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ORGANIZED CRIME AND ITS CONTROL IN CENTRAL ASIA²

I. Introduction

The paper reviews the sources of lawlessness in Central Asia and presents the problem of organized crime and its control in Kazakhstan, the Kyrgyz Republic, Tajikistan, Turkmenistan and Uzbekistan. In the light of criminological findings, based on historical and current data and information, explaining the attitudes of Central Asians to law and order, the paper exemplifies and reviews four types of organized crime activities in the region: illicit drug and firearms trafficking, organized crime in the energy sector, and illicit trafficking of people. These four types of activities have been reviewed in the context of their supply and demand and common denominator - corruption in the region. In the context of the socio-cultural and political specificity of Central Asia, the paper finally reviews penal policies against organized crime in the region and makes practical conclusions and recommendations concerning its control and prevention.

II. Criminal tribes and traditions in Central Asia

1. Rediscovery of Central Asia

Despite various reports on Central Asia from earlier times, until the 18th century Central Asia had really remained *terra incognita* to the outside world. It lived with its own history - often very bloody. Visitors were not welcomed. Inhabitants feared foreigners and did not want to share information on their land.³

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² Paper delivered on October 5, 2003; last modified on October 15, 2003.

³ E. K. Meyendorff, *Voyage d'Orenburg à Boukhara, fait en 1820, à travers les stéppes qui s'étendent à l'est de la mer d'Aral et au-delà de l'ancien Jaxertes*. Rédigé par M. le baron G. de Meyendorff et revu par M. le chevalier Amédée Jaubert, Paris 1826 (in Russian translation, *Puteshestviye iz Orenburga v Bukharu*, Isdatelstvo Nauka, Moskva 1975, pp.23-24).

Systematic penetration of this area, of its authorities and peoples, started as a part of the “Great Game” (*Arthur Connolly/Rudyard Kipling*) between the two empires – Great Britain and Russia.

Reports of various explorers who at the time of “Great Game” went to Central are a testimony to a history of prejudice, which cannot defend itself according to contemporary international standards propagating ethnic, religious, racial and gender equality. Nor even some more current and comprehensive historical accounts can easily stand up to such standards. Either panegyric (sometimes at the expense of the history of other countries) or, simply, antipathic, both types of such accounts are cited here with the above implicit understanding.

In pursuing this understanding, the author was also guided by old advice which has not lost any importance and relevance:

*“no greater mistake can be made by the student of ethics than to judge men of other nationalities by the standard of right and wrong maintained in our own. It is generally admitted that these rules are slowly evolved by the community to which an individual who adopts them belongs to. There are some still among us who looked with complacency at the cruelties once perpetrated in the Christian community in the name of justice. We see our own morals at earlier stages of our growth reflected in those contemporary savages.”*⁴

2. Central Asian tribes and criminal traditions

One of the most often repeated adjectives in those reports, describing the past and present way of tribal life in Central Asia, was its “lawlessness” - the equivalent of “criminal traditions” in later criminological theory.⁵

It is no coincidence that the origin of one of the most potent criminological theories drawing on “criminal traditions” developed by *Thorsten Sellin* and *Edwin H. Sutherland* could be partly, but evidently traced back to tribes which lived in Karakyrghisia and Eastern Turkestan.⁶ Originally as the theory of culture conflict (*Thorsten Sellin*) and, later on, as the theory of differential association, both theories were gradually developed from 1930s onwards.

At the roots of Sellin’s theory of conflict of cultures, published in 1938, rested his research on the two conflicting codes of conduct of various oriental and occidental tribes. According to their own internal code they could rob or kill, but not according to the external code of civilizing State authorities. *Sutherland*, *Sellin*’s co-worker and friend, found further such criminal traditions in the tribes of India. Upon the conflicting codes of their behaviour, he built the said theory of differential association, still very important nowadays, and hailed by criminologists as the equivalent of Darwin’s theory on the origin of species⁷ or deserving Nobel Prize.⁸

⁴ Francis Henry Skrine, Edward Denison Ross, *The Heart of Asia. A History of Russian Turkestan and the Central Khanates from the Earliest Times*, Methuen & Co, London 1899, p. 280.

⁵ Thorsten Sellin, *Culture Conflict and Crime*, Bulletin 41, Social Science Research Council, 1938, reprinted by: Delos H. Kelly (ed.), *Deviant Behavior. Readings in Sociology of Deviance*, St. Martin’s Press, New York 1979, pp. 71-72, *supra* 4 and 5; Karl Schuessler (ed.), Edwin H. Sutherland, *On Analyzing Crime. Development of the Theory*. The University of Chicago Press, Chicago and London 1973, p. 20; Edwin H. Sutherland, Donald R. Cressey, David F. Luckenbill, *Principles of Criminology*, Eleventh Edition, General Hall, Inc. Publishers, Dix Hills, New York 1992, pp. 114-116 and 173-176).

⁶ See further: Sławomir Redo, *Organized Crime and its Control in Central Asia*, Office of International Criminal Justice, Huntsville, Texas 2003 (ISBN: 0-942511-44-1, forthcoming).

⁷ Leszek Lernell, *Zarys Kryminologii Ogólnej* (Outline of General Criminology), Państwowe Wydawnictwo Naukowe, Warszawa 1978, p. 201.

The shortest description of the theory is it proves that “*birds of feather flock together.*” In nine principles, the theory explains why any individual under certain circumstances may become criminal. The theory emphasizes that criminal behaviour is learned in interaction with other persons in a process of communication, especially in intimate personal groups where, depending on frequency, duration, priority and intensity of such contacts, an individual accepts definitions favourable to violation of law over definitions unfavourable to violation of law. The theory was extensively empirically tested. Various modifications were offered, but, by and large, it proved to be correct.⁹

3. Reports on Central Asians: two codes of conduct

Sellin's research drew his findings particularly from the customary law of Karakyrghyz (*Black Kyrgyz*), known also as “Mountain Kyrgyz” (*Gornye Kyrgyzy*) or “Wild rock Kyrgyz” (*Dikokamiennye Kyrgyzy*) - poor and hungry nomadic tribes of mountain dwellers, now Kyrgyz, known for cattle rustling, robbing and killing of caravan merchants.

The original records related to his findings apparently come from the second half of the 19th century, known in Turkestan to be particularly lawless.¹⁰ However, there are also earlier official records concerning lawlessness of the Kyrgyz tribes.¹¹

A later and independent insight into customary behaviour of Karakyrghyz confirmed that “[r]obbery and horse-stealing, when committed against another tribe, are considered a virtue rather than a crime, a fact perfectly consistent with the lofty code of honour.” Indeed, otherwise, “[t]he morals of the Quirghiz are very high. They are honourable and faithful.”¹²

However fragmentary, if also not fully corroborated, such findings may be, only against them it can now be easier appreciated why other authors, sometimes in a great painstaking detail, write about “lawless habits,” “erstwhile robberies” and “men stealing” of some Central Asian groups, and about the brutality of the rulers, naturally, exercised also by their administrators and troops. Limited space prevents from quoting all these accounts here (they have been extensively related in my forthcoming book), but there is no doubt whatsoever that “criminal traditions” of all Central Asians have been well documented.

True as these reports are, they probably miss a much more intricate motivation in Central Asia concerning life and death. According to 19th century ethnographic research by *Bartold* (and emphasized by contemporary historians), Central Asians did not see life and death as a contradiction of one another. This is because of the customary law of Mongols (*yasa*), where there was no prohibition of killing a person, unlike in the judeo-christian tradition. Killing an opponent was sanctioned as an act guaranteeing that after

⁸ Vincenzo Ruggiero, Introduction – fuzzy criminal actors, *Crime, Law & Social Change* No. 37 (2002), p. 177.

⁹ See, e.g., Mark Warr, Differential Association and Social Learning Theories. The Social Origins of Crime: Edwin Sutherland and the Theory of Differential Association (in:) Raymond Paternoster, Ronet Bachman (eds.), *Explaining Criminals and Crime. Essays in Contemporary Criminological Theory*, Roxbury Publishing Company 2000.

¹⁰ Sellin quoted here J.J. Annosov, Die Volkstümlichen Verbrechen in Strafkodex der USSR, *Monatschrift für Kriminalpsychologie und Strafrechtsreform* (1933), Vol. 24, pp. 534-537, and Gregor Wirschubski, Der Schutz der Sittlichkeit im Sowjetstrafrecht, *Zeitschrift für die gesamte Strafrechtswissenschaft* (1938), Vol. 51, pp. 317-28. The latter author quotes a book “Kyrgyz and Karakyrghyz of Syr-Daria Province. Legal Life” (vol. 1, in Russian, Tashkent, 1889) by N.I. Grodekov (former governor of Turkestan) upon which Sellin draws his conclusion on the lawlessness of the Kyrgyz.

¹¹ See further: Redo, *op. cit.*.

¹² Gustav Krist, *Alone through the Forbidden Land: Journeys in Disguise through Soviet Central Asia*, Ian Falkner, Cambridge 1992, p. 120.

the death of the killer, the enslaved victim's soul will serve the killer in eternal life. Regardless of the living person's conduct, after his or her death no punishment or reward is meted out.¹³ Later, with gradual adoption of Islam in Central Asia, Tamerlane, who regarded himself as a descendant of Chinghiz-Khan, added another motive sanctioning his lawless behaviour.¹⁴ According to one of his contemporary chroniclers, Tamerlane said that spreading of Islam through conquests guarantees eternal life after death.¹⁵ Any lawlessness was justified in the name of this religious pursuit. Originally, similar beliefs were also held by Christian crusaders, but historians noted that in Europe such beliefs were gradually abandoned, while in the Islamic world, including Central Asia, they continued to function.¹⁶

Another feature of the rule of those times were betrayals and rivalry. The rulers, their relatives and tribal chiefs continuously undermined one another's authority. They did not hesitate to resort to outside military assistance of competing rulers, whether from Persia, Bukhara, Kokand or Khiva, who gladly joined the strife. Bukharians, Kokandians and Khivans, lost in their endless rivalries, seemed able to will the outside world out of existence. Borders were impossible to fix as the rivals shuffled their territories in one war after another.

4. Two codes of conduct and statehood

Explorers and historians argued that, in effect, to many in Central Asia, the word "country" or "fatherland" meant no more than the ground covered by his own tent, or occupied by his family.¹⁷ Over centuries not to trust anyone was the principle, and the exceptional trust was easily and habitually exploited.

Centuries of movement across and beyond Central Asia did not erode the common set of traditional tribal rituals. Instead, as some argue, this left them with no recognizable culture, strong religious affiliation or nation state.¹⁸

The only exception to this principle was the great empire of Tamerlane, but even it collapsed after his death under the weight of sectarian interests, in keeping with the tradition that forming bigger entities than tribal ones may only be transitory.¹⁹ In line with it, the dichotomy between the two codes of honour: one for smaller groupings (hospitality, care and support), and the other one concerning larger groupings

¹³ V. Bartold, *Historie des Turcs d'Asie Centrale*, Paris 1949, p. 39, and Ulug-Beg (in:) *Four Studies on the History of Central Asia*, Vol. II, Leiden 1963, p. 30 *et seq.*, both quoted by: Marian Małowist, *Tamerlan i Jego Czasy* (Tamerlane and his Times), Państwowy Instytut Wydawniczy, Warszawa 1991, pp. 46 and 128; Stanisław Kałużyński, *Dawni Mongołowie* (Ancient Mongols), Państwowy Instytut Wydawniczy, Warszawa 1983, pp. 96 and 112.

¹⁴ *Ibidem*, and Georg Verdansky, chapter on *Yasa* or laws of Chingis Khan (in:) *The Mongols and Russia*, Yale University Press 1953.

¹⁵ Sharaf ad-Din, *Historie de Timur-Bec, connu sous le nom du grand Tamerlan, Empereur des Mongols et Tartares. Escrite en Person par Charefaddin Ali, natif d'Yezd, auteur contemporain. Traduite en français par feu Petits de la Croix*, Vol. I-IV, Delft 1722-1723, quoted after Małowist, *op. cit.*, pp. 59 and 125.

¹⁶ Małowist, *op. cit.*, pp. 19, 46, 59-60 and 166.

¹⁷ Muravyov, *op. cit.*, p. 128.

¹⁸ Donald Black (ed.), *Rugs & Carpets. A Comprehensive Guide for the Buyer and Collector*, Tiger Book International, London 1985, p. 160.

¹⁹ Notwithstanding fragility of statehood in Central Asia and "barbaric" traditions of its rulers and peoples, historians paradoxically argue that through contractions their influence was nevertheless very prolific. Namely, through the conquests Central Asians made across other parts of Asia and Europe, they eventually assimilated in the conquered states, which elevated themselves to still higher levels of culture (Stuart Legg, *The Heartland*, Farrar, Strauss & Girous, New York 1970, chapter II; Gavin Humbly (ed.), *Zentralasien (Central Asia)*, translation from English, 9th edition, Fischer Weltgeschichte, Frankfurt am Main 2002, p. 165).

(enmity, predation, revenge) has persisted. In some Central Asian tribes less than in the others (Kyrgyz),²⁰ but in all to a sufficient degree to speak still of duality of mindsets.

Drawing on the tribal concept and projecting it into modern times, another Western historian observes that modernity in the region “*may owe something to a harsh streak in Central Asia’s composite personality, which expresses itself in contempt for the delicacy of civilization and diversity and in human cruelty. It deifies power and the mobilization of resources for selfish or ideological ends. This autocratic modernity emerged in Central Asia in the second quarter of the nineteenth century and continues throughout the region into the present period.*”²¹

One may add to this conclusion that harsh living conditions (availability of pastures, shortage of water), inhospitable geographic terrain and the need to survive with little resources, have historically hardened that composite personality. Central Asians are ready to endure a lot with a little.

III. “Bribe him”: the current perception and state of corruption and organized crime in the region

1. “Bribe him”: corruption and the rule of law

Before we deal with the problem of organized crime (its contemporary forms and dynamics and penal policy, including deterrence), a few words of introduction are required to understand the problem better, and in line with the two codes of conduct which still operate in Central Asia.

Historically, until now, corruption was never defined as a “problem” in the region. It has existed since the oldest times and had only been occasionally criticized by very critical writers, as it is nowadays by most politicians. *Abai Kunanbaev* (1845-1904), a famous Kazakh poet, presently regarded as the father of the contemporary Kazakh nation, in an extremely critical self-account of his nation, reminded his readers that, if you want to persuade the Kazakh to do something, you must “**frighten or bribe him,**” [*emphasis added*] for “[t]he ignorance inherited from his forefathers and imbibed with his mother’s milk has reached his marrow and killed all humanity in him.”²² With such an inherent tendency to corruption in Central Asia, nowadays it is so entrenched that it became “not a matter of corrupt individuals acting purely for personal gain, but rather it is a part of a highly organized system of economic crime that permeates all aspects of life.”²³

Responsible for the endurance of this form of “criminal tradition” are exactly the two codes of conduct which continue to conflict with one another. Basically, corruption as a behaviour in the “smaller” code of conduct, has been regarded as absolutely normal. Looking at corruption from the statehood (or governance) perspective, corruption is a crime. This is well reflected in the ratings made from this official perspective, e.g., by Transparency International or the Freedom House.

2. Organized crime and the rule of law

²⁰ See further Redo, *Organized Crime...*, *op. cit.*

²¹ Allworth, *The Modern Uzbeks from the 14th Century to the Present*, Hoover Institute Press, Stanford, California, 1990, p. 5.

²² Abai Kunanbaev, *Book of Words*, (translated by David Aitykin), El Bureau, Almaty 1995, pp. 204-205.

²³ Nancy Lubin, Alex Klaitis, and Igor Barsegian, *Narcotics Interdiction in Afghanistan and Central Asia*, A Report to the Open Society’s Institute, Central Eurasia Project and Network Women’s Programme <<http://www.soros.org>>, January 2002, p. 14.

Coming now to the dynamics and forms of organized crime in Central Asia, the World Bank has listed in its own analysis Kazakhstan and Uzbekistan as countries with low rule of law ratings. The United Nations Office on Drugs and Crime (ODC) took this analysis as a point of departure for its analysis of the relationship between the rule of law and organized crime, adding to it the Kyrgyz Republic, in the context of other countries of the world (Figure 1, Annex).²⁴

The analysis shows that in Kazakhstan, the Kyrgyz Republic and Uzbekistan low rule of law ratings are strongly correlated with the high level of organized criminality. In comparison with a number of other countries (e.g., Austria, Finland, USA) where the relationship is inverse (high level of rule of law and low level of organized crime), the results are, by and large, self-explanatory.

The analysis has its obvious limitations (partly different data sets and only three out of five Central Asian countries). However, even in the light of the World Bank analysis alone (which covered two countries), there is eventually little doubt, if any, that whichever analytical tool and Central Asian country would be selected and pursued, the individual and aggregate results will be still the same: low rule of law ratings and a high incidence of organized crime.

3. Organized crime - dynamics and patterns

As is widely known, in recent years Central Asia has become a region increasingly affected by **illicit trafficking in drugs** from Afghanistan – one basic, but not the only one, type of organized crime activities there. In the framework of this presentation, indeed four types of organized crime activities will be reviewed, three involving material commodities: illicit drug trafficking, illicit firearm trafficking, organized crime activities in the energy sector, and trafficking in human beings.

Due to different levels of development of methodologies of research and data collection on various types of organized crime activities, the analysis below can be neither standardized nor equally comprehensive. In fact, data on illicit drug trafficking through Central Asia, the most widely recognized organized crime activity there, has been comparatively better comprehensively researched and analysed, while the three other types, can be, at best, only exemplified. Moreover, the limits of this paper additionally restrict its author from giving examples of non-drug related organized crime activities for each and every Central Asian country.²⁵

Between 1979 – 2003, Afghanistan's estimated opium production increased more than 15 fold. With the exception of the year 2001 (Taliban opium ban), in the years 1998 – 2003 opium production in metric tones went up from 2, 693 to 4, 565 (1999), dropped in 2000 to 3, 276 and went up in 2002 to 3, 422.²⁶

Available data on the drug seizures suggest an increase, especially in Tajikistan which recently became

²⁴ The following indicators contributed to one composite organized crime indicator: trafficking in human beings, firearms, cars, cigarettes; and fraud). Results of the entire analysis were published by: Edgardo Buscaglia and Jan Van Dijk, Controlling organized crime and public sector corruption: preliminary results of the global study, *Forum on Crime and Society*, Vol. 2 No. 2 (2003, forthcoming). All statistical tables supporting the results of the study can be found at: http://www.unodc.org/pdccc/crime_cicp_publications_forum.html.

²⁵ For a broader spectrum of examples and more comprehensive analysis, see: Slawomir Redo, *op. cit.*, and three articles on organized crime in Central Asia (the Kyrgyz Republic, Tajikistan, Uzbekistan) in: Tadeusz Bodio (ed.), *Współczesna Azja Centralna. Historia – Społeczeństwo – Polityka* (*Contemporary Central Asia. History – Society – Politics*), Dom Wydawniczy ELIPSA, Warszawa 2001-2003 (all articles with English table of contents and summaries).

²⁶ *The Opium Economy in Afghanistan. An International Problem*, United Nations Office on Drugs and Crime, United Nations, New York 2003, p. 6; *Global Illicit Drug Trends 2003*, United Nations, Sales No. E.03.XI.5, New York 2003, p. 16.

the third country in the world in terms of the highest level of the seizure of opiates.²⁷ This increase may be clearly attributed to the improved law enforcement in that country, particularly effective and less amenable to corruption with the establishment of the Tajik Drug Control Agency, established on the basis of State Drug Control Commission, and funded (staff salaries, training and infrastructure) by Member States of the United Nations.²⁸

However, what is not known for sure is the proportion of drugs indeed illicitly trafficked from Afghanistan through Central Asia. In 1998 the International Narcotics Control Board could only estimate that 65 % of all opiates cultivated in Afghanistan made their way through the region to Russia and other European countries. More recent (2002) United Nations estimate speaks of 45 – 55 % of such drugs making their way through the region to Russia and Western Europe.²⁹ It is widely assumed that throughout those years, at best, 5 % of all trafficked drugs were seized in Central Asia. If a 5% interception rate were applied, then 10-15 tons should have been seized in each of those years, but in fact in 1998-1999 only 1, 511 kilograms and 2, 298 kilograms of heroin equivalent was seized. In 2000, all opiate seizures amounted to 3, 604 tons of heroin equivalent.

Post 2000 estimates are either not representative or not fully reliable. Because of the Taliban opium ban of 2001 only 185 metric tons of opium were probably produced there, but, as noted, in 2002 more than 3, 400 metric tons were estimated. Assuming that 45-55 % of all opiates produced in that year in Afghanistan were smuggled through the region (that is between 1530 and 1870 metric tones), and if a 5 % interception rate were assumed, the amount of seized heroin equivalent would reach around 5 tones of heroin equivalent.

Such cautious estimates, when compared with annual seizures and annually estimated poppy cultivation in Afghanistan, show very low results in terms of the effectiveness of law enforcement agencies which uncover Afghan illicit drug trafficking and drug traffickers (organizers and couriers) and Central Asian countries. The amount of drugs which safely pass through the Central Asian borders is very high. This implies a massive extent of very lucrative organized criminal activity in the region which is neither detected and/or reported nor otherwise officially processed by law enforcement agencies (border guard, customs and police), prosecution, courts and prison administration of Central Asian States.

The most frequent explanation of this almost unimpeded transfer of drugs and money through the borders is their porosity. While this is a very correct assessment of the problem, one of its other elements explaining the ease of trafficking is official corruption, and still another one — violence which is needed to protect the shipments.

This introduces a new part of the organized crime picture in Central Asia, namely **trafficking in firearms**. Indeed, firearms are not only used for the protection of drug shipments, but live a “life of their own.” They may serve self-protection or explicitly be used for intimidation, robberies, burglaries and homicides. As a result of trafficking, it is estimated that about 20 % of adult males or somewhat less than 10 % of the whole population has been in possession of at least one small arm.³⁰ One could venture an opinion that trafficking in small arms in Central Asia should be ranked as a second in the list of organized crime problems in the region.

²⁷ *Global Illicit Drug Trends 2003, op. cit.*, p. 61.

²⁸ See further: Sławomir Redo, Tadzikiestan i Narody Zjednoczone w walce przeciw przestępczości zorganizowanej (Tajikistan and the United Nations in the fight against organized crime), in: Tadeusz Bodio, *op. cit.*.

²⁹ UN to aid Uzbekistan to strengthen borders against drug trafficking, *BBC Monitoring Service*, 23 December 2002.

³⁰ As reported by Keith Krause (Graduate Institute of International Studies, Editor, Small Arms Survey – a non-governmental publication), to the OSCE Meeting “*Combating Illicit Trafficking in Small Arms and light Weapons in Central Asia*” (Almaty, Kazakhstan, 21-23 May 2002).

As noted, unlike comprehensive estimates of illicit poppy cultivation in Afghanistan and quite accurate drug seizure data of Afghan opiates and other drugs, the estimates of the number of illicit firearms and small weapons in Afghanistan have been conflicting and the data on their seized amount has been very fragmentary. The Kyrgyz President compared the amount of arms in Afghanistan as worth “100 hundred years” of threat to Central Asia.³¹ Indeed, until 2002, it was widely said that about 10 million small arms or more” have been in circulation in Afghanistan.³² However, even with the most recently revised estimate suggesting that no more than 500, 000 – 1,5 million weapons are now in circulation there (including 200, 000 – 290, 000 in the hands of still active combatants and current militiamen),³³ the anxiety of Central Asian authorities and inhabitants can hardly be reduced, because of lingering insurgency in the region and the need to protect oneself from this or other criminal assaults.

The following example will illustrate the problem of illicit trafficking in firearms and their unauthorized possession in civilian hands in Tajikistan. In 1992, in the wake of the power struggle in Tajikistan, its first President ordered the distribution to his supporters of some 1, 800 AK-47 assault rifles.³⁴ The Ministry of Interior estimated that in the same year about 5, 000 pieces of firearms were trafficked from Afghanistan to Tajikistan (they mostly entered the former country with the help of Pakistan and USA). However, firearms were also stolen from Russian garrisons and border guards along Tajikistan’s borders with Afghanistan and China. Finally, the Russians themselves transferred consensually a lot of firearms and ammunition to Tajik belligerents.³⁵

Between the years 1994 and 1998, 12, 852 firearms were seized, including 4, 431 AK-47 assault rifles, 1, 702 Makarov pistols, 4, 897 hunting rifles, plus grenades and ammunition. It is estimated that another 10, 000 firearms are still illegally possessed. In 1999, one AK-47 could be bought on the black market for US\$ 500-700 and a pistol for US\$ 300. In 1999-2000, there were several criminal and political assaults on public officials, some resulting in death.

In 1998, around 2,200 firearms had been voluntarily handed over by former opposition combatants.³⁶ In 2001, a total of 64 submachine guns, 23 carbines, 13 pistols, 13 machine guns, 21 grenade launchers, 4 mortars and 121 grenades, 61 mines, and 23, 816 cartridges of various calibers were seized. The Ministry of Interior provided higher numbers: 149 submachine guns, 29 pistols and 453 other weapons seized from the population in 2001. In any case, such numbers are in sharp contrast with the above-mentioned estimate of 10, 000 firearms still remaining at large.

To other tradable Central Asian “commodities” belong commodities from the **energy sector**: gas, oil, fuel, minerals and metals. Illicit dealings in these commodities have become a subject of concern to donors. For example, the European Bank for Reconstruction and Development, referring to the huge reserves of gas and/or oil in Kazakhstan, Turkmenistan and Uzbekistan, observed that: “Natural resource wealth tends to be associated with corruption, as productive entrepreneurship may offer fewer rewards than the pursuit of political influence.”³⁷ In this context, a U.S.-Swiss-Kazakh case has become widely known (“Kazakhgate”). It involved a major fraudulent oil payment scheme in Kazakhstan, apparently addressed by a money laundering investigation carried out in Switzerland and the United States. The

³¹ Kyrgyz leader firm on continuing constitutional reforms, *BBC Monitoring Service*, 14 December 2002.

³² *Small Arms Survey 2001*. A Project of the Graduate Institute of International Studies (Geneva), Oxford University Press, Oxford 2001, p. 63.

³³ *Small Arms Survey 2003*. A Project of the Graduate Institute of International Studies (Geneva), Oxford University Press, Oxford 2003, p. 57.

³⁴ Bobi Pirseyedi, *The Small Arms Problem in Central Asia: Features and Implications*, United Nations Institute for Disarmament Research, UNIDIR/200/8, Sales No. GV.E.00.O.6, Geneva, Switzerland 2000, p. 40.

³⁵ *Ibidem*, p. 47.

³⁶ *Ibidem*, p. 60.

³⁷ European Bank for Reconstruction and Development, *Transition Report 2001*, London 2002, p. 55.

prosecutors there were investigating possible involvement of former and present high-ranking CIS officials and U.S. businessmen. Reportedly, the illicit transfer of at least US\$ 78 million in commissions from *BP-Amoco* and *Mobil Oil* (now *Exxon Mobil Corporation*) to foreign banks was the subject of the investigation.

To the less publicized cases belongs one of a former member of Tajik parliament, who headed a State Committee on Precious Stone Trade. In 2001 he was convicted to death over embezzlement and murder. His cousin was also sentenced to death for organizing contract killings. A number of other related culprits were imprisoned with sentences individually ranging from 5 to 13 years.³⁸ Smuggling of precious stones continues. Occasional reports inform of seizures of rough ruby.³⁹

Also non-ferrous metals are trafficked illicitly. Since 1992, hundreds tones of aluminum have been smuggled out of the country from one of its major industrial plants with “protection money” paid to organizers of this service.

Smaller schemes involving smuggling of fuel are commonplace. There are petty cases involving small groups of perpetrators smuggling fuel through the Uzbek-Kyrgyz border (Uzbek fuel is 30% cheaper than Kyrgyz fuel) and well organized cases of smuggling of up to 500 liters of fuel per week. It is estimated that at a single border crossing, Kara-Su (a town divided between the Kyrgyz Republic and Uzbekistan), smugglers manage to deliver 5 tons of fuel a day. Despite occasional severance in or suspension of operations of border crossings, the smuggling continues unabated, apparently with the connivance of border guards, tax and customs officials in both countries. Altogether, in 2002, some 70% of the petrol, diesel fuel and other oil products consumed in the Republic was illegally smuggled. An estimated equivalent of US\$ 11.5 million dollars in taxes have been lost and probably more than US\$ 50 million of potential investments into the Kyrgyz refinery industry which may shift to Kazakhstan.⁴⁰

Last but not least, **trafficking of people** has entered the Central Asian and global agenda. Because the legislation of Central Asian countries falls short of global standards on the control of illicit trafficking in human beings, the U.S. State Department listed Kazakhstan and Uzbekistan as countries which “do not fully comply with the minimum standards and are not making significant efforts to do so”, and the Kyrgyz Republic and Tajikistan as countries which also do not comply, but “are making significant effort to comply.”⁴¹

Among 55-60 million Central Asians the potential for migrating from their home countries is immense. Here are some demographical and sociological findings lending support to this view. The youngest population in Central Asia, now and in 2010 will be in Tajikistan and Uzbekistan. Especially, the population between 15-24 years of age, known to be potentially violent and criminal (and in case of young women vulnerable to sexual exploitation), is, therefore, socially problematic, particularly when unemployed.

These factors combined mean that especially among the young generation in Central Asia there is a growing pressure to look for opportunities abroad. But even in discussions with the older generation one can sense out a preference, if only age would allow. Consequently, in family circles, among friends and colleagues, there is a general atmosphere encouraging leaving the country and traveling where one can find better job opportunities, whether legally or not, at least to make some money and return with it to live a better life at home. A feeling of relative deprivation, which drives so many people across the world out

³⁸ Former Tajik law maker sentenced to execution, *Almaty Herald*, 15-21 February 2001, p. 2.

³⁹ *The Times of Central Asia*, 17 May 2001.

⁴⁰ Ulugbek Babakulov, Black market in fuel damages Kyrgyz economy, *Institute of War and Peace Reporting*, 7 April 2002.

⁴¹ U.S. Department of State, *Trafficking in Persons Report*, Washington, D.C., June 2003, p.15.

of their countries, is clearly present in Central Asia.

According to the results of a sociological study conducted in the year 2000 among 500 Kazakh women living in Almaty, the potential to fall victim of sexual exploitation (in Kazakhstan and abroad) has assumed alarming dimensions – if one considers desperate motivation of responding women and the implications the problem has on them, their families and country as a whole.⁴² Among responding women 40 % were married, and 50 % had one or more child. But despite this bond only 13.4 % would have rejected an offer of a job abroad, and 16.2% would have accepted it in any country. Divorced and widowed women would have gone to work abroad in 54.1 % of cases, while unmarried in 39.8 % of cases. At the same time, 60 % of respondents said that they were aware of the widespread problem of sexual and economic exploitation of women in Kazakhstan, while additional 29 % saw only a few instances of that. In these two categories altogether 37.7 % saw themselves as potential sexual workers in Kazakhstan. As for abroad, 28.8 % of respondents had a relative or an acquaintance who left for work abroad in recent years (Germany, Greece, Iran, Pakistan, Turkey, and United Arab Emirates), but only in single instances respondents could report cases of sexual exploitation of those who left.

Kazakhstan became a transit country for South Asian victims of smuggling to Germany. A number of Sri Lankans have been found stranded in the Kazakh steppe, one of them already frozen to death. After the interrogation of the survivors, it was found out that they have been left there by a trafficker who told his victims that they almost reached their destination to which they can only now walk a few kilometers.⁴³

Kazakh authorities have also detected an organized group from Kazakhstan, the Kyrgyz Republic and Turkmenistan, which trafficked women to the United Arab Emirates.⁴⁴ Expertise of the Organization for Security and Cooperation in Europe suggests that in the years 1990-2000 some 70,000 Kazakh women were trafficked out of the country.⁴⁵

Concerning trafficking in people, “travel agencies” offer their services in obtaining visas to Western European countries for fees ranging from US\$ 200 to US\$ 2,000, including a promise of employment. Some of these agencies have their central offices in Russia with branches in Eastern and Central European countries. These branches may be relatives or acquaintances that do paper work to substantiate the credibility of the fraud.

Anecdotal reports inform that also in South-East Asia there have been already instances of illicit trafficking of women. In early 2001, the Thai police informed of the possible deportation of 24 prostitutes from Uzbekistan who were rounded up in a Bangkok red light district where they were caught soliciting clients. Reportedly, those women confessed to the prostitution charges, and only eight were able to produce proper travel documents and valid Thai visas.⁴⁶ Later in the same year, it was reported that in the United States a research assistant and his wife, both of Uzbek nationality, had been arrested on charges of trafficking in women from Uzbekistan to the United States.⁴⁷

4. Organized crime and damage to the economy

⁴² Guldan Tlegenova, Nazym Shegenova, *Problemy trafika kazakhskich zhenschin: faktory riska i predupreshdenye. Sociologicheskoye issledovaniye 2000 g. – Almaty*, (Problems of traffic of Kazakh women: risk factors and prevention. Sociological inquiry 2000 - Almaty), Krizisnyy centr dlya zhenshtchin i detey, Almaty 2000.

⁴³ Kazakhstan to deport Sri Lankans after frozen ordeal, *Reuters*, 22 March 2001.

⁴⁴ Kazakh security forces crack Central Asia underage sex trade to UAE, Kazakh Commercial Television, *BBC Monitoring Service*, 5 June 2000.

⁴⁵ *The Times of Central Asia*, 15 March 2001.

⁴⁶ Thai police round up 24 Uzbek prostitutes in Bangkok, *Agence France Presse*, 21 March, 2001.

⁴⁷ Uzbek nationals in USA accused of trafficking in women

< <http://www.uzreport.com> >, 19 August 2001.

The international donor community is well aware how organized crime undermines the economies and security of Central Asian States. The above facts and figures tell much about it. However, as examples, they do not tell the whole story. That one must be read in the context of more comprehensive assessments of economies of those countries, some of which claim that they have been totally dominated by the shadow economy (which includes black market and organized crime profits), as in one of the Harvard analyses. When such claims are made, the Kyrgyz Republic and Tajikistan are a case in point with an estimated 100 % of shadow economy, Turkmenistan with 60 %, Kazakhstan with 39 % and Uzbekistan with 13 % - on the average 62,5 % in all five countries.⁴⁸

Another analysis (partly by the World Bank, partly by the United States Agency for International Development)⁴⁹ seems to corroborate the very considerable extent of "illegal markets" in Central Asia, but owing to a different methodology is not comparable with the former estimate. According to the World Bank study, 34.7 % of GDP of Central Asian States for the years 1996-2000 was derived from "illegal markets" (Figure 2, Annex). At the same time, the study revealed that despite the above, a relatively considerable extent of illegal markets (third after Africa and Latin America), there was an unexpected low level of "organized crime violence" in the region (only 5.5 % of annual change 1996-2000). In comparison with the much greater extent of such markets in non-Asian countries (which also experience a greater extent of "organized crime violence"), this situates Central Asia as an exception which needs to be explained below.

IV. "Frighten him": Central Asian penal policy against corruption and organized crime in the region

1. Kunanbaev's dictum

Returning to *Kunanbaev's dictum* "frighten or bribe him," and in line with the opinion of Allworth about the "harsh streak" in composite personality of Central Asians, one has to emphasize that penal policy of Central Asian States is indeed harsh. Central Asian States belong to the group of countries with highest prison populations in the world (Table 1, Annex). On the average, there are at least 420 prisoners (remand and convicted) per 100, 000 inhabitants. This rate is very high, if one compares it with Russia (628) and the United States (686) – countries with the highest documented prison rates.⁵⁰

A further glance at the statistics would lead to a common sense observation that most likely in Central Asia high prison rates keep crime low in general (Table 1, Annex). The prevailing view in Western criminology is, however, that this is not the case, at least as far as the United States is concerned. Recent, very authoritative analyses of this problem, show little or no correlation between rates of crime and the number of people in prison.

Nonetheless they do not deny that achieving even a 25 % crime drop by strengthening the prison system is possible, but not justified either by financial or social costs.⁵¹ This, obviously, is a Western market

⁴⁸ Yair Eilat and Clifford Zinnes, The shadow economy in transition countries: consequences for economic growth and donor assistance, <<http://www.cid.harvard.edu/caer2/html/content/papers/paper83/paper83.pdf>> .

⁴⁹ Regarding the illegal markets statistics: *World Development Report*, The World Bank, WB Press: Washington DC, 2001; regarding the organized violence statistics: *Organized Crime World Statistics*, *International Law and Economic Development Center-University of Virginia School of Law--USAID Project on Governance*, 2001.

⁵⁰ *World Prison Brief, International*, Center for Prison Studies, February 2002, <www.prisonstudies.org>.

⁵¹ See generally, Alfred Blumstein and Joel Wallman (eds.), *The Crime Drop in America*, Chapter 4, Cambridge University Press 2000.

economy oriented conclusion. In Central Asian countries with a not very advanced market economy, decisions on the prison build up are not guided by such a precept but by a traditionally repressive, almost at any cost, penal policy.

2. Frighten him **or** frighten and bribe him?

Therefore, one may argue that indeed the level of deterrence (i.e., penal repression) is sufficiently high to keep the crime rates low, including organized crime activities. But with this conclusion, probably already far fetching, we are almost leaving the area of hard evidence and moving into speculation. This is because of the lack of additional criminal justice data to corroborate this conclusion - the lack as obvious to the mentality of most Central Asian decision makers, as the need to reveal and share such data is to most experts and donors from developed countries.

To analyze the deterrent effect of penal sanction it is necessary to have precise data on the use of capital punishment, which is lacking. It is only known that that sanction is applied throughout Central Asia (Turkmenistan is an exception), and, no doubt, in the popular perception of its inhabitants, this sanction frightens. Further, high police and prison rates also appear to suggest that there is a deterrent effect of penal policies on organized criminality in Central Asia.

This conclusion, however, seems to be not only extremely tenuous, but also very dubious. In this context, even a cursory look at Table 1 reveals, at times, gross inconsistencies in the crime data sets (e.g., time series on prison statistics) which would not warrant the above effect. From one year to another the levels of prison population differ almost three to five fold (the Kyrgyz Republic and Kazakhstan). This is not because of real changes but only because of the reporting date when that population happens to be the lowest (e.g., 31 December or after amnesty). In Uzbekistan and Turkmenistan prison statistics are secret. In these two countries plus Tajikistan, so are also police personnel statistics.

Therefore there is a lot of missing data. For valid and reliable tests, a series of other data would be needed to differentiate between the “deterrent” effect of policing and convictions and the “incapacitation” effect of “locking up” a killer or other violent offender who, if at large, could attack again.

No such data on the structure of convictions/prison population in Central Asian countries is available at all. The data on homicides shows that this type of violent crime is quite common in Central Asia (the highest in Kazakhstan, the lowest in Uzbekistan), at least in comparison with, for instance, Italy, Russia or the United States, where in the year 2000 the rates per 100, 000 inhabitants were, respectively, 1.3, 2.0 and 5.5.⁵² However, homicides with the use of a firearm (which may or not be an organized crime activity), seem to be infrequent or definitely less frequent than in the United States. According to very fragmentary but reliable data (1997), the rate was 1.37 in Kazakhstan, 0.69 in the Kyrgyz Republic, whereas in the USA it was 3.64.⁵³ It looks as if organized criminals mostly intimidate, but do not kill!

There may be two plausible explanations. One, in line with “criminal traditions,” is that homicide with the use of a firearm is exceptional because the shadow economy and organized crime activities are so widely accepted ways of life that only a few (victims and witnesses) need to be ultimately and, some,

⁵² See further the results of the sixth and seventh United Nations surveys of crime trends and operations of criminal justice systems (www.unodc.org) wherefrom this and other homicide data were drawn for all the mentioned countries, except for firearm/homicide data in the United States (U.S. Bureau of Justice Statistics, *Homicide trends in the U.S.*, Weapons used,

< <http://www.ojp.usdoj.gov/bjs/homicide/tables/weaponstab.htm>>).

⁵³ In Tajikistan 9.16 – clearly a mistake, if one compares it with the overall homicide rate in Table 1 which is lower.

also lethally compelled by a firearm. Another explanation is that the low level of such homicides is related to lesser availability of firearms in Central Asia than, e.g. in the United States.

“Jumping the gun” at this point would be premature. It is very obvious that more research in this area is required which is not yet possible in Central Asia. Such research would need to focus not only on particular features of organized crime scene (*modus operandi*, motivation, etc..) there, but also include overall demographic factors.

Finally, the data on the drug offenders in prison is also absent, but one may probably venture an opinion, corroborated by numerous reports, that mostly small drug traffickers (couriers) are caught and imprisoned⁵⁴ (no deterrence effect on organizers).

By and large, Central Asian criminal statistics cannot be as yet a policy tool for transparent and accountable criminal justice management and democratic policy. In view of their deficiencies, researchers, analysts, activists and policy makers may easily misinterpret the Central Asian crime picture, the complexity of which is hidden from their eyes. Addressing this problem in Uzbekistan, the United Nations Human Rights Committee pointed out that secrecy provisions should be lifted.⁵⁵ In this respect all other countries of the region do not differ much from Uzbekistan.

However, whatever present and future availability of criminal statistics, facts on Central Asian organized crime scene and its control cannot be interpreted on the strength of such “hard” data alone. They must be interpreted in a broader socio-cultural, economic and political context of the region.

3. The broader context of penal policy

In Uzbekistan its President admitted that in 2001, about 1,000 detainees were found to be completely innocent.⁵⁶ This is not only acknowledgment how unreliable crime statistics may be; this is also a political and public recognition that criminal justice administration is arbitrary and endemically corrupt. One can buy immunity from prosecution, one can buy a mitigated sentence.⁵⁷ In short, there is really no *dictum* “frighten or bribe,” but “frighten **and** bribe” (i.e., buying justice to avoid severe punishment). Those who eventually get harsh sentences may be more often than not also those who cannot bribe their way through the criminal justice system. This means that the criminal justice system contributes to bad governance. This, in turn, hampers delivery of technical assistance projects and overall progress in general.⁵⁸

⁵⁴ See further, Redo, *Organized Crime...*, *op. cit.*.

⁵⁵ It recommended that Uzbekistan amend its Law on Protection of State Secrets, so as to define and considerably reduce the types of issues that are defined as “state secrets and other secrets,” thereby bringing this law into compliance with art. 19 of the International Covenant on Civil and Political Rights (CCPR/CO/71/UZB, 6 April 2001, Human Rights Committee, *Concluding observations*, Uzbekistan).

⁵⁶ Uzbek head admits innocent people kept in remand centres, Uzbek Television, First Channel, <<http://www.ferghana.ru>>, 19 July 2001.

⁵⁷ In Central Asia there is “systemic” corruption, which “is part of the way countries in the region function. It is something that is not only taken for granted by the population, but it's something that regional leaders base their power on. They have direct access, almost without any controls on them, to the revenues of the state. And they use this in a corrupt manner in order to buy the loyalty they need in order to maintain political stability in the country” (Statement by a Transparency International official, quoted in: Antoine Blua, Central Asia: Transparency report faults Uzbekistan, Kazakhstan for 'systemic' corruption

<<http://www.rferl.org/nca/features/2003/02/03022003172500.asp>>, February 2003); see also Redo, *Organized Crime...*, *op. cit.*.

⁵⁸ World Bank Group on Low Income Countries under Stress: A Task Force Report, World Bank 2002, <<http://www1.worldbank.org/operations/licus/documents/2LicusIIAnalysis.pdf>>

In the socio-cultural and economic context, the low overall crime rates in Central Asia cannot be only attributed to the harsh penal policy, but also (if not foremost) to the tight controls exercised through the structures of its societies: clannish, tribal and community (*mahallas*, councils of the elderly, extended families). **This is the contemporary social (hard and soft) fabric which still effectively keeps control over a very young and potentially very restive Central Asian population.** These are the structures which help to survive the hardships of life in Central Asia – impoverishment of most of the people. This is the insurance policy against anomie (“normlessness”). With that fabric loosened, organized crime and other violence could grow easily, for the value of life and property among Central Asians does not warrant their protection so much as in Europe or Northern America.

Through the contemporary social fabric (or those structures) operates also organized crime, mainly in the area of property (profit) crime. Secrecy, bonds of obligations (favouritism), loyalty, dependency on others - in short, an informal code of conduct regulate the inner life of these usually small groups of people. The informal controls on actions of members of these groups assure that mostly small actors enter officially in conflict with criminal law - the other, bigger code of conduct. What happens later to them depends on the standards by which they are handled by the criminal justice system. As in the past, these two codes of honour still operate side by side. Without this context one finds striking the statement drawn from Central Asian experience that: *“The establishment of moral standards resistant to corruption is impossible,” “citizens had lived with systematic corruption for so long that there is nobody left... who remembers a code of honour.”*⁵⁹

V. Back to the future⁶⁰: conclusions and recommendations for now and later

This paper sought to interrelate various perspectives concerning the control and prevention of organized crime in Central Asia from academic and practical perspectives. Historical facts constituted a background for current general policy considerations which then were narrowed down to concrete issues requiring statistical analyses and action in a specific socio-cultural and political contexts. In line with this cross-disciplinary approach (which also confronts theory with practice), a number of conclusions and recommendations may help to project more successful prevention and control of organized crime in Central Asia.

A. Conclusions

1. Orientalism, occidentalism and the interpretation of organized crime problem in western terms

The above subtitle, the intellectual origins of which should be attributed to *Thorsten Sellin* and *Edwin H. Sutherland*,⁶¹ provides the context for three conclusions which stem from the analysis of the problem of

⁵⁹ Uzbekistan’s law enforcement incurably corrupt – Expert, summary of the statement of Nicolai Mitrohin, Open Society Institute, New York, 13 June 2003.

<http://www.eurasianet.org/departments/recaps/articles/eav061903_pr.shtml> 19 June 2003.

⁶⁰ This is the expression taken from the title of the film by Steven Spielberg.

⁶¹ But also (by a coincidence) to Edward Said and Maureen Cain (see: Maureen Cain, Orientalism, occidentalism and the sociology of crime, *British Journal of Criminology*, Vol. 40 (2000), pp. 239-260). Both authors sensitize the westerners to two clichés: a simplistic understanding of “orientalism” implies that Asians and Arabs are considered tribal, emotional, less-sophisticated peoples, prone to violence, fundamentalism, and irrational thinking. This is because they do not understand, or choose not to follow, Europe’s rather crude notions of capitalism, nationalism, rationalism and Christianity. Some recent U.S. publications contemplate another brand of “orientalism” called “sultanism”, based on Europe-centric thinking of Max Weber (H. E. Chelabi and Juan J. Linz (eds.), *Sultanistic Regimes*, Johns Hopkins University Press, Baltimore 1998), and apply it to Central Asian States (Phil Williams, Criminalization and stability in Central Asia and South Caucasus (in:) Olga Oliker and Thomas Szayna (eds.), *Faultlines of Conflict in Central Asia and the South Caucasus: Implications for the U.S. Army*, RAND Corp.

organized crime and its control in Central Asia.

First, in keeping with their research tradition, it should be first stated that the contemporary western approach to crime control in Central Asia neglects the cultural roots and specificity of factors which continue to motivate its peoples in their legal and illegal behaviour. In this regard, conclusions of a sort “they” vs. “we” are quite unhelpful and rather unfortunate, even if this is an inevitable outcome of the globalization process.

This does not mean that one should not compare crime or prison rates across the world, but only that the contexts in which they can be interpreted are indeed very different. Talking about the recent western concept of the “global rule of law” and relating it to Central Asia appears to be a gross over-simplification which neglects different historical and cultural foundations and legacies of Western and Eastern civilizations, the latter of which started to live in Central Asia many thousands year ago (greater relativism of customary and religious sanctions concerning the value of life and property). What makes *Alexander Pushkin* and *Alisher Novoi* contributors to the poetry of mankind, does not make both of them understandable to all with the same sense.

Nonetheless, **there are** common human principles which apply across various cultures. One of them is that criminal behaviour is learned. Is not inborn, is not premeditated. Specific direction of motives, drives, etc. is learned from definitions of legal codes as favorable or unfavorable. One engages in crime because of an excess of definitions favorable to law violation over definitions unfavorable to law-breaking.

Kunanbaev was not right attributing “criminal traditions” to his kins’ intergenerational heritage. It is *Sutherland’s* principle of “differential association” which is applicable to Central Asians and others. In the specific context it means that teaching and learning of law abiding behaviour as a part of the statehood or capacity building process is possible (but this should not mean “tutoring” Central Asian officials – something that is not appreciated in view of high qualifications many have). It does not mean that all crime will be eliminated. It means there may be less or more crime (depending on the nature of transition), and that dealing with criminals and victims of organized and other crime may, hopefully and increasingly, take the forms accepted by the precepts of the rule of law. It also means that, unwittingly, differential association “works back” not only at interpersonal but institutional level such as creating new governmental structures in place of the old ones (as the case was with the Tajik Drug Control Agency), by strengthening law and order in the formerly more corrupt and otherwise criminal environment.

Anyhow, for better or worse, the process of globalization continues and Central Asia is involved in many ways in it, including the spread through it of illicit drug trafficking and other organized crime activities. Inevitable as globalization is, the counteraction of its negative effects should involve more comparative research focused on Central Asian specificities. For example, the above hypothesis on the value of life and property in Central Asia would need verification in cross-regional criminological analysis. In its absence (or, at least, in the absence of my awareness of such an analysis), I find this hypothesis only indirectly and partly corroborated. This is due to the aforementioned suggestive remarks on the persisting until now of traditional motives of lawlessness among Central Asians, dating back to many centuries ago.

Paradoxically, the most global and one of the most financially influential institutions - the World Bank - is recognizing such regional and national specificities in its studies. In the one I am taking as a departure

Publication, Santa Monica, Ca. 2003, p. 95). “Occidentalism,” in turn, is simply understood as denying any difference between East and West in the process of cooperation. Encountered differences are interpreted as resistance to change. Persistence in pursuing either of the approaches results in project delivery failures.

point for specific conclusions concerning the improvements to be made in the control of organized crime in Central Asia, one finds a caution that institutional, cultural, social and other local interactions may have a modifying effect on crime rates.⁶² This, in fact, generic point should be expanded, if not restated: these various interactions influence the illicit demand for certain commodities (drugs, firearms, energy), or services (e.g., sexual exploitation through trafficking in women). This demand interplays with supply.

Since the previous sections dealt with the supply side of organized crime activities, the following sections will now address their demand side.

2. Control of demand

Secondly, in the context of demand, all these local interactions may be soon put to test in Central Asia. With the dynamically growing volume of trafficked drugs through the region, reports are filed about the increase in the population of drug abusers. The World Bank study emphasizes that such growths usually lead to more violence, related especially to illicit procurement and/or obtaining of drugs (as has been the case, e.g., in Colombia). While the ODC epidemiological data inform that only 0.9% of population of 15 years of age and above takes drugs nowadays (in 80% opiates) in Central Asia, other estimates upscale the level of drug abuse considerably. Depending on the base figure and year, between two and ten fold increases are reported in the five Central Asian States (but this does not mean that the ODC estimate should be multiplied by ten). Certainly, however, increase in violence must be seriously considered as a possible outcome of a worsening drug situation in the region, especially if and when the role of informal controls fails.

3. Inequality

It is widely held that the bigger the discrepancy between “*haves*” poverty and “*have nots*,” the higher the incidence of violence (including organized crime violence). This thesis is corroborated by the World Bank study on determinants of crime rates, covering Central Asia. After making several statistical tests which measured that discrepancy by the *Gini* coefficient (the difference in the distribution of wealth between top 20% of earners and the rest of the population), its authors concluded that, in principle, greater inequality is associated with higher intentional homicide and robbery rates, but the level of income *per capita* is not a significant determinant of national crime rates. In short, it is relative deprivation in one of its many forms (financial inequality) which drives violence levels up and not the low income *per se*.

However, as noted, high level organized crime violence in the region is an exception from this principle, probably due to the influence of the effective (but repressive) formal and effective informal controls. Moreover, and surprisingly, these discrepancies between the “*haves*” and “*have nots*” are not well represented in Central Asia by the *Gini*-coefficient which continues to show rather moderate differences.⁶³ Still, in my view, the World Bank finding that the higher the incidence of violence (including organized crime violence) may be misleading in the regional context, and in the context of its other findings.

Consequently, and **thirdly**, the conflicting World Bank findings must be interpreted as follows. The discrepancy between “*haves*” and “*have nots*” among Central Asians is indeed great. The “*have nots*” are extremely patient people. Their survivalist mentality, implying the ability to suffer, inhibits the outbreaks

⁶² Pablo Fajnzylber, Daniel Lederman, Norman Loayza, Determinants of crime rates in Latin America and the world. An empirical assessment, *The World Bank*, Washington, D.C., 1998, pp. 1 and 31, <<http://www.worldbank.org/research/conflict/papers/fajnzyl.htm>>.

⁶³ See further: *UNDP Human Development Report 2002*, Table 1, United Nations Development Programme, New York 2002.

of discontent, but only up to a point. Discontent accumulates rather slowly and explodes rapidly. Violence of any sort is more imminent in Central Asia than one tends to think. There have already been instances of massive and horrendous lawlessness, incited and carried out by organized crime groups and other criminally motivated actors,⁶⁴ which, unfortunately, may be repeated soon.

In the long term, more rapid transition in the region from the command economy to a market economy may cause more organized violence and property crime. As argued earlier, the value of life and property in Central Asia is low. Prompting the feeling of relative deprivation by further dispossessing the "have nots" or by any other action, e.g. inciting inter-ethnic conflict, may in either case lead to more violence and other crime, since Central Asians easily resort to illegal behaviour - something in full conformity with the "lofty" code of conduct against those who are treated as enemies.

In the light of the latter conclusion (and previous findings on the interrelation between the high level of organized crime caused by low level of the rule of law), the following recommendations may be offered.

B. Recommendations

The World Bank proposes (and the author exemplifies) to:

First, strengthen the agencies that can potentially contain opportunism, such as the police and the courts (e.g., underreporting of crime, there may be no records which can be later put on appeal. Frequently, the record of a case is just the summary of the days events as the judge remembered them at the end of the day. Opinions of judges are not necessarily written, never published and not widely available to legal practitioners);

Secondly, choose reforms that meet the least resistance and that offer quick pay-offs to groups that are potential constituencies for further reforms, and to avoid reforms that divide, or are opposed by, such constituencies (e.g., pursue further development of drug control agencies);

Thirdly, make special procedural efforts by the donor agencies to be more selective in their knowledge transfer. Programs should focus on two or three things that best meet the preceding criteria (e.g., improve seizure rates, strengthen the right of defence/acquittal rate);

Fourthly, place greater stress on accountability and scrutiny in all donor activities (e.g., condition further assistance on meeting benchmarks);

Fifthly, devote more donor resources to knowledge transfer activities, capacity building and advice - relative to financial transfers (e.g., train aiming at growing self-reliance in meeting the objectives of criminal justice reform).

Other recommendations are as follows:

(a) since corruption of governance in Central Asia through the increasing influence of organized criminal groups on the state apparatus and economies of its countries presents a big danger to the States of the region and to international cooperation in general, these States should foster through their agencies peaceful political and economic development in the environment conducive to good, accountable and transparent governance, healthy economy and cooperation, where organized crime can be brought under control and prevented;

⁶⁴ Nancy Lubin and Barnett R. Rubin with a foreword by Senator Sam Nunn, *Calming The Ferghana Valley. Development and Dialogue in the Heart of Central Asia*, The Century Foundation Press, New York 1999, p. 47.

(b) attainment of good, accountable and transparent criminal justice administration should be pursued in the ongoing statehood process through narrowing down the differences between the aforementioned two code of conducts operating in Central Asia;

(c) therefore, there is a need to rebalance the assistance by expanding reform-oriented outcomes and broadening such process to include the entire law enforcement and criminal justice administration. One must recognize the fact that better salaries reduce opportunities for corruption of officials. In this connection, customs, police and prosecution, as a component of the entire criminal justice system, should undergo further review of their competencies and effectiveness, including modification of the methods of the recruitment and training of personnel and in the staff incentives, in line with the United Nations instruments, including the United Nations Convention against Transnational Organized Crime. All this would enhance domestic, bilateral and multilateral legal assistance with a view to better administering justice by courts across the region;

(d) in the latter context, those reforms should provide a stimulus to changes in professional conduct of criminal justice personnel appreciating a more independent judicial system, to be build up according to the United Nations instruments - all within the context of supportive role of local communities in setting higher standards for humane and efficient crime control and prevention;

(e) donors should assist Central Asian countries in developing and maintaining a comprehensive, publicly accessible criminal justice statistics allowing informed choices in reforming and guiding their criminal policy, justice administration and improving international cooperation, in line with the precepts of the rule of law.

C. Words of caution

I prefaced the conclusions and recommendations in this last section with the title of the film “Back to the future,” trying to signal that projecting the path of transformation in Central Asian countries must take into account its past history, very different from the paths taken by other countries in transition. Indeed, as I was trying to demonstrate, in several instances that history pushed later Central Asians in a different direction to Europeans or North Americans. There are differences in social structure (clans, tribes), codes of behaviour, in perceptions of life and property, of the State and statehood. A broader review of the past would reveal even more such differences, including those in the division of labour and social stratification, guild systems and so on.

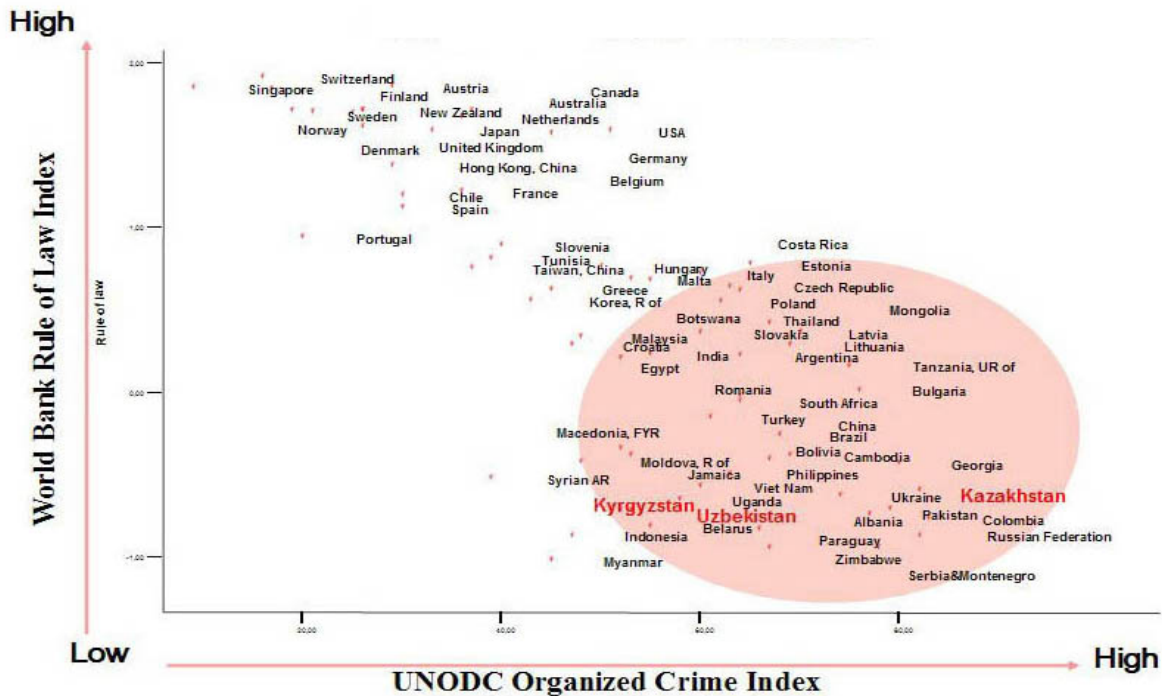
All this would further emphasize that globally advancing the transition from authoritarian rule to the rule of law and free market without taking these genuine differences into account is over-simplifying the problem of bringing organized crime and other lawlessness under control in the context of achieving progressive socio-economic objectives (poverty reduction). And yet, at the same time, there is (almost) an obvious assumption that now for everybody transition indeed implies such a smooth extension of the rule of law. In short, this is bound to happen. However, as *John Schoeberlein* noted: “*While development agencies still enthusiastically support a “transition” in Central Asia... observers are questioning whether it is right to refer sanguinely to a “transition” when there is little idea where it might lead.*”⁶⁵

I do not think anything like a smooth transition “European style” is bound to happen in Central Asia. The legacies are too different, complex and sensitive to say that it might necessarily lead to the same or similar results, as expected by donors. The American film “Back to the future” was a trilogy. The Central

⁶⁵ Quoted by: Anatol Lieven, Post-Communist Sultans on the Caspian, <*EurasiaNet.org*>, 8 November 2000.

Asia saga has only entered its first part. Whatever sequel there will be in the region, one always has to remember a popular saying from the Russian movie “Hot Desert’s Sun”: “*Vostok – delo tonkoye*” (The East - a delicate matter). Not once we will hear this saying about Eurasia.

Figure 1. Linking the rule of law to the extent of organized crime



Source: National Seminar on the Implementation of the United Nations Convention against Transnational Organized Crime (Prague, The Czech Republic, 15-17 June 2003).

Figure 2. Organized violence and illegal markets (1996-2000)

AREA	ORGANIZED VIOLENCE (% ANNUAL CHANGE 1996-2000)	ILLEGAL MARKETS AS % OF GDP 1996-2000
Central and Eastern Europe	7.4	20.3
Central Asia	5.5	34.7
South East Asia	2.9	11.0
Latin America	8.2	39.4
Africa	9.7	52.1

Table 1. Crime, law enforcement and prison statistics for Central Asia					
Country	Year	per 100, 000 population (1995-2002)*			
		Registered total crime	Homicide	Police	Prisoners
Kazakhstan	1995	1080	14.3	600	515
	1996	1176	16.7		
	1997	1038	16.5	479	540
	1998	950	16.9	468	114
	1999	932	15.8	455	560
	2000	1008	15.8		128
	2001	1014	13.6		
	2002	719			
Kyrgyz Republic	1995	908	11.8	354	406
	1996	865	11.3		
	1997	854	11.9	351	388
	1998	714		362	283
	1999	821		347	283
	2000	785		340	420
Tajikistan	1995	249	7.5		124
	1996	226	8.2		119
	1997	219	8.3		120
	2002			458	
Turkmenistan	1995		4.0		
	2000	196		490	489
Uzbekistan	1996	334	3.7		
	1997	339	4.6		
	1998	348	3.5		
	1999	324	3.2		
	2000			805	560
	2001	333	4.5		
	2002	320	4.4		
	2002	320	4.4		
<p>*Explanations and sources:</p> <p>Crime data combined from various sources: statistics on total crime rate and homicide from: INTERPOL, International Crime Statistics <www.interpol.int>, the sixth and seventh United Nations surveys of crime trends and operations of criminal justice systems <www.unodc.org>, except for : total crime and homicide on Turkmenistan (reported, respectively, in the International Classification of Diseases, 1975 (ninth) revision. World Health Organization 1997, Demographic Year Book. Forty-ninth issue, United Nations, New York, 1999. Sales publication: E/F.99.XIII.I ST/ESA/STAT/SER.R/28, and Watan News, 16 January 2001).</p> <p>Law enforcement data (police personnel) drawn from the sixth and seventh United Nations surveys of crime trends and operations of criminal justice systems, except for, Tajikistan (ICG Asia Report No 42, The Politics of Police Reform, 10 December 2002, p. 7.), Uzbekistan (The Atlantic Council of the United States, Central Asia - Caucasus Institute SAIS; Charles Fairbanks, S. Frederick Starr, C. Richard Nelson, Kenneth Weisbrode, Strategic Assessment of Central Eurasia, Washington, D.C. 2001, p. 29.) and Turkmenistan (Watan News, 16 January 2001).</p> <p>Prison data (remanded and convicted inmates) drawn from the sixth and seventh United Nations surveys of crime trends and operations of criminal justice systems and "World Prison Brief" <www.prisonstudies.org>.</p>					

