement should represent a basis to enforce better standards of human rights, rule of law, and democracy in Turkmenistan, as well as for more intensive economic cooperation between the EU and Turkmenistan, which currently faces an economic crisis. The two concepts are apparently complementary but deciding which one constituted the more useful approach for engagement was the central point that structured the discussion. Regardless of the angle from which they approached the issue, however, a majority of participants in the workshop debate expressed support for adoption of the treaty, while some NGO representatives took a more cautious view.

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WORKSHOP

POLICY DEPARTMENT, DG EXPO FOR
THE COMMITTEE ON FOREIGN AFFAIRS (AFET)



Tuesday, 24 January 2017 – **17:30-18:30**
JÓZSEF ANTALL BUILDING – ROOM **2Q2**

CONTACT AND REGISTRATION: poldep-expo@ep.europa.eu

EU - TURKMENISTAN RELATIONS



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Table of contents

Programme	6
Biographies	7
1 Workshop report	8
1.1 Introduction by Ramona Nicole Mănescu	8
1.2 Rule of Law and Human Rights - Presentation by Dr Sébastien Peyrouse	8
1.2.1 Conclusions and Recommendations	10
1.3 Economic Aspects and Economic Landscape - Presentation by Dr Luca Anceschi	10
1.3.1 Conclusions and Recommendations	11
1.4 Discussion	12
1.4.1 Comments by Toivo Klaar	12
1.4.2 Comments by Tinatin Tsertsvadze	12
1.4.3 Comments by Laima Liucija Andrikienė	12
1.4.4 Reaction of Sébastien Peyrouse	13
1.5 Summary by Ramona Nicole Mănescu	13
2 Engaging Turkmenistan at a Time of Economic Crisis (briefing by Luca Anceschi)	14
2.1 Introduction and Key Objectives	14
2.2 Turkmenistan's gas crisis	15
2.2.1 Internalising Turkmenistan's gas crisis	16
2.3 Key recommendations	17
2.3.1 Conditionality Benchmarks	18
2.4 Conclusions	18
2.5 Powerpoint presentation	19
3 EU-Turkmenistan: Should the PCA be ratified? (briefing by Sébastien Peyrouse)	22
3.1 Introduction	22
3.2 Freedom and Human Rights in Turkmenistan	22
3.3 Have conditions to ratify the PCA been fulfilled?	24

3.4	Reasons Why Ratifying PCA with Turkmenistan Could Be Positive	24
3.5	However, Ratifying a PCA Involves Avoiding Some Possible Pitfalls	25
3.6	Conclusion / Recommendations	25
3.7	Powerpoint Presentation	26

Programme

DIRECTORATE-GENERAL FOR EXTERNAL POLICIES

POLICY DEPARTMENT



For the Committee on Foreign Affairs (AFET)

WORKSHOP: EU-TURKMENISTAN RELATIONS

Setting the right benchmarks

Tuesday, 24 January 2017, 17.30-18.30

Brussels, **József Antall** building - JAN 2Q2

PROGRAMME

17.30-17.35 Welcome and introductory remarks by

Chair of the Committee on Foreign Affairs (AFET)

MEP Ramona Nicole MANESCU, AFET Rapporteur for the EU-Turkmenistan Partnership and Cooperation Agreement,

17.35-18.00 Expert presentations

- **Dr Sebastien PEYROUSE**, Research Professor of International Affairs, George Washington University, Washington DC;
- **Dr Luca ANCESCHI**, Lecturer in Central Asian Studies, University of Glasgow.

18.00-18.10 Inputs from

- **Toivo KLAAR**, Head of Central Asia Division, European External Action Service (EEAS)
- **Merdan GAYYPOV**, First Secretary, Mission of Turkmenistan to the European Union
- **Tinatin TSERTSVADZE**, International Partnership for Human Rights

18.10-18.25 Debate

18.25-18.30 Concluding remarks by **MEP Ramona Nicole MANESCU**

Biographies

DIRECTORATE-GENERAL FOR EXTERNAL
POLICIES

POLICY DEPARTMENT



For the Committee on Foreign Affairs (AFET)

WORKSHOP: EU -TURKMENISTAN RELATIONS**Setting the right benchmarks**

Tuesday, 24 January 2017, 17.30-18.30

Brussels, **József Antall** building - JAN 2Q2**BIOGRAPHIES****Dr Sébastien PEYROUSE**

Sébastien Peyrouse, PhD, is a research professor at the Central Asia Program (IERES, George Washington University) and a senior fellow at the East West Institute. His main areas of expertise are political systems in Central Asia, economic and social issues, Islam and Christian minorities, and Central Asia's geopolitical positioning toward China and India. He has published several monographs, *Turkmenistan. Strategies of Power, Dilemmas of Development* (Armonk: M. E. Sharpe, November 2011), *Des Chrétiens entre Athéisme et Islam. Regards sur la Question Religieuse en Asie Centrale Soviétique et Post-Soviétique* (Paris: Maisonneuve et Larose, 2004) and, with Marlène Laruelle, *The 'Chinese Question' in Central Asia. Domestic Order, Social Changes, and the Chinese Factor* (London, New York: Hurst, Columbia University Press, December 2011) and *Globalizing Central Asia: Geopolitics and the Challenges of Economic Development* (Armonk: ME Sharpe, 2012).

Dr Luca ANCESCHI

Dr Luca Anceschi lectures in Central Asian Studies at the University of Glasgow, where he also co-edits *Europe-Asia Studies*, the world's leading academic journal for the study of Russia, Eastern Europe, and Eurasia. Educated in Napoli and Melbourne, Dr Anceschi has centred his research agenda on the Politics and International Relations of post-Soviet Central Asia, with particular reference to Kazakhstan and Turkmenistan – the region's main energy exporters. Dr Anceschi's first book *Turkmenistan's Foreign Policy – Positive Neutrality and the Consolidation of the Turkmen regime* (Routledge 2008), represented the first book-length account of Turkmen foreign policy published in Western languages. He has been a Visiting Research Fellow at the Central Asia Studies Centre at KIMEP University [Almaty, Kazakhstan] and a Central Asia Visiting Fellow at the Aleksanteri Institute, the Finnish Centre for Russian and East European Studies. Until September 2016, Dr Anceschi acted as the Academic Director of the International Master in Russian, Central & East European Studies, the only Master programme on Russian and Eurasian Studies that currently holds Erasmus Mundus recognition. As a regular writer for *Open Democracy Russia* and a frequent participant in the Central Asia-focused podcasts organised by Radio Free Europe/Radio Liberty, Dr Anceschi contributes regularly to the international debate on Central Asian Affairs.

1 Workshop report

The meeting started with an address from workshop Chair, MEP Anders Primdahl Vistisen (ECR, DK) to the workshop attendees, who welcomed the experts and mentioned that this workshop should lay out benchmarks for the ratification and enforcement of the EU-Turkmenistan Partnership and Cooperation Agreement (PCA).

1.1 Introduction by Ramona Nicole Mănescu

To introduce the workshop, MEP Ramona Nicole Mănescu (EPP, RO), the Rapporteur, took the floor to state that the workshop is part of the process to gain the European Parliament's consent to proceed with the PCA; its main aim is the identification of common ground to sort out the differences on the given issues. She stressed that the PCA will facilitate the relationship between the EU and Turkmenistan in significant ways and that it will furthermore support the promotion of human rights in Turkmenistan. She also included economic, political, and social rights in Turkmenistan as areas that need to be supported. She recommended not only pointing out systemic weaknesses, but also identifying areas where the EU could provide assistance and support in order to reinforce these values, and suggested that this approach should also be a part of the PCA. Mrs. Mănescu welcomed the steps taken by Turkmenistan partly thanks to the Human Rights Dialogue and the recent adoption of a National Action Plan on Human Rights. She finally added that the EU should provide support in order to develop civil society in practice, but also to help with drafting legislation that follows these goals.

1.2 Rule of Law and Human Rights - Presentation by Dr Sébastien Peyrouse

In the next presentation, Dr Sébastien Peyrouse (George Washington University) stated that he would focus on the issues of rule of law and human rights. Dr Peyrouse started by saying that despite the current president of Turkmenistan, Gurbanguly Berdimuhamedow, lauding the continuous democratisation of the country, the president has in reality followed a policy of concentration and reinforcement of his personal power, similarly to his predecessor Saparmurat Niyazov. Berdimuhamedow maintains the right to appoint governors, judges, and members of the National Electoral Commission. The judiciary system remains one of the most opaque in the world. Dr Peyrouse said that on paper there are some positive signs, as for instance, the establishment of an ombudsman in 2016. In 2015, for the first time in 12 years, Turkmenistan sent a delegation to the annual Human Dimension Implementation Meeting of the OSCE. However, he added that oppression is still ongoing in the country; for example, the president makes sure that there is no possibility for anyone to emerge as a competitor to his power.

Dr Peyrouse said that civil society remains unable to organise, since individuals, including those who are not involved in politics, remain threatened by arbitrary police and judicial detention. He added that the opposition remains in exile and noted that Turkmenistan law allows peaceful assemblies if the local authorities approve them in advance, but that the repressive atmosphere makes it very unlikely that people will participate in independent peaceful gatherings without government reprisal. He claimed that in practice the situation has not improved since the death of the previous president. He quoted the UN Committee against Torture, which maintains serious concerns about the continuing allegations of violations of human rights in Turkmenistan. According to the information Dr Peyrouse receives from within Turkmenistan, the situation has worsened throughout the last twelve months. He mentioned that, according to non-governmental organisations, more than 100 people have disappeared into the prison system in Turkmenistan over the past 15 years and that the authorities perceive these people as threats and place them in complete isolation, in violation of international standards and national law, and ignore international obligations within the frameworks of the UN and OSCE. He added that such practices are used by the authorities to intimidate the public and to suppress any desire for reform within the state apparatus.

Dr Peyrouse cited the example of the imprisonment of a former high state official, Major General Turkish Tyrmvev, who was imprisoned for almost 15 years without any contact with the outside world and recently died while imprisoned. He then gave another example of oppressive measures in the country: a travel ban affecting as many as 17,000 people among them mostly civil society activists, relatives of prisoners and exiled dissidents, and anyone who could potentially be disloyal.

Dr Peyrouse then moved to the issue of freedom of the press: all media organizations are still under total control by the state and are subject to permanent censorship. He added that broadcasting of news unfavourable to the regime, such as reports on food shortages, bad harvests, or factory breakdowns, is prohibited. He said that authoritarian principles are merging with nationalist tendencies, demonstrating itself in ethnicization of the state in all its areas – political, economic, and social. He added that it is impossible for members of a minority to join the state, security or financial sectors. Dr Peyrouse then focused on education, stating that the above-described authoritarian tendencies, as well as the cult of personality, have contributed to the collapse of the educational system. He mentioned that one positive change has taken place with the abolition of a requirement – previously introduced by the former president, Niyazov – of needing to prove at least a two-year work experience before being allowed to enrol into university. He also added that tertiary education is no longer limited to two years and that doctoral studies have been reintroduced. He then explained the role of the so-called Renaissance Era, which is the official slogan of the government in the educational sector and serves to promote the regime's activities. Dr Peyrouse then moved on to the topic of religious freedom, explaining that while legislation adopted after the independence formally established the right to belief and worship, the current president is quite suspicious of religion, especially so-called “foreign” religions or movements. He has revived under his regime anti-religious regulations previously used by the Soviet regime, in particular the obligation for all religious movements to register with the Ministry of Justice, under the threat of criminal penalties.

Dr Peyrouse then moved to an evaluation of whether the conditions to ratify the PCA were met. He listed the conditions, namely: the unconditional release of all political prisoners, the removal of obstacles to the free movement of individuals, free access to the country for the International Committee of the Red Cross and independent monitors, and an improvement in civil liberties. He then concluded that none of the listed conditions were fulfilled. There has been no tangible progress on human rights since the European Parliament discussed again the ratification of the PCA in 2016, despite the fact that in 2011 the European Parliament recommended benchmarks for progress in human rights and the need for an effective monitoring system. Dr Peyrouse also added that the constitutional changes adopted in the country in 2016 did not take into account the international recommendations. For example, the revised constitution does not guarantee freedom of movement abroad, connects the enjoyment of rights with fulfilment of duties, and paves the way for for the current president to be able to rule for life.

Dr Peyrouse continued by stating that, in light of the situation of human rights in Turkmenistan, the PCA should be adopted with particular conditions (described below). He stressed that Turkmenistan and its people are in need of international cooperation, since the country is now facing an economic crisis. Information coming from the country indicates that due to the critical state of the economy, the population is facing an alarming social situation. He named the lack of human capital in the country as one of the main problems. The government is aware of these economic and social difficulties, and is willing to find new partners. Therefore, the EU could play an important role in supporting the economic development of the country.

Dr Peyrouse then focused on the issue of influence of foreign countries on Turkmenistan, stating China's growing influence and Russia's ambition to recover its political influence over Central Asia. He stated that the EU's influence is needed, since the two aforementioned countries are more prone to support the authoritarian tendencies in the country and that unlike them, the EU can, based on its values, contribute to democratization of the country. While recognizing the existence of risks, Dr Peyrouse acknowledged the

importance of the PCA ratification since it could offer more EU influence in Turkmenistan. The risk mentioned was that Turkmenistan might understand the ratification of the PCA not as a tool for necessary reforms, but as a political success and an achievement in itself.

Dr Peyrouse compared the significance and possible influence of the PCA's provisions on the state of human rights in the country with other international treaties, such as the PCAs signed with Uzbekistan and Tajikistan, which both include provisions on the respect of human rights and democracy. No real successes were recorded in the fields of human rights and democratization; as a matter of fact, the state of human rights and democracy deteriorated in these countries. He also mentioned the case of Kazakhstan, which was awarded the chairmanship of the OSCE on 1 January 2010 for 2 years on the basis of a declaration of intent. Before assuming the helm of the OSCE, Kazakhstan pledged to conduct "grand-scale political modernization" and democratic reforms, promises that were however never fulfilled, with the authoritarian tendencies in the country having since strengthened. After illustrating the possible risks of failure based on the cases of countries neighbouring Turkmenistan, he highlighted the significant differences between Turkmenistan and its neighbours, explaining that Turkmenistan doesn't recognize that there are issues with the state of human rights and democracy in the country. For example, at the 2016 annual Human Dimension Implementation Meeting hosted by the OSCE, the Turkmen delegation refused to accept the OSCE's claims and criticism.

1.2.1 Conclusions and Recommendations

Dr Peyrouse concluded his presentation with the recognition that political dialogue is a small but integral part of the PCA. He then cited article 67 of the PCA, which focuses on the topics at hand – democratisation, rule of law and human rights, while adding his belief that democratic reforms are unlikely to be implemented despite the existence of the article. Dr Peyrouse insisted on the value of conditional ratification as a leverage to foster real and actionable change to take place: benchmarks and a monitoring system should be put in place to measure progress, since without leverage, there is a threat that the promotion of human rights and rule of law will fall by the wayside. In such a scenario, the only positive outcome would be for the Turkmen government. He claimed that if there is no conditionality, the Turkmen government will ignore human rights and rule of law issues, even more after the treaty is adopted, making the preparations for the adoption of the PCA can be a powerful tool to improve the conditions in Turkmenistan. According to Dr Peyrouse, the adoption of the PCA should be conditional on having benchmarks in place to ensure the measurability of the process, as simply opening new channels of dialogue will not function. He concluded that the benchmarks should prove to be realistic in the short term, namely disclosing information on disappeared persons, releasing political prisoners, ending the harassment of independent journalists, lifting travel bans, ending restrictions of freedom of speech and allowing independent international monitors into the country.

1.3 Economic Aspects and Economic Landscape - Presentation by Dr Luca Anceschi

The second presentation, by Dr Luca Anceschi (University of Glasgow), focused on the economic landscape of the country. He stated that there is a need for liberalisation of the system in Turkmenistan, while outlining a gradual approach to changes within a three year period, to ensure the effectiveness of the process. Dr Anceschi offered an analysis of the current situation in Turkmenistan by stating that the situation is negative to an unprecedented degree: it is making the daily life of the citizens of the country very difficult and at the same time, on a daily basis it is eroding the legitimacy of the current regime. He said that, due to the severity of the situation, the year 2017 is in fact the most conducive moment of the last 25 years for furthering Turkmenistan's engagement with the EU.

In his view, the European Parliament should ratify the PCA. He based his argument on an analysis of the long-term tendencies of imports to Turkmenistan. He said that the economy is a one-product economy, noting that gas exports represent more than 80% of tax revenues, more than 30% of the GDP, and more than 50% of state government funding. He stated that in the past 7 years the pattern of gas exports has changed: in the year 2009 the main export customer was Russia, but by 2015 China had taken over that position. He added that in the past 14 months, Russia, as well as Iran have suspended their trade on gas, which has left China as Turkmenistan's sole customer. He explained that because of such developments, Turkmenistan is not receiving financial resources. In place of money, Turkmenistan has instead received a system of loans and investments from China. According to Dr Anceschi, this is complicating the situation even more since Turkmenistan is left for this crucial commodity with only one customer, which is not providing it with hard currency. Allegedly, according to Dr Anceschi, there is simply no money coming into the country now, which is making the situation not only unprecedented but also very difficult to respond to. He concluded that such a situation is indicative of the failure to create a diversified economy. He added that this has already had consequences, with information on food shortages starting to come in, and also with the news that the government has recently banned private fishing. He also added that the wages of public servants are currently not being paid and that there is a tendency to reduce the size of the energy sector. As an example, he mentioned *Türkmengaz*, Turkmenistan's state gas company, which has reportedly witnessed a number of rounds of employee layoffs, accompanied by worker strikes. According to Dr Anceschi, this crisis is significant, not only for the main export industry of the country but also for domestic affairs. The country's failure to reform its economy and regulatory environment, which are basically unchanged since the fall of the Soviet regime, has sent it into a crisis. He criticised official statistics as a source of information, claiming that they are plainly unrealistic, while mentioning that for experts focusing on the Turkmenistan, it is clear that the country is in economic decline.

1.3.1 Conclusions and Recommendations

Dr Anceschi concluded that for Turkmenistan is in great need to find new international partners in order to be able to deal with its economic issues. For that reason, he recommends the PCA should be signed, as it will give the EU a role in participation in Turkmenistan's economic recovery. He clarified further that this scenario would not only constrain the liberalisation agenda pursued by the EU in Turkmenistan. The persistence of China as Turkmenistan's main partner or the return of Russia as the dominant partner would mean, in a qualitative sense, that there would simply be no improvement in the level of governance. He clarified further that this would not be a problem only due to the normative implications, but that it would surely also have disastrous implications for the population. There is a possibility that the political space, which is already rather small, would become even smaller and, as a result, the whole system would become even more rigid.

He then advocated that the EU should recognise the peculiarity of this situation as an opportunity to engage more directly with the Turkmen government, while stressing that the ratification of the PCA should not be understood as a reward for the Turkmen government. Dr Anceschi identified sets of benchmarks to ensure successful implementation of the PCA: the recognition of the existence of political prisoners; the removal of any internal and external limitations to mobility of people; a timeframe of 24 to 36 months for the changes to be implemented; the development of a system of non-governmental organisations (starting with the organisations which are not pursuing political agendas); and finally the development of political exchanges between EU institutions and Member States, and political organisations in Turkmenistan that are officially recognised in the country. Dr Anceschi concluded his presentation by stressing the importance of using this window of opportunity for the EU to establish itself as a partner for Turkmenistan.

1.4 Discussion

1.4.1 Comments by Toivo Klaar

In his commentary, Toivo Klaar (European External Action Service) connected the values defended by the EU and their relevance to Turkmenistan, stating that the same values are needed for the economic growth of Turkmenistan, naming explicitly rule of law and good governance. Mr. Klaar affirmed the need for the EU to have a PCA with Turkmenistan. He noted that there is currently a low level of interaction between the EU and Turkmenistan, making it difficult for the EU to have a proper dialogue with the Turkmen authorities in order to promote its interests. He said that the PCA will provide a forum for the EEAS and the European Parliament to interact on a regular basis with Turkmenistan, which is crucial for the EU to be able to advocate for its interests. In reaction to Dr Anceschi's presentation on energy, he mentioned that the signing of a treaty between Turkmenistan, Azerbaijan, Turkey, and the EU, which could be the basis for the transit of Turkmen gas to European markets, would be in the interest of both the EU and Turkmenistan. He concluded that the signing the PCA, as a means to provide much needed institutional arrangements and to create a forum, was more important than putting conditionality first and waiting for its possible implementation.

1.4.2 Comments by Tinatin Tsertsvadze

In her commentary, Tinatin Tsertsvadze (International Partnership for Human Rights) opened by stressing that authoritarian and illiberal tendencies are on the rise globally, and that the values which the EU stands for and promotes have been eroding. Ms. Tsertsvadze then questioned the use of conditionality with PCAs, arguing that the PCA format has been used to establish links in essentially all the post-Soviet countries. She stated that social developments, such as the values discussed (human rights and rule of law) and social processes, are usually the result of the dynamics of domestic politics and internal political dialogue. In her opinion, these internal factors, rather than treaties such as PCAs, generally determine whether countries want to be more democratic.

She added that Turkmenistan is the only country in Central Asia which doesn't have a treaty such as a PCA (along with Belarus, another country in the broader post-Soviet region), and that is why the question of whether the PCA should be pursued as a possible instrument for the promotion of human rights or not should be settled. Mrs. Tsertsvadze then stated that PCAs are not the most appropriate instrument for dealing with human rights issues. She then discussed the benchmarks, following the presentations of the previous speakers. She firstly mentioned broader civil and political rights and stated that Turkmenistan has a satisfactory legislative and regulatory system. However, in practice, the implementation of these rules is not successful, especially for instance the laws on assembly and association. Second, she discussed the access of international observers to the country, noting that Turkmenistan is one of the least cooperative countries towards the relevant UN mechanisms. There are currently 13 pending requests by the UN submitted by the special rapporteurs that are awaiting a reaction.

1.4.3 Comments by Laima Liucija Andrikiene

MEP Laima Liucija Andrikiene (EPP, LT) added that while much had been mentioned concerning the situation in Turkmenistan, freedom of religion and beliefs had so far been left out from the discussion. As one of the fundamental rights enshrined in the UN Universal Declaration of Human Rights and the UN Charter on Civil and Political Rights. Mrs. Andrikiene added that Turkmenistan ranked 19th on the watch list (published by the Open Doors NGO in January 2017) monitoring the countries where it is most difficult to be a Christian, with a level of "very high persecution". While presenting these illustrative arguments, Mrs. Andrikiene concluded that the ratification of the PCA should be conditional on very clear benchmarks, including freedom of religion and beliefs.

1.4.4 Reaction of Sébastien Peyrouse

Dr Peyrouse was asked by Mr. Vistisen to elaborate on the issue of freedom of religion and belief. The former stated that there is a difference between the legislation, where rights are granted and international standards are recognized, and the practice where rights for religious groups and individuals are limited by regulations. This includes the politicisation of religious organisations and institutions.

He concluded that he had not addressed the issue more in his presentation not because the topic wasn't important enough but due to the time limitations of the meeting. Freedom of religion and belief is indeed a major issue in Turkmenistan, he said.

1.5 Summary by Ramona Nicole Mănescu

To conclude the meeting, Mr. Vistisen gave the floor to Ms. Mănescu, the Rapporteur. She stated that, based on the discussion it was clear that there is a seeming tension between on the one hand values and standards, the necessity of adopting a normative approach including especially the issues of human rights, rule of law, and proper functioning of democratic states, and on the other hand, economic development. It is however clear that both are intertwined, and development of the one side without the other is not possible in Turkmenistan. Mrs. Mănescu summarised that all the speakers mentioned the importance of having instruments for communication and interaction with the Turkmen government in order to secure better rule of law as well as a better economic situation for the citizens. She stated that there is general agreement on this issue and that the European Parliament has a great opportunity to improve the conditions in Turkmenistan by ratifying the PCA. Without engagement from the side of the EU, there will be no possibility of successfully requesting any sort of meaningful cooperation from Turkmenistan, she concluded.

2 Engaging Turkmenistan at a Time of Economic Crisis (briefing by Luca Anceschi)

2.1 Introduction and Key Objectives

In early January 2017, the trade of natural gas between Turkmenistan and the Islamic Republic of Iran came to a sudden halt¹. Despite the relatively minor significance that energy trade with Iran holds *vis-à-vis* the Turkmen commercial balance², the interruption of gas deliveries of early 2017 is expected to impact quite dramatically on the political economy of Turkmen authoritarianism. Since Iran has ceased to be a customer, Turkmenistan – which features an essentially rentier economy (Gleason) managed by an extremely authoritarian regime (Anceschi) – has been forced to conduct its gas trade in an exclusive relationship with the People's Republic of China. The specific structure of the Sino-Turkmen energy trade, as this study will describe in greater detail, is restricting the inflow of hard cash into the Turkmen coffers, thus bringing Turkmenistan's energy-dependent economy to the brink of collapse.

This study intends to make the case for the European Union's enhanced engagement with Turkmenistan, by considering the uniquely complex juncture that the regime led by Gurbanguly Berdymukhamedov has entered in early 2017. The study will argue that a combination of economic hardship and international isolation may force the leadership in Ashgabat to pursue, with renewed vigour, the establishment of new foreign partnerships, hence diverting from the passive foreign policy path that has traditionally characterised the international dealings of the Turkmen regime (Anceschi). The European Union, in this author's views, ought to take consideration of these specific circumstances and devise a new strategy of engagement with the Turkmen leadership.

The key vehicle to maximise the success of this enhanced form of engagement is represented by the ratification of a Partnership & Cooperation Agreement [PCA] between the European Union and Turkmenistan. PCA enforcement may allow the European Union to apply, in relation to Turkmenistan, the 'pragmatic combination' of aid, political engagement, and conditionality that Jas Boonstra and Tika Tsertsvadze³ recommended to guide the EU action in Kyrgyzstan and Tajikistan. It is however on the issue of conditionality that the balance of the European Union's Turkmenistan strategy hangs more precariously, given the intractability that has typically underpinned Ashgabat's responses to exogenous pressures for the liberalisation of the Turkmen political landscape. Given the highly authoritarian nature of Turkmen politics, it would make no sense to engage with Turkmenistan without outlining a specific range of conditionality measures. This study recognises that normative imperatives are to regulate the European Union's engagement with Turkmenistan. To this end, it outlines a series of conditionality measures to be put in place once the PCA has been signed.

Ultimately, the study is designed to advance an economic case for political engagement with Turkmenistan, by contextualising, in its first segment, the dynamics that set into motion Turkmenistan's gas crisis, to then describe the worrying markers that have recently signalled the internalisation of this crisis. The study's final section articulates a series of recommendations to enhance the European Union's engagement with Turkmenistan, detailing specific conditionality measures to regulate this engagement.

¹ Bruce Pannier, 'Turkmen Cutoff Of Iran Leaves Dwindling Gas Options For Ashgabat', *RFE/RL*, 2 January 2017 [<http://www.rferl.org/a/turkmenistan-iran-gas-dispute-dwindling-options/28209476.html>].

² The commercialisation of gas relations between Turkmenistan and Iran has carried through the operationalisation of the two short pipelines bringing Turkmen gas to northern Iran. A steady flow of natural gas volumes reached Iran since the inauguration of the Korpjeje–Kordkuy pipeline in December 1997: the *BP Statistical Review of World Energy* reported that the parties in question exchanged a record volume of 10.20 bcm in 2010.

³ EP/EXPO/B/AFET/FWC/2013-08/Lot1/04-01, Implementation and review of the European Union-Central Asia Strategy: Recommendations for EU action, January 2016.

2.2 Turkmenistan's gas crisis

The 2009 opening of the Central Asia-China gas pipeline has been widely regarded as a watershed in the geopolitics of Eurasian natural gas, as the pipeline, to put it simply, represented the first infrastructure project not subjected to the monopoly imposed by *Gazprom* upon the transit of energy resources across Eurasia. For Turkmenistan, which continues to provide the majority of the natural gas pumped through the pipeline, the entry into line of a new export route to China represented a much welcome development, as it finally established a degree of multi-directionality within the regime's export options, which had hitherto only extended to Russia and, less significantly, Iran. Seven years later, this pipeline has become Turkmenistan's only working export route, due to the withdrawal of *Gazprom* from Central Asia's gas markets in October 2014 and, most recently, the interruption of the energy relations with the Islamic Republic of Iran.

The return to an essentially mono-directional energy export policy is a worrying development for the regime in Ashgabat, which is managing an economic system in which the energy sector accounts for 35 per cent of GDP, 90 per cent of total exports, and 80 per cent of fiscal revenues⁴. Since the entry into line of the Central Asia-China pipeline, China has emerged as a key buyer of Turkmenistan's gas: in 2015 – shortly after the termination of Ashgabat's gas relations with *Gazprom* – Chinese purchases accounted for 73 per cent of the gas exported by Turkmenistan. While there is no certainty about the future prospects for increasing the volumes traded through the Central Asia-China pipeline, China is expected to buy 100 per cent of Turkmen gas exports by the end of 2017, when the interruption of gas deliveries to northern Iran will begin to have a visible impact upon Turkmenistan's gas trade. The negative effects of this mono-directionality are exacerbated even further by the internal structure of Sino-Turkmen gas trade.

The substantive rise of China's share over the total export activities of Turkmenistan represented the apparent manifestation of a process whereby Chinese energy companies managed to acquire an increasingly central role in the production of Turkmen energy. Since the 1990s, successive regimes pursued a strict policy that prevented the access of foreign energy companies to onshore upstream production across the territory of Turkmenistan. The only exception to this policy has been represented by the production sharing agreement (PSA) finalised in July 2007 with the China National Petroleum Company (CNPC) towards development and extraction activities at the Bagtyýarlyk contract area in the Lebap region (northeast Turkmenistan)⁵. Production activities at Bagtyýarlyk accounts for only a segment of the gas pumped through the Central Asia-China gas pipeline: a second significant stream is in turn extracted at the giant Galkynysh gas field (Mary region), where production is completed through a series of processing stations built and operated by CNPC.

The gas traded via the Central Asia-China gas pipeline is part of a pay-or-purchase agreement (Bohr), through which Turkmenistan has committed to repay the capital invested by CNPC in the construction of the pipeline and the development of the Galkynysh field. As gas exports are diverted towards the repayment of the debt accumulated by Turkmenistan since 2009, the revenues associated with these exports are correspondingly decreasing. Turkmenistan's gas revenues contracted by 12.1 per cent between 2012 and 2015⁶. The IMF, in May 2016, forecasted a 51 per cent decline in Turkmenistan's total hydrocarbon revenues across the 2013-2016 timeframe⁷. There is general disagreement, amongst the expert community, about the timeframe within which Turkmenistan will be able to fully repay this debt. The

⁴ World Bank Group, Turkmenistan Partnership Program Snapshot, April 2015.

⁵ Yusin Lee, 2014, 'Opportunities and risks in Turkmenistan's quest for diversification of its gas export routes', *Energy Policy* 74, 2014, pp. 330-339.

⁶ Data on total gas revenues are from the World Integrated Trade Solutions database, available at: http://wits.worldbank.org/about_wits.html.

⁷ IMF Press Release No. 16/193, 'IMF staff concludes visit to Turkmenistan', 2 May 2016, [<https://www.imf.org/external/np/sec/pr/2016/pr16193.htm>].

opaque configuration of Turkmenistan's production structure prevents any precise assessment of the regional origins of gas exported to China. As it is virtually impossible to separate the quotas produced by *Türkmengaz* at Galkynysh from those produced by CNPC under PSA conditions in the Bagtyýarlyk area, there is not enough ground to formulate an informed assessment of the date by which Turkmenistan will return to receive full payments for its gas exports to China. What is certainly evident, as the study's next section will ultimately argue, is the devastating influence that the revenue crisis is currently exerting on Turkmenistan's domestic economic landscape.

2.2.1 Internalising Turkmenistan's gas crisis

Throughout the last twelve months, the attention of the international community has been increasingly centred on the severe crisis that is affecting Turkmenistan's rentier economy. Beyond the sudden, 18.9 per cent devaluation of the *manat* announced on 1 January 2015⁸, the regime headed by Gurbanguly Berdymukhamedov had recently proceeded to dismantle the extensive system of energy and food subsidies that has been in place since the early 1990s. The de-subsidisation of the Turkmen economy imposed additional economic pressure on ordinary citizens, who had to allocate increasing portions of their monthly wages to the purchases of goods that had hitherto been entirely free or heavily subsidised by the state.

At the same time, the drastic reduction of gas revenues experienced since 2009 intervened to progressively restrict the government's ability to perform its normal duties. In this context, the re-emergence of arrears⁹ in the payment of public workers' wages has to be seen as a most evident indicator of Turkmenistan's current economic crisis. The imposition of stricter government control over foreign currencies¹⁰ and the launch of a series of economic policies promoting import substitutions¹¹ represent two of the regime's most proactive responses to the crisis. Their effectiveness has however been questionable: the former led to the rise of Turkmenistan's inflation rate and the proliferation of black market currency exchanges; the latter, in turn, was carried out through the significant injection of government capital that, in return, brought very limited benefit to Turkmenistan's economic performance.

In a further indicator of the regime's profound disconnection with the economic context in which the Turkmen population is currently living, the campaign that led to the presidential election of 12 February 2017 occurred in an economic vacuum, as no mention of Turkmenistan's crisis was made at any point during campaign events¹². The incumbent leader, re-elected with a stunning 97.69% of the total vote, is now presiding, for a third consecutive mandate, over an economic system where reports of food shortages have become ubiquitous and the unofficial unemployment rate reached a staggering 50 per cent. Economic turbulence may erode the regime's political stability, triggering a nightmare scenario for an authoritarian regime that has traditionally placed power preservation at the core of its political agenda (Peyrouse).

Economic reform may be hence expected to represent a key issue in Berdymukhamedov's policy plan. The regime's reluctance to re-calibrate the local economy away from the extraction and the export of Turkmenistan's hydrocarbon reserves is likely to result in the formulation of anti-crisis measures that remain essentially anchored to rentierist methods of production. The regime's persistence with the construction

⁸ Chris Rickleton, 'Turkmenistan: What's behind sudden manat devaluation?', *Eurasianet*, 2 January 2015 [<http://www.eurasianet.org/node/71506>].

⁹ Bruce Pannier, 'Turkmenistan's reality: Unpaid wages and shortages of food', *RFE/RL*, 27 September 2016, [<http://www.rferl.org/a/turkmenistan-reality-unpaid-wages-food-shortages/28016347.html>].

¹⁰ Olzhas Auyezov, 'Exclusive: Turkmenistan limits access to foreign currency as exports fall – sources', *Reuters*, 20 July 2016, [<http://www.reuters.com/article/us-turkmenistan-economy-exclusive-idUSKCN100153>].

¹¹ IMF Press Release No. 16/544, 'IMF staff concludes visit to Turkmenistan', 6 December 2016, [<https://www.imf.org/en/News/Articles/2016/12/06/PR16544-Turkmenistan-IMF-Staff-Concludes-Visit>].

¹² Luca Anceschi, 'Turkmenistan's electoral denial', *Open Democracy*, 8 February 2017, [<https://www.opendemocracy.net/od-russia/luca-anceschi/turkmenistan-s-electoral-denial>].

of expensive infrastructure projects for gas exports – including the Turkmenistan-Afghanistan-Pakistan-India [TAPI] pipeline – or its resolve to enhance production capacity at Galkynysh to expand Turkmenistan's export potential (in spite of the absence of new customers) furthermore indicate that Turkmenistan's future economic performance will continue to be 1) gas-centred and 2) regime-dominated, pursuing – with a certain degree of desperation giving the inexorable decline of gas revenues – new partnerships to commercialise its energy resources. It is precisely at this juncture that the European Union ought to rethink its options for engagement with Turkmenistan.

2.3 Key recommendations

Recognising the unique severity of Turkmenistan's economic crisis, and the extremely difficult juncture currently experienced by the leadership in Ashgabat, the European Union ought to rapidly identify a series of options to expand its engagement with Turkmenistan. The ratification of the Partnership and Cooperation Agreement is the most significant of these engagement options. Turkmenistan is the only post-Soviet state with which the European Union is yet to finalise a comprehensive PCA. With relationships regulated by an Interim Trade Agreement signed in 1999 and entered into force in 2010, there is very limited scope for the European Union to engage at high level with the Turkmen government. The current EU-Turkmen cooperation framework does furthermore limit the effectiveness of the engagement instruments – including the Human Rights Dialogue – that have been introduced during the implementation phase of the EU New Strategy for Central Asia.

New, enhanced forms of engagement between the European Union and Turkmenistan ought to rely heavily on contacts already established by the members states and focus on the rapid identification of forms of energy cooperation that do not dwell on documents, strategies, and, most importantly, infrastructure projects that encountered scarce success in the preceding years. The rapid establishment of a renewed set of contacts with the Turkmen regime may facilitate the access of European energy companies to the Turkmen energy landscape. The role of private energy actors may actually prove a crucial step towards the success of this strategy of re-engagement, especially if the regime opts to review those policies that have to date denied the access of foreign economic actors to Turkmenistan's onshore gas fields.

The risks associated with failure to act rapidly are intimately connected to the potential, and perhaps definitive, re-entry of Turkmenistan within Russia's orbit or, alternatively, the further consolidation of a patron-client relationship with China. These developments will ultimately exert very detrimental influences over the long-term welfare of the Turkmen population and will more widely prevent the achievement of the normative and pragmatic objectives pursued by the European Union in Central Asia.

Any kind of enhanced engagement option to follow in the next 12-18 months ought however not to be presented as a reward for the persistently authoritarian regime led by the Gurbanguly Berdymukhamedov. The European Union's recognition that no qualitative improvement of local authoritarian governance has gone underway in Turkmenistan since Berdymukhamedov's accession to power, represents a critically important step towards the establishment of a genuine working relationship with the leadership in Ashgabat. Conditionality, in this sense, must be attached to the strengthening of economic cooperation between the European Union and Turkmenistan, devising a series of realistic benchmarks connected with the liberalisation of the post-electoral political landscape.

2.3.1 Conditionality Benchmarks

The particularly critical conditions currently experienced by the Turkmen economy demand that the European Union is to act swiftly towards the implementation of its strategy of re-engagement with Turkmenistan. A rapid ratification of the PCA is in this sense to be viewed as the initial, necessary step to reset the EU-Turkmen relationship. Once the PCA has entered into force, a detailed set of conditionality benchmarks ought to be addressed to guarantee the continuous implementation of the document. Specifically:

- Turkmenistan should guarantee EU access to verify whereabouts and conditions of political prisoners, especially those who remain imprisoned since the Niyazov era. Access ought not to be occasional but sustained across 3-4 years, through a mutually agreed procedure.
- Turkmenistan should agree to relax and, within 36 months from ratification, abandon any measure restricting the freedom of movement of its citizens who intend to travel within and beyond the Turkmen borders.
- Building upon independent assessments of the recent presidential election, Turkmenistan should agree to participate in a detailed, progressive, and realistic programme regulating the liberalisation of its civil society, starting from those non-government organisations that do not pursue a political agenda. EU funding might be made available towards the implementation of measures inscribed in this programme. A detailed range of checkpoints should be agreed between the parties in order to monitor the programme's implementation during the first 3 years of PCA implementation.
- Turkmenistan should agree to the launch of an exchange scheme that allows members of the three officially recognised Turkmen parties to establish connections with institutions at EU level and within the member states.

2.4 Conclusions

The uniquely negative economic circumstances in which the Turkmen regime is currently articulating its authoritarian agenda transformed economic reform into an improcrastinable short-term end for the leadership in Ashgabat. As Gurbanguly Berdymukhamedov and his associates are unlikely to decrease their reliance on hydrocarbon revenues, the identification of new international energy partnerships remains a top priority for the struggling Turkmen economy.

The European Union may thus emerge as a key partner for a regime in search for solutions to its economic problems. The swift ratification of the PCA will present the European Union and its member states with a series of instruments to leverage their energy collaboration with Turkmenistan, while furthermore elaborating a program of economic aid subjected to detailed provisions of conditionality. In order to facilitate the achievement of EU normative objectives vis-à-vis Turkmenistan, PCA implementation is to be inextricably linked to a series of political reforms through which the Turkmen regime commits to a set of embryonic, yet ultimately imperative, measures for political liberalisation.

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2.5 Powerpoint presentation

ENGAGING TURKMENISTAN AT A TIME OF ECONOMIC CRISIS

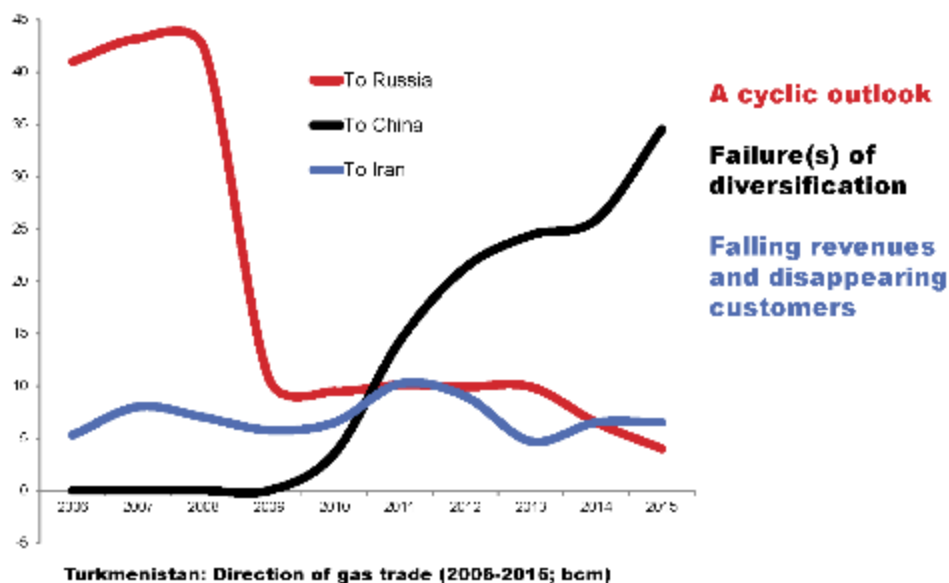
**DR LUCA ANCESCHI
LECTURER IN CENTRAL ASIAN STUDIES
THE UNIVERSITY OF GLASGOW**

KEY OBJECTIVES

- **Advance an economic case for political engagement by:**
 - **Contextualising Turkmenistan's gas crisis; and**
 - **Describing the markers that signal the internalisation of this crisis.**
- **Articulate a series of recommendations to enhance the European Union's engagement with Turkmenistan.**

ENGAGING TURKMENISTAN AT A TIME OF ECONOMIC CRISIS

TURKMENISTAN'S GAS CRISIS



INTERNALISING THE GAS CRISIS

- ✓ **Limit of export-centric analysis**
 - ✓ Misses domestic impact of gas abundance
 - ✓ Overlooks technology problems
- ✓ **Unreformed production structure**
 - ✓ The crisis of *Türkmengaz*
- ✓ **Intractable ownership structure**
 - ✓ A non-transparent extractive industry
- ✓ **GDP growth vs. real economy decline**
 - ✓ End of subsidy system
 - ✓ Food shortages

KEY RECOMMENDATIONS

The risks associated with failure to act connect to the re-entry of Turkmenistan within Russia's orbit or, alternatively, the further consolidation of a patron-client relationship with China. These developments will ultimately be very detrimental to the long-term welfare of the Turkmen population, and to the normative as well as pragmatic agendas pursued by the European Union in Central Asia.

- Recognising the **unique severity** of Turkmenistan's economic crisis, and the **extremely difficult juncture** experienced by the current leadership in Ashgabat, the European Union ought to **rapidly identify** a series of options to expand its engagement with Turkmenistan. The ratification of the **Partnership and Cooperation Agreement** is the most significant of these engagement options.
- New, enhanced forms of engagement ought to rely heavily on **contacts already established by the members states** and focus on the rapid identification of **new forms of energy cooperation** that do not dwell on **documents, strategies, or infrastructure projects** that encountered scarce success in the preceding years.
- Any kind of enhanced engagement option to follow in the next 12-18 months **ought not to be** presented as a **reward** for the persistently authoritarian regime led by the Gurbanguly Berdimuhamedov. EU recognition that no qualitative improvement has gone underway in Turkmenistan since Berdimuhamedov's accession to power is a critically important step towards the establishment of a genuine working relationship with the leadership in Ashgabat.
- Conditionality has to be attached to the strengthening of economic cooperation, devising a series of **realistic benchmarks** connected with the liberalisation of Turkmenistan's post-electoral political landscape.

ENGAGING TURKMENISTAN AT A TIME OF ECONOMIC CRISIS

CONDITIONALITY BENCHMARKS

- Turkmenistan should guarantee EU access to verify whereabouts and conditions of political prisoners, especially those who remain imprisoned since the Niyazov era. Access ought not to be occasional but sustained across 3-4 years, through a mutually agreed procedure.
- Turkmenistan should agree to relax and, within 36 months from ratification, abandon any measure restricting the freedom of movement of its citizens who intend to travel within and beyond the Turkmen border.
- Building upon independent assessments of the forthcoming presidential election, Turkmenistan should agree to participate in a detailed, progressive, and realistic programme regulating the liberalisation of its civil society, starting from those non-government organisations that do not pursue a political agenda. EU funding might be made available towards the implementation of measures inscribed in this programme. A detailed range of checkpoints should be agreed between the parties in order to monitor the programme's implementation during the first 3 years of PCA implementation.
- Turkmenistan should agree to the launch of an exchange scheme that allows members of the three officially recognised Turkmen parties to establish connections with institutions at EU level and within the member states.

ENGAGING TURKMENISTAN AT A TIME OF ECONOMIC CRISIS

3 EU-Turkmenistan: Should the PCA be ratified? (briefing by Sébastien Peyrouse)

3.1 Introduction

In its April 2009 resolution on the EU-Turkmenistan Interim Trade Agreement, the European Parliament set out specific human rights benchmarks that the Turkmen government would need to meet before the PCA could be ratified. They included the unconditional release of all political prisoners; the removal of obstacles to free travel; free access for International independent monitors; and improvements in civil liberties in Turkmenistan.

However, despite Berdymukhamedow's declarations about democratizing the country, few changes are noticeable. The current president pursues a policy of concentrating and reinforcing power that was initiated by his predecessor Niyazov. Repression continues to be meted out to the whole of society.

The economic situation in Turkmenistan is rapidly declining, and the population is facing an alarming social situation. Aware of these difficulties, the government appears willing to seek new partners. Ratifying the PCA could therefore open up a new window for cooperation with the EU.

Nevertheless, Turkmenistan is likely to see the ratification as an achievement in itself rather than as a tool for making real reforms. Therefore, ratification should be made conditional to real and measurable progress on human rights. Benchmarks should be concrete and feasible for implementation in a relatively short period of time.

3.2 Freedom and Human Rights in Turkmenistan

Officially, the government of Turkmenistan has attempted to demonstrate goodwill in the eyes of the international community. The president of Turkmenistan has continued to expand relations with foreign governments and international organizations. In 2015, for the first time in 12 years, Turkmenistan sent a delegation to the annual Human Dimension Implementation Meeting of the OSCE. A national human rights action plan for 2016-2020 was adopted at the beginning of 2016, and in January 2017, a law establishing an Ombudsman entered into force.

The situation inside the country, however, shows a completely different reality. Despite Berdymukhamedow's declarations about democratizing the country, few changes are noticeable and there does not appear to be a real liberalization of the regime. The current president pursues a policy of concentrating and reinforcing power that was initiated by his predecessor Niyazov. He maintains the right to appoint governors, judges, and members of the State Security Council, as well as the members of the National Electoral Commission. The judiciary system remains one of the most opaque in the world.

In 2016, a new Constitution was adopted, after a lengthy drafting period which included evaluations by international organisations and a public discussion to improve compliance with international standards. However, the adopted text did not take significant international recommendations into account. For example, it does not guarantee freedom of movement abroad or connect the enjoyment of fundamental rights with "fulfilment of duties"- but instead contains provisions that pave the way for the incumbent President to rule for life. Although the cult of Niyazov was shelved in the second half of the 2000s, it has merely given way to a new cult of the second president and his family. The portraits and writings of Berdymukhamedov have gradually replaced those of Niyazov.

Repression continues to be meted out regularly to the whole of society. Berdymukhamedov has ensured that no one can emerge as a threat to his hold on power. Civil society remains unable to organize; individuals—even those not involved in politics—have been threatened by arbitrary arrest and judicial decisions. The opposition, which while somewhat organized is unrepresentative of average Turkmen,

remains in exile. In November 2015, before the visit to Ashgabat by the United States secretary of state, authorities warned local activists to stay home or face retribution. Turkmenistan's Law on Assemblies allows for peaceful assemblies only if local authorities approve the venue in advance, and bans protests near government buildings and other areas. However, the exceedingly repressive atmosphere makes it unlikely in any case that people could participate in independent, peaceful gatherings without government reprisal. According to information from inside the country, the situation has worsened recently: local activists have reported the fiercest government pressure against them this last year.

According to nongovernmental organizations, over one hundred people have disappeared into the prison system in Turkmenistan over the past 15 years. The authorities perceived them to be a threat and placed them in complete isolation in violation of international standards and national law, and many reportedly were tortured. Some have already died. This practice is used by the authorities to intimidate the public and prevent any sentiment for reform within the state apparatus. Recently, the former head of the State Border Service of Turkmenistan, Major General Turkish Tyrmyev, passed away in prison. Tyrmyev was one of the first victims of forced disappearance among high level state officials in Turkmenistan and was imprisoned for almost 15 years without contact with the outside world. With these forced disappearances, the authorities demonstrate that Turkmenistan is willing to continue to ignore its international obligations within the frameworks of the United Nations and the OSCE. The UN Committee against Torture remains "*seriously concerned at consistent allegations*" of an appalling list of grave violations of human rights.

The hoped-for reforms in the area of freedom of the press have remained a dead letter. All media organizations are controlled by the state and subject to censorship. Only one information agency exists, the Turkmen State Information Agency (*Turkmen Dovlet Habarlary*), and all information provided to journalists comes from it. The broadcasting of bad news, such as food shortages, poor harvests, or factory breakdowns, is prohibited. Since 2000, the state corporation Turkmentelekom has controlled the entire Internet network. The opening of Internet cafes in 2007 can certainly be counted as progress, but using the Internet requires the presentation of a passport, and the manager of the café must obligatorily note the name and the address of the user. Exchanges of emails via the most popular sites such as Gmail, Yahoo, or Hotmail are monitored. Most independent and opposition news sites such as Ferghana, Khronika Turkmenistana, Eurasianet are inaccessible. Facebook, Twitter, YouTube, and many other sites are often blocked.

Authoritarianism and nationalism have gone hand in hand in Turkmenistan. A process of nationalization of the state has been going on in all its sectors political, economic and social. It is extremely difficult for Turkmen citizens belonging to a national minority to enter into public service, particularly the police, the security service, and legal, financial, and military sectors. Minorities are given virtually no room to engage in cultural activities, whereas this right has largely been depoliticized in the neighboring states, even in authoritarian Uzbekistan. Turkmenistan's Uzbek-language schools have all been closed. There are practically no media outlets for national minorities. Only one Russian-language newspaper, *Neitral'nyi Turkmenistan* continues to be published. None of the other national minority languages are represented in the media.

Authoritarianism and the cult of personality have largely contributed to the collapse of the education system. One positive development is that the obligation imposed by Niyazov on students to complete two years of work experience before entering university has been abolished. Tertiary education is no longer limited to two years and can extend to four, five, or six years with the reintroduction of doctoral programs, which under Niyazov had been eliminated. Moreover, in June 2007, Berdymukhamedow ordered the reopening of the Academy of Sciences and some research departments in universities, and allowed thesis defenses in the exact sciences and humanities. However, the reduction in the number of teaching hours of the *Ruhnama*, which under Niyazov served as the basic manual from which pupils learned to read and write, has not lead to a freer atmosphere. Pupils now must study "the policy of the Renaissance era," in

which they are taught about the new summits the country has attained and the justness of presidential decisions.

Although legislation adopted after independence formally established the right to freedom of belief and worship, Niyazov quickly became suspicious of religion, especially “foreign” religions or movements. This has led to increased repression of religious movements and believers, whether Muslim, Christian or otherwise. Since 2007, Berdymukhamedov has - far more than his predecessor - emphasized the internal dangers that religious extremism can present. The second president has extended all regulations from the Soviet era, which were had been maintained or even enhanced by Niyazov, in particular the obligation of every religious movement to register with the Ministry of Justice or face criminal penalties. The number of authorized movements therefore remains extremely small. Control over Islam is extreme. Imams have been obliged to give praise to the president during their Friday sermons. Anyone with dissident tendencies can be imprisoned for “Wahhabism.” The mosques remain largely empty, with believers preferring to avoid the risk of police controls that attendance entails.

3.3 Have conditions to ratify the PCA been fulfilled?

In its April 2009 resolution on the EU-Turkmenistan Interim Trade Agreement (ITA), the European Parliament set out specific human rights benchmarks that the Turkmen government would need to meet before the PCA could be ratified. They included:

- the unconditional release of all political prisoners;
- the removal of obstacles to free travel;
- free access for the International Red Cross and other independent monitors; and
- improvements in civil liberties, including for nongovernmental organizations (NGOs) in Turkmenistan.

There has been no tangible progress on human rights in Turkmenistan since the European Parliament discussed the ratification of the PCA last year, as there had not been since the European Parliament first articulated the need for benchmarks on human rights progress and the need for an effective monitoring mechanism in 2011.

3.4 Reasons Why Ratifying PCA with Turkmenistan Could Be Positive

Information from inside the country indicates that the economic situation is rapidly declining, and that the population is facing an alarming social situation. Among the causes of this crisis is the fall in world hydrocarbon prices, including gas, which has negatively impacted Turkmenistan’s budget. Nevertheless, the main long-term problem for Turkmenistan probably remains the lack of human capital, which has been destroyed in the last two decades among other things by the poor education system, and will need more time to be restored.

The government is aware of the economic difficulties, and appears willing to seek new partners. This opens up a new window for cooperation with the EU, which has never existed before. The need to engage with Turkmenistan is perhaps all the more important for the EU as China's role is growing in the country and Russia is trying to reassert its influence in the region. These two countries, at the very least, do not support what they consider the European values of democratization and human rights, but rather support authoritarian regimes in the name of preserving stability and social peace.

3.5 However, Ratifying a PCA Involves Avoiding Some Possible Pitfalls

Turkmenistan is likely to see ratifying the PCA as an achievement in itself rather than as the beginning of, and a tool for, making real, substantial reforms. Without additional leverage, the new channels of dialogue that the PCA provides are likely to be ineffective, as has been the ratification of international human rights treaties to date.

Too often, declarations of intent are not followed by concrete action, as past experience in the region has sadly shown. In the PCA signed with Uzbekistan and Tajikistan, language concerning cooperation in the areas of democracy and human rights was included. However the human rights situation in these two countries not only has not improved, but has deteriorated considerably. Both countries have also seen a decline in the area of democracy. We should also recall here the bad experience the international community had with Kazakhstan, which was granted the chairmanship of the OSCE on the basis of a promise of democratic reforms which never took place. Instead, Kazakhstan has strengthened the authoritarianism of its regime.

Even more concerning with Turkmenistan is that authorities seem unwilling to even recognize the human rights issues that the country is facing: during an OSCE meeting in September 2016, the delegation from Turkmenistan denied all criticism, calling it merely “subjective, provocative attacks and biased comments.”

3.6 Conclusion / Recommendations

The best approach to engage with Turkmenistan while at the same time promoting real change would be through conditional ratification of the PCA. Article 67 of the PCA project with Turkmenistan Cooperation remains a very vague term, which can remain as merely a declaration of intention. The European Parliament should elaborate additional concrete, measurable benchmarks that would be mandatory for the PCA to enter into force and in the meantime, put in place a monitoring mechanism to measure progress.

Ratification will not be an effective tool to promote human rights progress simply because it opens new channels of dialogue. Raising concerns without real leverage will not work. What the EU may believe is a means to an end, is perceived as an achievement by the Turkmen authorities. Turkmenistan’s dismal record to date of implementing the international human rights treaties it has joined, while at the same time touting ratification as a sign of progress, indicates how likely this scenario is. Turkmenistan will even more easily ignore its human rights obligations after ratification if there is no conditionality tied to it. Yet if properly used, the preparation for the ratification of the PCA can be a powerful tool to improve the situation in Turkmenistan. Having leverage is the key. Therefore, ratification of the PCA should be made conditional to real and measurable progress on human rights.

Benchmarks should be concrete and feasible for implementation in a relatively short period of time. For example, Turkmenistan should be required to disclose information on the disappeared, release specific political prisoners, stop harassment of independent activists and journalists, lift travel bans, end restrictions on freedom of expression and the Internet, and allow independent human rights monitors into the country. The European Parliament should make its consent to the PCA contingent on measurable progress in key areas of concern, based on measurable benchmarks and regular progress reviews.

3.7 Powerpoint Presentation

Workshop on EU-Turkmenistan Relations

Brussels, January 24, 2017

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Freedom and Human Rights in Turkmenistan

Berdimuhamedow's
policy of
concentrating and
reinforcing power

Despite a few
positive signs and
declarations of
Intent...

... Human rights have
not improved since
Niyazov's death in
December 2006

Freedom and Human Rights in Turkmenistan

No freedom of media, no freedom of expression

Turkmenization of the administration and discrimination
against minorities

Strict control of the education system

Freedom of religion or belief continues to be seriously
restricted

The Conditions to Ratify the PCA Have Not Been Fulfilled

- Unconditional release of all political prisoners
- Removal of obstacles to free travel
- Free access for the International Red Cross and other independent monitors
- Improvements in civil liberties, including for nongovernmental organizations (NGOs) in Turkmenistan

Reasons Why Ratifying PCA with Turkmenistan Could Be Positive

- Turkmenistan in the midst of a serious economic and social crisis
- The Turkmen government needs more international cooperation and is searching for new partners
- The PCA could be a unique opportunity for the EU to strengthen its involvement and disseminate its values in a very closed country

However, Ratifying a PCA Involves Avoiding Some Possible Pitfalls

- Turkmenistan is likely to tout the PCA as an achievement
- Promises may not be implemented
- The Turkmen government does not acknowledge human rights problems in the country

Conclusion / Recommendations

- Raising concerns without leverage will not work
- Ratification of the PCA should be made conditional to real and measurable progress on human rights
- Benchmarks should include: Disclosing information on the disappeared, releasing political prisoners, ending harassment of independent activists and journalists, lifting travel bans, ending severe restriction of freedom of expression, and allowing independent human rights monitors into the country

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