

# Central Asia-Caucasus Analyst

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*Central Asia- Caucasus Institute  
Silk Road Studies Program*



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# THE CENTRAL ASIA-CAUCASUS ANALYST

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**BACKGROUND:** 300-450 words of analysis about what has led up to the event or issue and why this issue is critical to the region. Include background information about the views and experiences of the local population.

**IMPLICATIONS:** 300-450 words of analysis of the ramifications of this event or issue, including where applicable, implications for the local people's future.

**CONCLUSIONS:** 100-200 words that strongly state your conclusions about the impact of the event or issue.

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## **Svante E. Cornell**

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# WILL THE U.S. AND UZBEKISTAN REVISIT THEIR STRATEGIC PARTNERSHIP?

*Farkhod Tolipov*

*On March 12, 2002, the U.S. and Uzbekistan signed a Declaration on Strategic Partnership and Cooperation Framework. The USUSP (U.S.-Uzbekistan Strategic Partnership) came about in the context of 9/11 and the launch of Operation Enduring Freedom in Afghanistan. In the eleven years that have passed since the establishment of these bilateral relations, the relationship has seen several ups and downs, testing the commitment of both sides to the letter and spirit of the Declaration. On March 12, 2013, Uzbekistan's Foreign Minister visited Washington and met with the new U.S. Secretary of State. What are the prospects for reestablishing the strategic partnership?*

**BACKGROUND:** The elevation of the U.S. – Uzbekistan relationship to strategic partnership in March 2002 induced great expectations in both countries regarding the prospects for bilateral cooperation. The Declaration on USUSP was drafted as a comprehensive document that comprises six chapters on cooperation in the political, security (military and military-technical), economic, humanitarian (including development of human resources), and legal fields, plus an additional chapter on general cooperation. In the preamble, the sides stated that they recognize the importance of a consistent implementation of democratic and market reforms in Uzbekistan as a necessary precondition for ensuring political, social, and economic stability, sustainable development, prosperity, and national security. In addition, Uzbekistan's independence, territorial integrity and sustainable development, as well as the inviolability of its borders, is mentioned as a key factor in maintaining stability and security in Central Asia. These two

statements contain two quite illustrative messages: on the one hand, democratic reforms and security are interlinked. On the other, Uzbekistan's security and development is considered together with that of Central Asia in general, and not in isolation from the region at large. Such views were reinforced further in the declaration's provisions.

Since the adoption of the USUSP declaration, the U.S.-Uzbekistan relationship has experienced a test of time reflected in explicit and implicit geopolitical trends in Central Asia. In the aftermath of the 9/11 events and the subsequent deployment of a U.S. contingent at the K-2 air base in Uzbekistan's southern city of Karshi for supporting the operation in Afghanistan, the strategic partnership became imminent. However, President Karimov's statement in early 2005 that a situation of "strategic uncertainty" had arisen in Central Asia revealed the increasing geopolitical perplexity experienced by Uzbekistan.



When the Andijan events occurred in May 2005 and the U.S. accused Uzbek authorities of “indiscriminate use force” during the anti-terrorist operation against insurgents in Andijan, the USUSP was reversed because Tashkent construed the uprising as evidence of a U.S. plot against Uzbekistan’s government. Given the experience of “strategic uncertainty,” Tashkent had already in June 2004 signed the Treaty on Russian-Uzbekistan Strategic Partnership (RFUSP) and in November 2005 went on to sign the Treaty on Alliance Relationships with Russia. Thus, from 2004-2005 Uzbekistan increasingly sought to balance strategic partnerships between two geopolitical rivals – the U.S. and the Russian Federation.

However, Washington and Tashkent have increasingly sought rapprochement from 2008 on, and even during their preceding differences the declaration remained in force and was never renounced by either side.

**IMPLICATIONS:** In early 2013, President Karimov once again reiterated the competition between foreign powers in the region, especially in the context of the ongoing U.S. and NATO withdrawal from Afghanistan which is to be completed by 2014. Therefore, Uzbekistan’s withdrawal from the CSTO last

year was accompanied with an Uzbek-Russian statement of commitment to the RFUSP. When it comes to the USUSP, some tokens of the strategic partnership can currently be envisaged in the context of four factors of consequence for the entire region: the functioning of the Northern Distribution Network (NDN) and the launch of the U.S. New Silk Road Strategy; the reactivation of NATO-Central Asia relations; the revision of the U.S.’s global posture; and the geopolitical transformation of the Eurasian space. We can add to this the factor of the U.S.-Russian “perezagruzka” (reset), in turn implying a need for Uzbekistan to reset its relations with both powers.

Uzbekistan’s two “perezagruzka” policies in terms of implementing two contradictory documents will be challenging not least because both great powers attribute a distinctive meaning to the very notion of strategic partnership. Particularly, the USUSP Declaration mentions different variations of the word democracy 11 times, whereas the RFUSP Treaty makes no such reference. In addition, the USUSP emphasizes the regional dimension of strategic partnership, whereas the RFUSP only mentions the region once in very general terms. As for Uzbekistan’s commitment to the letter and spirit of the USUSP, strategic partnership will in any case require it to grasp the normative dimension. As for its commitment to the RFUSP, this document emphasizes the military dimension, leaving other dimensions in more modest formulations.

Meanwhile, the NDN and the New Silk Road Strategy has become a specific trigger for the Washington-Tashkent strategic partnership. While it could be a beneficial new starting

point, even the first steps toward its implementation risk irritating the Russian side. Hence, both sides need to consider what it means for Uzbekistan to be a strategic partner to the U.S. and vice versa. The same question is equally valid in the relationship between Tashkent and Moscow.

For the time being it seems that both the U.S. and Uzbekistan could actually, intentionally or not, end up reducing the significance and meaning of a *de jure* strategic partnership to a *de facto* opportunistic one. The U.S. only needs the NDN in operation to withdraw its forces and technology from Afghanistan and Uzbekistan is interested in taking financial advantage of the NDN and keeping the leftovers of military equipment which were used in Afghanistan. Real strategic partners are supposed to move beyond such short-term lucrative cooperation. The end of the operation in Afghanistan in 2014 will not only change the regional strategic and geopolitical situation and the U.S. posture in the region, but Uzbekistan itself is expected to change in connection with the upcoming parliamentary elections in December 2014 and presidential elections in March 2015.

In 2009, the U.S. and Uzbekistan set up a high-level annual bilateral consultations (ABC) mechanism and since then three ABCs have taken place in which a wide range of issues are covered such as trade and development, investments, energy, agriculture, health, parliamentary exchanges, education, science and technology, counter-narcotics, border security, counter-terrorism, religious freedom, trafficking in persons, development of civil society and human rights as well as the operation in Afghanistan. The letters ABC have a symbolical designation,

implying a new beginning, a reset and also benchmarks. The ABCs and overall reset of U.S.-Uzbekistan relations can have long-term geopolitical and strategic implications if these relations finally meet the criteria of real strategic partnership.

Finally, the recent visit of Uzbek Foreign Minister Abdulaziz Kamilov to Washington was obviously an important step in U.S.-Uzbekistan bilateral relations, but whether it amounted to a crucial step in terms of the USUSP remains to be seen.

**CONCLUSIONS:** In spite of Uzbekistan's exit from the CSTO, the strategic and alliance relationships between Russia and Uzbekistan were nevertheless restated. However, while U.S.-Uzbekistan relations are experiencing a new rapprochement, the two sides have not yet restated the USUSP. Tashkent needs to find a prudent resolution of the geopolitical contradiction between the two treaties. Yet, before engaging in strategic partnerships, all three states first of all need to define their national grand strategies vis-à-vis each other.

Substantial and quintessential questions must be addressed in this respect, as well. Can two states professing two different value systems become real strategic partners? Should they revisit and revise the content of the USUSP? Are the strategic partnerships between Tashkent and Washington on the one hand Tashkent and Moscow on the other contradictory?

Strategic partnership implies a special type of relations between states going far beyond the features of ordinary cooperation. It requires a high level of mutual trust along with long-term, sustainable and comprehensive cooperation especially in the sphere of security interests, as well as similar positions on major

international issues. Both sides of the USUSP should, for instance, cooperate more intimately on issues related to Afghanistan than is required by NDN-driven communications. Overall, the letter and spirit of strategic partnership should not be obscured. The call “Retreat or move forward!” can be addressed to both states, who are

currently *de jure* but not yet *de facto* strategic partners.

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# THE INTERNATIONAL DIMENSION OF GEORGIA'S DOMESTIC INFIGHTING

Niklas Nilsson

*Georgia's cohabitation process following the October 2012 elections seems increasingly dysfunctional, as the political parties of the President and Prime Minister have failed to cooperate on most issues. While Georgia's general foreign policy direction remains a rare topic of consensus, the mutual distrust in domestic politics is increasingly also visible in Georgia's foreign policy, as President Saakashvili and Prime Minister Ivanishvili and their associates compete for international attention to their respective narratives of developments in Georgia. While this tendency can be considered a logical continuation of the election campaign of last year, it also tests the patience of Georgia's international partners in a situation where Georgia badly needs to reassert confidence in its political process.*

**BACKGROUND:** After Georgia's October 1, 2012 parliamentary elections, domestic politics in the country have descended into a protracted power struggle between the former ruling party, President Mikheil Saakashvili's United National Movement (UNM), and the winning Georgian Dream (GD) coalition under Prime Minister Bidzina Ivanishvili. As unexpected as the election results were among most outside observers, the outcome was regarded as holding significant symbolic importance among Georgia's western partners – for the first time since Georgia's independence, the country's political opposition was able to seize power through an orderly election. Yet, as has been repeated by Georgia's partners in the U.S. as well as the EU following the elections, the real test for Georgia's transition of power comes not with the election itself, but with the cumbersome process of cohabitation in its aftermath, conditioned by the fact that President Saakashvili remains in office until the presidential elections that are yet to be scheduled for fall 2013.

This process has so far taken all but smooth forms. Several arrests of former UNM officials have led Saakashvili and his associates to accuse the GD government of engaging in an attempt to eradicate what is now the political opposition in a series of politically motivated trials. The GD government, for its part, claims that it is only fulfilling its popular mandate for investigating crimes committed by representatives of the previous government – which was a forthcoming part of its election platform. Mutual distrust and heated rhetoric have impeded cooperation and compromise between government and opposition on practically all initiatives taken by the new government, including most prominently negotiations over amendments to the constitution that would reduce the president's powers and reforms of the judiciary. The current controversy on the government's proposed constitutional amendment that will prevent the president's right to dismiss the government six months after the parliamentary election currently threatens to spark a fresh political crisis.



Georgia's domestic political situation has also given rise to a somewhat absurd competition for international legitimacy between the country's two main representatives. Georgia's general foreign policy orientation, based on a firm commitment to continued integration with NATO and the EU, represents a rare source of consensus between the country's political players and was institutionalized in a resolution adopted by parliament in early March. In spite of a Russian agreement to reopen imports of Georgian wine and mineral water, there are few signs to affirm the UNM's frequently voiced suspicion over any profound gestures of appeasement toward Russia, and the government has strongly denied any consideration of membership in Russia-dominated regional organizations, such as the CIS or CSTO. Georgia has also reaffirmed its sizeable contribution to operations in Afghanistan, a tested means for cementing its relationship with the U.S., and recently opened for the possibility of a contribution to French operations in Mali.

**IMPLICATIONS:** Yet, both parties also clearly attribute significant importance to perceptions of Georgia's domestic political process among the country's international partners, in a manner that reveals how

Georgia's domestic politics plays out in various international fora. In fact, this tendency in large part represents a continuation of the election campaign, which pitched the UNM's narrative of a secretly Russia-oriented GD against a GD counter-narrative of a repressive and corrupt government, both allegedly posing grave threats to Georgia's future.

In the current international dimension of Georgia's domestic politics, Saakashvili and the UNM are interested in drawing attention to the alleged political aspects of prosecutions, constitutional amendments and changes to the media landscape as infringements to Georgia's democracy, while the GD government's message is that legal measures taken against political opponents are fully in observance with the rule of law and that UNM obstructionism is preventing an orderly transfer of power in Georgia. The government has invited OSCE monitoring of the trials so as to reinforce their legitimacy.

In response to Ivanishvili's cautious optimism for opening a railway connection between Russia and Armenia via Abkhazia and Georgia, Saakashvili said during a meeting in February of the Eastern Partnership members that such designs would benefit Russian designs for the South Caucasus and implied that the implementation of the railroad constituted evidence of Ivanishvili's "concrete commitments" to Russia. Saakashvili's recent warning in late February after a visit to Azerbaijan that Russia plans a similar scenario for Azerbaijan as it allegedly applied to Georgia in the 2012 elections, using "oligarchs, Russian funds, blackmailing and provocations," prompted Ivanishvili to issue a statement saying that the President's foreign

trips were not coordinated by the Georgian MFA and should not be taken to represent the views of the Georgian government.

Ivanishvili has also displayed a tendency to interpret various forms of international critique as covert UNM attacks. In reaction to a Washington Post editorial in November, critical of the arrests of former government officials, Ivanishvili lamented the criticism as the work of lobbying paid for by Georgia's National Security Council, headed by Saakashvili associate Giga Bokeria. Ivanishvili's reaction gave rise to several additional editorial pieces in outlets such as the New York Times, the Economist and Le Figaro. The budget for Georgia's NSC was drastically cut for the 2013 budget year.

Ivanishvili and Parliamentary speaker David Usupashvili reacted in a similar fashion to a critical open letter from members of the European People's Party (EPP) on March 6, which criticized the Georgian government for persecuting UNM members. Attending a simultaneous EPP meeting, Saakashvili had in an address to the participants termed Georgia's October elections "a clear setback" for the country's European integration. The letter was followed up on March 13 with an EPP declaration lamenting "backward steps" in Georgia's democratization following the elections, to which Ivanishvili responded by terming the allegations unsubstantiated and inviting long-term observers to Georgia.

Days later, Usupashvili embarked on a trip to Washington, DC, in an effort to sustain U.S. support in convincing Saakashvili to refrain from using his constitutional power to dismiss the government and to reassure U.S. decision makers of the legitimacy of the trials that are underway in Georgia. The government also

recently announced several newly signed contracts with lobbying firms in Washington, DC and Brussels, replacing many of the previous government's lobbyists in these locations.

**CONCLUSIONS:** Georgia's international predicament today lies less with the declaratory adherence to membership in international organizations such as NATO and the EU than with its ability to demonstrate that it is a country undergoing transition to meet the standards of membership in such organizations. The currently all but derailed cohabitation process and adjacent dual international campaigns for attracting international support for partisan causes in Georgia's domestic politics is not helpful in this regard. It is to Georgia's credit that it has so far managed to keep post-election political disputes largely inside parliament and off the streets (although exceptions include the February 8 protest against the President's State of the Nation Address). Yet, the future of Georgia's international orientation depends not only on the intentions of Georgian politicians from across the political spectrum, but also on the country's attractiveness as a prospective member to external observers. For a country that depends to an increasing extent on its domestic politics to demonstrate such attractiveness, especially as western military engagement in Afghanistan is coming to a close; Georgia now stands the risk of circumscribing its options for western integration.

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# TOWARD A NEW KAZAKHSTAN- U.S. PARTNERSHIP

Richard Weitz

*In accordance with its efforts to diversify its allegiance with major powers, Kazakhstan supports a strong U.S. economic and defense presence in Central Asia. The U.S. is equally interested in preserving Kazakhstan's balanced relationship with the other great powers. Renewing the partnership requires realigning its focus as the U.S. military presence in Central Asia declines but U.S. interests do not, while Kazakhstan responds to China's growing regional role and strong Russian interest in maintaining Moscow's primacy in the region. An effective U.S. diplomatic approach toward the region requires reaffirming U.S. support for the political and economic independence of Kazakhstan and its neighbors.*

**BACKGROUND:** The U.S. was the first country to recognize Kazakhstan, on December 25, 1991. Since then, energy and security issues have been a cornerstone in relations between the two countries. According to the U.S. Department of State, the U.S. provided roughly US\$ 1.2 billion to Kazakhstan in technical assistance and investment support between 1992 and 2005. More importantly, private U.S. companies have invested more than US\$ 20 billion in Kazakhstan during the last two decades. The U.S. remains an important economic partner for Kazakhstan. Bilateral trade last year was some US\$ 2.5 billion.

In the security realm, the U.S. provided Kazakhstan with considerable financial assistance to eliminate its nuclear warheads, weapons-grade materials, and supporting infrastructure. The ties strengthened after the U.S. invaded Afghanistan in October 2001.

Kazakhstan's leaders immediately proclaimed solidarity with Washington in the fight against international terrorism, while the U.S. reciprocated by increasing its counterterrorist and counter narcotics assistance to Astana. In recent years, the two countries have joined forces against terrorism, nuclear proliferation, in Iraq and especially in Afghanistan. The U.S. and Kazakhstan recently signed a new five-year defense cooperation agreement which foresees the Pentagon helping Kazakhstan reform its military training and improve its defense interoperability with NATO and the U.S. armed forces. Building on a long-standing nonproliferation partnership, Almaty has hosted the most recent round of Iran's talks with the P-6+1 (Germany and the five permanent UN Security Council members) seeking to resolve differences over its nuclear program.



From Washington's perspective, Kazakhstan's growing role in its extended neighborhood advances significant U.S. interests. Through its increasing economic engagement in Eurasia – which has involved direct investment and trade as well as support for improving regional commercial and transportation infrastructure – Kazakhstan is helping transform Central Asia and the Caspian region into an “arc of opportunity” rather than an “arc of crisis.” In addition, Kazakhstan's authorities have supported the development of energy pipelines that circumvent Russian territory. Kazakhstan's government is in the process of establishing a KazAID Agency, modeled after USAID, through which Kazakhstan will provide large-scale technical assistance in Central Asia and to other developing countries. Finally, Kazakhstan is helping develop Central Asia's economic infrastructure in order to transform Kazakhstan from “land-locked” to “land-linked” since it wants to become a “land bridge” between Europe and Asia. This supports the U.S. vision for a New Silk Road of closer economic ties among these countries through expanded mutual trade and investment and people-to-people exchanges.

Kazakhstan's support has been vital for sustaining the U.S. military campaign in Afghanistan. The U.S. and its allies convey large quantities of non-lethal supplies from Europe to their troops serving in the International Security Assistance Force (ISAF) in Afghanistan through Russia, the Caucasus, and Central Asia. Kazakhstan's role is this so-called Northern Distribution Network (NDN) is pivotal. The NDN comprises three main land routes, all of which converge and traverse Kazakhstan's territory before leading to Afghanistan. Kazakhstan has led the “Istanbul Process,” a series of high-level meetings launched in Nov 2011 in Istanbul to promote regional cooperation in the “Heart of Asia” region, especially between Afghanistan and its neighbors. It includes six clusters of confidence-building measures in the areas of education, counterterrorism, counter narcotics, disaster management, infrastructure, and commercial and trade engagement. The next ministerial will occur in April 2013. In addition, Kazakhstan supports international efforts to strengthen the Afghan National Security Forces with money, personnel, and other resources. The Kazakhstani government also provides Afghanistan with considerable humanitarian, financial, and technical assistance, including hundreds of scholarships for Afghan students to study in Kazakhstan's educational institutions as well as subsidized grain and financing of bridges, schools, hospitals, and the “Kunduz-Taloqan” road.

**IMPLICATIONS:** Despite their shared interests, the Kazakhstan-U.S. partnership is not unproblematic. The main U.S. complaint is that the Kazakhstani government has failed to make greater progress in transitioning into a liberal democratic country with competitive

national elections and greater freedoms for opposition leaders, critical media outlets, and nonviolent religious practitioners. In particular, U.S. officials do not believe that Kazakhstan meets the human rights and democracy commitments it made to chair the 56-nation Organization for Security and Cooperation in Europe (OSCE) in 2010. Kazakhstan's officials consider their OSCE-related goals as intentions rather than legally binding commitments. They also argue that they are focusing on constructing the economic and institutional preconditions for their state's successful transition into a political democracy.

Conversely, Kazakhstan's main complaint is that the U.S. does not compensate Kazakhstan suitably for its critical role in supporting U.S. regional goals. Fundamentally, Kazakhstan's government feels taken for granted. For example, it has seen a lack of U.S. interest in the work of the Conference on Interaction and CBMs in Asia (CICA), which Kazakhstan launched and led shortly after gaining independence. The CICA aims to extend confidence-building measures, which are common in Europe, to Asia, where they are not, as well as between Near East countries such as Israel and Iran, which are both members. Despite the Obama administration's increased focus on Asia, senior U.S. officials rarely attend CICA meetings.

In addition, Kazakhstan's officials believe the U.S. has not met its 2010 commitments to purchase many Kazakh goods in return for gaining access to Kazakhstan's territory through the NDN. In the view of Astana, Kazakhstan has fulfilled its commitments in this area, but U.S. purchases are at

exceedingly low levels. Kazakhstanis believe that the Pentagon spends more on NDN-related items in Russia and Uzbekistan than in Kazakhstan, despite of Kazakhstan being the location through which all NDN routes converge regardless of their originating routes.

Another of Kazakhstan's concerns is that it is still subject to the Jackson-Vanik Amendment. The U.S. Congress has already extended Permanent Normal Trade Relations (PNTR) treatment to twelve other former Soviet bloc countries, leaving Kazakhstan among only seven former Communist countries affected by outdated legislation to induce the free emigration of Soviet Jews. Kazakhstan's post-Soviet government has become a model of religious harmony and has launched several initiatives to promote moderation within the Islamic community and better understanding between Muslims and other religious groups. The U.S. government waives Jackson-Vanik for Kazakhstan and other countries every year, but Kazakhstan's officials want Congress to repeal the amendment, which they consider insulting, especially considering how open Kazakhstan is to U.S. business and the good relations between the two countries.

Washington's self-inflicted budget mess will keep the U.S. from increasing its aid levels any time soon. U.S. civilian assistance for all Central Asian countries is low and on a downward trajectory. In the aggregate, U.S. assistance to Central Asian countries is relatively modest compared with the vast sums spent in Afghanistan and Pakistan. In FY 2010, for example, the total U.S. assistance to Central Asia was less than three percent of what the U.S. provided to Afghanistan that year. In contrast, China has established a

commanding presence in Central Asian markets by directly supporting the industrial and infrastructural development of these countries. But the U.S. government can respond to Kazakhstan's desires and encourage the U.S. private sector to focus more on trade cooperation and establishing business-to-business partnerships beyond hydrocarbons. Kazakhstan's officials see U.S. investors as key partners in Kazakhstan's efforts to diversify its economy. Hundreds of U.S. firms now operate in Kazakhstan, with their direct net investments exceeding US\$ 15 billion, but most of these funds are still placed in the oil sector.

**CONCLUSIONS:** In accordance with its efforts to diversify its allegiance with major powers, Kazakhstan supports a U.S. economic

and defense presence in Central Asia. The success of Kazakhstan's multi-vector foreign policy requires having Western countries engaged in Central Asia, which otherwise would naturally gravitate toward Russia, China, or a Beijing-Moscow condominium, to the detriment of Kazakhstan's sovereignty. The U.S. is equally interested in preserving Kazakhstan's balanced relationship with the other great powers. An effective U.S. diplomatic approach toward the region requires reaffirming U.S. support for the political and economic independence of Kazakhstan and its neighbors.

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# PAKISTAN'S PIPELINE OPTIONS: TURKMENISTAN VERSUS IRAN

Naveed Ahmad

*Facing depleting petro-chemical reserves and soaring demands for energy, Pakistan has tough choices to make. It can either risk punitive action by opting for a steady supply of Iranian gas or rely on the more vulnerable but U.S.-backed 1,700 kilometer Turkmenistan-Afghanistan-Pakistan pipeline. Political instability and a lack of a long-term vision over the past two decades have impeded the evolution of both pipeline options, as well as inland and offshore exploration. With a modest forecast of an economic growth rate of 5.5 percent, Pakistan's energy demand in 2030 may soar to 361.31 Million Tons of Oil Equivalent (MTOE), causing a deficit of 141 MTOE. Hence, Pakistan is increasingly facing an energy emergency.*

**BACKGROUND:** Foreseeing energy shortages, Pakistan had three pipeline options under consideration in the early 1990s, respectively securing supplies from Iran, Turkmenistan and Qatar. Iran and Turkmenistan had in principle agreed to allocating gas fields as well as constructing the pipelines. The undersea natural gas pipeline from Qatar was problematic since it had to cross either Iran's territorial waters or its coastline. Progress towards agreements on the Iran and Turkmenistan pipelines were slow to materialize, owing to political instability in Pakistan and successive changes of governments.

In response to a growing number of power shortages, the then prime minister Benazir Bhutto attracted heavy investment by allowing independent power producers to engage in fuel-based electricity generation, thus adding an additional burden to the country's petroleum import bill. However, Tehran responded to Islamabad's request and offered to dedicate the South Pars gas field to supplying its eastern neighbor. However, the talks never reached a conclusive stage due to

abrupt changes of governments in Pakistan. By September 1999, Islamabad and Tehran had agreed on the crucial issue of pricing, pending the signing of documents at the summit level. On October 11, 1999, General Pervez Musharraf's bloodless coup fatally interrupted the process.

Policy-makers in Islamabad then became preoccupied with the post-9/11 fallout, including the UN-authorized attack on Afghanistan. Meanwhile, the surge of tensions between Iran and the U.S. forced Pakistan to abandon the Iran option. In 2005, Washington started promoting the Trans-Afghanistan Pipeline, originally conceived and agreed upon in April 1995. The U.S. added India to the equation as well, terming the project the Turkmenistan-Afghanistan-Pakistan-India (TAPI) pipeline, one strategic advantage of which was to divert Pakistan's attention from the Iranian option while simultaneously establishing interdependency between the two nuclear-armed rivals. In spite of his exclusive hold on power, President General Musharraf failed to address the country's energy security woes aggressively.



2008 marked the start of an industrial and logistical nightmare for Pakistan, including prolonged power outages and an increase in petroleum prices triggering inflation. Meanwhile, Afghanistan remained highly volatile, particularly in its central and eastern regions from where TAPI would have passed. Understanding the western neighbor's internal dynamics of Islamist opposition to the U.S. and its allied Karzai government, Pakistan had already responded affirmatively to the Iranian pipeline plan, which also attracted Indian interest. Though India had success in parleys with both Pakistan and Iran, it bowed out under U.S. and western pressure in 2009.

Pakistan wasted crucial time on negotiations after India wanted to buy Iranian gas through the pipeline and eventually abandoned the project. President Asif Ali Zardari and his Iranian counterpart Mahmoud Ahmadinejad inaugurated the Pakistan part of pipeline earlier in March, 19 years after it was first discussed bilaterally. Faced with the increased burden of petroleum- and banking-specific global sanctions, Iran desperately needs to materialize this pipeline project with Pakistan.

**IMPLICATIONS:** Yet, the pipeline will not come close to meeting Pakistan's energy

needs, and only a miraculous gas discovery can quench its daily thirst for 2.5 billion cubic feet of gas per day. Pakistan could potentially face an annual economic growth of 7 percent, owing to its population, geography and resources. Failure to ensure employment opportunities may cause civil unrest and massive migration to more prosperous parts of the world. According to UNDP figures, 63 percent of today's 188 million Pakistanis are below the age of 25.

The TAPI gas pipeline project looks great on paper, promising to deliver some 90 million metric cubic meters per day (mmcmd) of gas from Turkmenistan to South Asia. Yet, it requires a 650 kilometer-long pipeline passing through Herat, Helmand and Kandahar in Afghanistan. While the security situation remains problematic despite the NATO presence, the post-2014 scenario seems even worse for the investors as well as the respective government parties to this mega-project.

Even if the involved parties and investors decide to take the risk, gas deliveries from the Yolatan/Osman and adjacent gas fields in Turkmenistan to Afghanistan, Pakistan and India may not begin until mid-2018. Yet, financial and technical difficulties are only part of the challenge for the project that former U.S. Secretary of State Hillary Clinton termed a "New Silk Road for Central Asia." With heightened tensions between U.S. and Iran, subversion activities are likely in Shiite regions like Herat from elements other than Taliban or al-Qaeda.

An uninterrupted flow of gas to Pakistan and India is only possible after the success of political negotiations between the U.S. and the Taliban, which have hardly begun. TAPI

can create jobs in the country besides adding vital transit revenues of over US\$ 300 million a year to the national exchequer.

Though Pakistan is going ahead with the US\$ 1.3 billion gas pipeline, originating in Iran's South Pars field, it is far from clear that the project will finally be implemented. Pakistan is making a long term commitment to gas supply from its south-western neighbor in the absence of a third party ratification of the source. Since Russia's Gazprom backed out of constructing the pipeline and the Industrial & Chinese Commercial Bank walked out of funding the project, neither cash-starved Iran nor IMF-dependent Pakistan can accomplish it alone.

Moreover, the State Department can apply the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, against Pakistan for investing in Tehran's energy sector. The law clearly stipulates the imposition of sanctions "if a person has, with actual knowledge, made an investment of US\$ 20 million or more that directly and significantly contributed to Iran's ability to develop its petroleum resources." Additional sanctions, under the same act, prohibit specified foreign exchange, banking, and property transactions. Meanwhile, the National Bank of Pakistan has informed the finance ministry that its offshore branch will be closed if Iran-related curbs are slapped on the entity.

The question arises as to whether Pakistan will reinforce its partnership with Iran, risking the imposition of sanctions as part of the U.S. campaign to coerce Iran to abandon its nuclear program. Can Pakistan, which in the 1990s was under severe sanctions, pay such

a high price for Iranian gas? Tehran will not be able to assist Islamabad on the fiscal front as the country has itself defaulted on payments for wheat imports from Ukraine and rice shipments from India.

**CONCLUSIONS:** Given crucial developments in Afghanistan in the wake of the 2014 pullout deadline and the importance of Pakistan's role, the U.S. may decide not to impose sanctions in a quid pro quo. While TAPI cannot be materialized in near future, U.S. energy firms have been working to facilitate an LNG deal with Qatar to reduce the demand for Iranian gas. However, the Qatari option is not popular with the Pakistani media and suspicions of graft persist. A future government can clear this obstacle by ensuring more transparency and making it less costly for the common consumer. Like the U.S., Saudi Arabia has been weary of Pakistan's strengthening energy ties with Iran. The hastily arranged March 11 ground-breaking ceremony of the pipeline was not well received among other political parties in the country for fear of reprisals by the U.S. and Europe.

Neither of Pakistan's pipeline options for energy security may become reality in the absence of peace in Afghanistan or undoing of sanctions against Iran. Until then, Islamabad would either have to invest more in inland petroleum exploration or opt for the option of Qatari LNG.

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## FIELD REPORTS

### MODERNIZATION EFFORTS ON THE RISE IN KAZAKHSTAN

*Georgiy Voloshin*

Since the reorganization of Kazakhstan's Government ordered by President Nursultan Nazarbayev in his keynote address to the nation ("Kazakhstan-2050") delivered in December 2012, several Kazakhstani ministries have already put forward ambitious modernization proposals. On March 12, the newly established Ministry of Regional Development, whose head is also serving as the first deputy of the country's Prime Minister, proposed to set up entrepreneurship support centers in every provincial capital as well as in the cities of Astana and Almaty and several preselected remote locations. Currently, two pilot projects are already underway in Almaty and Shymkent, while five provinces benefit from the presence of mobile centers providing information and consultative services to local small and medium enterprises. The purpose of such new structures would be to offer exhaustive information about the latest legal and regulatory changes in Kazakhstan, available funding opportunities and potential ways of further economic development.

Earlier, the chairman of the National Economic Chamber "Ata-Meken" Ablay Myrzakhmetov said that the Kazakhstani Parliament would

soon receive a draft law on the status of a refurbished business association implying compulsory membership. The idea of such a comprehensive organization collectively representing the interests of Kazakhstan's business community vis-à-vis administrative authorities and consumers was previously cited by President Nazarbayev and his son-in-law Timur Kulibayev. According to the initiators of the draft law, compulsory membership would serve as a guarantee of uniform legal protection and increase general awareness with regard to the constantly changing rules of play, including updated tax requirements and regulatory restrictions.

Following Nazarbayev's decision to lift the ban on the delivery of new subsoil use permits, which remain the primary legal instrument regulating all the extractive activities in Kazakhstan's energy sector, additional measures have been proposed to attract more investment into the oil, gas and mining fields. In mid-March, the Ministry of Industry and New Technologies reported that it was working on amendments to the law on subsoil use that would considerably simplify the acquisition of mineral rights, especially at early production

stages. For example, it is proposed to exempt exploratory activities from the VAT as well as to transfer at least five percent of the mining tax on prospect drilling with no extra cost for the investor who could also enjoy the preemptive right to production and distribution provided that she has already invested in geological activities.

Additionally, the Regional Development Ministry has suggested lowering the minimum threshold of loans available to small and medium businesses in order to boost the volume of small-scale projects implemented by entrepreneurs. Previously, the only source of funding accessible to Kazakhstani businesspeople was offered by the 2020 Business Roadmap, which has already been used by over 35,000 individuals and is expected to further broaden its scope to cover more areas. Finally, the Ministry plans to establish a comprehensive list of permits by the end of 2013, while the delivery of such permits, whose number is expected to progressively decrease, will become fully automated within two years.

During the mid-March Government meeting, Prime Minister Akhmetov instructed his first deputy to prepare a detailed analysis of the audits of private companies conducted between January 2012 and March 2013, paying special attention to those by the Ministry of Health and the Ministry of Emergency Situations. This decision comes in reaction to numerous complaints received on behalf of entrepreneurs citing harassment by administrative authorities

in the form of frequent visits and excessive paperwork. Furthermore, one of the Government's top priorities has been the eradication of corruption, particularly within such control agencies as the Finance Ministry's Tax Committee and its provincial branches. According to a recent statement by the Agency for fighting economic crimes, corruption has become endemic within tax authorities, while corrupt officials continue to evade punishment with the support of higher-ranking public servants.

This string of measures aimed at boosting economic activity and eliminating obstacles to greater prosperity and brighter business opportunities is being accompanied by vast changes in Kazakhstan's public service. The country's Agency of Public Service is currently implementing structural reforms modeled on the Anglo-Saxon system, under which public officials will now belong to three distinct groups (A, B and C) depending on their administrative responsibilities and qualifications. The A-group servants will primarily exercise political functions in the central government, with two other groups working both in the capital and in the regions. According to the latest announcement made by the Agency, over 5,000 officials will soon be deployed in provinces in order to share the best managerial practices with their provincial colleagues and impart new Westernized approaches to the many issues of local government.

## GEORGIAN MINISTRY OF JUSTICE TO ALTER JUDICIARY LEGISLATION

*Eka Janashia*

The Ministry of Justice (MoJ) intends to reform Georgia's judiciary system through amending the Law on Common Courts and establishing an ad hoc commission in charge of exploring complaints over detected miscarriages of justice since December 2012.

The MoJ's initiatives are backed by the ruling Georgian Dream coalition (GD) which assumes that the country's judiciary system remains in hands of President Mikheil Saakashvili, preventing the new government from convicting and sentencing public officials from the previous administration.

On March 16, Justice Minister Tea Tsulukiani met with Supreme Court Chairman Kote Kublashvili and a large group of judges at a round-table to discuss a bill on the creation of a "Temporary State Commission on Studying Miscarriages of Justice."

The bill says that the commission, involving 15 members for a three-year term, will be authorized to review "grave" or "especially grave" crimes, drawing on the applications filed by persons who allegedly were unfairly convicted under the former government. The commission will also examine civil and administrative cases deriving from disputes worth over GEL 100,000 and inspect cases that were settled through plea bargaining. When the commission reveals a miscarriage of justice, the case is reopened and courts are to review it on the basis of new evidence.

Tsulukiani said that miscarriages have taken place not because of faults on the judiciary's part, but due to the fact that the latter was under extreme pressure from the prosecution. Kublashvili, a long-lasting ally of the president, in turn stressed that mistakes made in the past should not lead to new mistakes. If the commission starts to revise already delivered court verdicts, especially those related to private property, it would certainly undermine private property rights as a cornerstone of democracy and destabilize the country, he said.

Before the March initiative, the MoJ proposed another package of legislative amendments to the Law on Common Courts in December 2012, envisaging a shift in the composition of the High Council of Justice (HCoJ) authorized to oversee the judicial system, appoint and dismiss judges, and initiate disciplinary proceedings against them.

Kublashvili currently chairs both the Supreme Court and the HCoJ simultaneously. The latter consists of 15 members, two of which are appointed by the President, four are MPs confirmed by the parliament and the remaining eight seats go to judges nominated by the Chairman and elected by the Judicial Conference - a self-governing body of judges which assembles at least once a year.

However, the proposed legislative package strips the Chairman of the exclusive right to nominate a candidate and confers it to every judge. Moreover, it deprives the president of

the power to appoint two HCoJ members and grants representatives of legal academic and NGO circles the opportunity to take a total of six seats which are presently occupied by MPs and president appointees. Their candidacies, in turn, should be approved by the parliament.

According to the bill, the remaining eight seats will still be taken by judges but the method of their nomination and election will be changed. The most contentious provision of the bill, nevertheless, applies to the termination of authority of the sitting members of the HCoJ meaning that as soon as new members are elected under the amended Law, the mandates of sitting members will cease.

The Council of Europe's advisory body for legal affairs, the Venice Commission (VC) hailed the proposed legislative amendments but emphasized in its recommendations that "removing all members of the Council prematurely would set a precedent whereby any incoming government or any new Parliament, which did not approve of either the composition or the membership of the Council could terminate its existence early and replace it with a new Council." Conspicuously, the VC advised MoJ to exclude the entire provision. Tsulukiani recently stated, however, that the composition of HCoJ is so defective and undemocratic that it might be completely renewed, apparently

indicating that the MoJ will not take the VC's recommendation into consideration.

Tsulukiani stated in the Rustavi 2 talk-show "Position" on January 31, that the GD electorate's major demand is the restoration of justice though the government cannot carry out this task: "I require the detention [of public officials] but Kublashvili released them." Tsulukiani said there are around 5 judges who are responsible for unfair decisions, and even listed their names with the motivation that people should know who impedes their legitimate demand for restored justice.

Whereas the amendments to the Law on Common Courts and the establishment of the ad hoc commission may be assessed as an attempt to bring Georgian legislation "close to European standards," given the post-election context, the initiatives also likely have political motivations. The most important gain for the government is undoubtedly the election of new HCoJ members resulting in the premature dismissal of sitting ones, if the parliament approves the bill. At a more fundamental level, the initiatives aim to undercut Kublashvili's influence over court decisions by shifting the HCoJ's composition. If the GD achieves this goal, many more Saakashvili-era high officials will likely be convicted and sentenced.

## KYRGYZ OPPOSITION LEADERS SENTENCED FOR ATTEMPT TO OVERTHROW GOVERNMENT

*Joldosh Osmonov*

The trial against three Kyrgyz opposition leaders is at its final stage and is the topic of widespread public discussions over the current opposition's ability to mobilize public support against the country's leadership. While most experts think the Kyrgyz public is currently in no mood to support protests and rallies, others claim that the opposition's prospects for attracting support for such actions are underestimated.

On March 16, court hearings against three leaders of the opposition "Ata Jurt" party, Kamchybek Tashiev, Sadyr Japarov and Talant Mamytov, who are accused of calling for and attempting a violent overthrow of Kyrgyzstan's government, were concluded. The verdicts of Bishkek city's Pervomay district court against the parliamentarians and their associates will be announced on March 29. The state prosecutors demand ten years in jail for Tashiev, nine years for Japarov and Mamytov, and three to four years for their body guards.

On October 3, 2012, the leaders of Ata-Jurt, which has the largest faction in the national parliament, organized a demonstration on a central square in Bishkek demanding the nationalization of Kumtor, the country's largest gold mining company. During his speech at the protest, Tashiev allegedly called for an overthrow of the government and led the crowd in an attempt to seize the White House, where the country's president and parliament reside. Protesters, led by Tashiev, climbed over the White House's fence and attempted to enter the building. The crowd

was dispersed by police, while the party's leaders and other organizers of the protest were arrested.

The state prosecutors claim that the opposition leaders, knowing that the country's president and prime minister were absent from the capital city and having armed themselves, deliberately aimed to seize power by violent means. As a result, the prosecutors brought charges against the suspects based on the article "Public calls to violent change of the Constitutional system" in Kyrgyzstan's criminal Code.

In turn, the accused politicians refuted the accusations, claiming that there was no intention or plan to organize a coup d'état. Tashiev stated that the protesters were not armed and that he only led his supporters to his office in the White House and planned to organize a meeting with other parliamentarians. He termed the trial an attempt by the country's leadership rid itself of political opponents and regarded the case as politically motivated and biased.

Since the arrests in October 2012, supporters of the opposition leaders have from time to time organized protests in several cities, primarily in Tashiev's hometown of Jalalabad, demanding the release of the parliamentarians. The rallies have generally failed to draw a large number of participants but intensified as the trial was approaching its end. During one such demonstration in Jalalabad on March 5, 2013, around 60 female protesters stormed the Jalalabad provincial



administration building and declared that they would stay in the office until the opposition leaders are freed.

A few days later, Ata-Jurt announced plans to organize a large opposition rally in Bishkek on March 13, but later cancelled the gathering claiming that it could be used by other political forces for a violent attack against the current authorities and bringing the country into chaos.

There is no consensus among local political experts and analysts over the significance of the trial and the opposition protests for the overall political situation in the country. Most claim that the opposition demonstrations are of little consequence. According to political analyst Medet Tulegenov, the opposition leaders do not enjoy large public support, whereas the level of anti-government and protest moods among the public is quite low. He noted that small demonstrations will likely continue, however, they are unlikely to develop into massive public rallies.

Other analysts, on the contrary, say that the chances that these small opposition protests

will lead to large anti-government demonstrations are high. As the expert Marat Kazakpaev notes, Tashiev is considered to be a hero in southern Kyrgyzstan due to his nationalistic statements in relation to the inter-ethnic conflict in 2010. He enjoys widespread public support in the south and his possible conviction could instigate mass unrest.

Meanwhile, few observers believe that external forces will seek to use these internal political scuffles to interfere with Kyrgyzstan's domestic politics. Local expert Mars Sariev claims that international players such as the U.S. and Uzbekistan are interested in destabilizing the political situation in the country, which would derail Kyrgyzstan's economic cooperation with Russia. Both countries stand to lose from intensified economic ties between Kyrgyzstan and Russia and increasing Russian investments in the country, he says.

Verdicts against the opposition leaders will be announced in the nearest future.

## NATO TO TRANSFER MILITARY EQUIPMENT FROM AFGHANISTAN TO UZBEKISTAN

*Erkin Akhmadov*

On March 12, 2013, Uzbekistan's Foreign Minister Abdulaziz Kamilov visited Washington, D.C. and met with U.S. Secretary of State John Kerry. The meeting is a consequence of the recently warming relations between Uzbekistan and the U.S., and of the decision to withdraw NATO

troops from Afghanistan through Uzbekistan. The most widely discussed issue in relation to the visit is NATO's decision to transfer parts the military equipment used in Afghanistan to Uzbekistan. Local and regional experts have a number of suggestions for how the Uzbek regime may

utilize the equipment and what implications this may have for Uzbekistan's future relations with neighboring Central Asian states.

Kamilov's visit came in response to the visit to Uzbekistan by Deputy Assistant Secretary of Defense David Sedney and a U.S. Congress Delegation headed by Dana Rohrabacher. While the details of the closed doors negotiations between Kamilov and Kerry were not publicized, during the press availability both sides confirmed that issues of military-technical cooperation were on the agenda. Kerry briefly noted Uzbekistan's human rights problem, but this remark received little attention in the course of the meeting. A point frequently made by analysts is that after it became known that Uzbekistan will be a transit country for NATO troops exiting Afghanistan, the Uzbekistan-U.S. relations improved drastically, disregarding the expulsion of U.S. troops several years ago and downplaying U.S. criticism of human rights violations in Uzbekistan.

It should be noted that the EU and the U.S. are still subjecting Uzbekistan to a weapons embargo in response to a number of human rights violations that were condemned by western human rights activists and governments. In the end of 2012, Uzbekistan requested NATO support in the sphere of military education, according to the annual report issued by NATO Secretary General Anders Fogh Rasmussen. Referring to sources in NATO, the *New York Times* reported that Uzbekistan had unofficially requested weapons and ammunition transfers from the U.S., Germany, and Great Britain. Among the items listed were armored vehicles, mine detectors,

helicopters, navigation equipment and night vision goggles. According to the *Birzhevoy Lider* magazine, Washington and Tashkent have earlier agreed on military-technical supply support in the form of unmanned aerial vehicles, armored vehicles and other technology. It is also known that Great Britain will transfer parts of its military equipment from Afghanistan to Uzbekistan in exchange for transit rights across Uzbekistan's territory.

These developments are unsurprising, as Uzbekistan will be NATO's leading partner in withdrawing its troops from Afghanistan, which is planned for next year. Both parties state their concern over the terrorist threat that Uzbekistan will face due to its geographic proximity to Afghanistan. Some experts are concerned, however, that the expansion of such cooperation can lead the U.S. to move beyond the supply of non-lethal equipment to supplying Uzbekistan with weapons and ammunition. Such concerns stem from a fear that if acquiring significantly improved military capabilities, Uzbekistan could seek to resolve its disputes with neighboring Central Asian states by force. Thus, a frequent opinion among Central Asian analysts is that by supporting the development of Uzbekistan's military, the U.S. is planting a time-delayed bomb that increases the risk of a future military explosion in the region.

On the eve of the Uzbek delegation's visit, Human Rights Watch appealed to Kerry to demand that the Uzbek authorities improve their human rights record. This issue, however, was not mentioned on the meeting's agenda. It is notable that Reporters without Borders, which produces an annual

index of press freedom in the world, does not include Uzbekistan in its 2013 list of Enemies of the Internet. Uzbekistan was previously on this list together with Belarus, Turkmenistan and North Korea. Evgeniy Olhovskiy, a Canada-based market specialist, noted that Reporters without Borders are an important source of trend changes in U.S. policies relating to human rights issues. Thus, Birzhevoy Lider claims that not listing the country in this rating could be considered as a conciliatory gesture of Reporters without Borders toward Uzbekistan.

Alexander Sobyenin of the Association of Border Cooperation forecasted “a rapid transformation of Uzbekistan into a military and economic giant of the region”

in an interview to *Nezavisimaya Gazeta*. In addition, the *New York Times* reports that Uzbekistan’s military cooperation with the U.S. is an irritant to the Kremlin, and that Russia intends to extend corresponding military assistance to Kyrgyzstan in return. Thus, for instance, the head of the Department for Central Asia and Kazakhstan of Russia’s Institute of CIS countries Andrey Grozin believes that the trend of militarization in Central Asia could potentially lead to a deepened conflict of interests between the U.S. and Russia in the region.