

## TURKMENISTAN LEGAL COUNTRY PROFILE

### COUNTRY OVERVIEW

Turkmenistan is located in Central Asia bordered by Kazakhstan, Uzbekistan, Afghanistan and Iran, with the landlocked Caspian Sea to the west. Sharing borders with these countries, especially Afghanistan, creates obvious security issues and complications. Turkmenistan is the world's 52<sup>nd</sup>- largest country with over 80% of the country covered by the Karakum Desert.

Turkmenistan gained independence in 1991 from the dissolution of the Soviet Union and has taken a position of neutrality since. There is a low threat from terrorism and the political situation is calm, however there is a relatively high level of security due to the bordering countries' conflicts, especially the precarious border situation with Afghanistan and Uzbekistan due to extremist Islamist groups.<sup>1</sup> The country's business risk however is very high, making doing business in Turkmenistan very difficult.<sup>2</sup>

Corruption exists at all levels of government in Turkmenistan and it ranks as one of the most corrupt countries in the world.<sup>3</sup> Turkmenistan is ranked 192<sup>nd</sup> (out of 204) on the Corruptions Perceptions Index, and 197<sup>th</sup> regarding the rule of law.<sup>4</sup> The governmental system is a secular democracy and presidential republic, however in reality it is highly authoritarian and the country is under full control of President Gurbanguly Berdimuhamedov and the Parliament.<sup>5</sup> The government's credibility remains very low.<sup>6</sup> There is a general lack of knowledge of Western business procedures and professionals with adequate English language skills being scarce.<sup>7</sup>

The current President, Berdimuhamedov, was appointed in 2006 and since his occupation of office the Constitution has been amended to allow him to stand for election again; in 2017 he won with 98% of votes, leaving no room for other political forces. He is likely to be a 'president for life' as was the previous President Niyazov. The electoral process does not meet international standards due to the limited choice between competing parties.<sup>8</sup>

<sup>1</sup> <https://www.gov.uk/foreign-travel-advice/turkmenistan>; <http://www.coface.com/Economic-Studies-and-Country-Risks/Turkmenistan>; <https://import-export.societegenerale.fr/en/find-your-market/country/turkmenistan/economy-country-risk>

<sup>2</sup> <https://globaledege.msu.edu/countries/turkmenistan/risk>

<sup>3</sup> <http://www.business-anti-corruption.com/country-profiles/turkmenistan>

<sup>4</sup> <http://www.coface.com/Economic-Studies-and-Country-Risks/Turkmenistan>

<sup>5</sup> <https://www.cia.gov/library/publications/resources/the-world-factbook/geos/tx.html> ; <https://www.gov.uk/government/publications/overseas-business-risk-turkmenistan/overseas-business-risk-turkmenistan>

<sup>6</sup> [https://www.bti-project.org/fileadmin/files/BTI/Downloads/Reports/2016/pdf/BTI\\_2016\\_Turkmenistan.pdf](https://www.bti-project.org/fileadmin/files/BTI/Downloads/Reports/2016/pdf/BTI_2016_Turkmenistan.pdf)

<sup>7</sup> <https://photos.state.gov/libraries/turkmenistan/49351/pdf/2015TurkmenistanCCGFIN060915.pdf>

<sup>8</sup> <https://www.gov.uk/government/publications/overseas-business-risk-turkmenistan/overseas-business-risk-turkmenistan>

There is a lack of consistent and transparent business legislation, and the legislation that exists is subject to frequent change and various contradictory interpretations by multiple government agencies and organs.<sup>9</sup>

Turkmenistan is a United Nations-recognised permanently neutral state, namely because of the geographical surroundings of more powerful states against whom Turkmenistan could not prevail in military conflict, plus the unwillingness to give up sovereignty by siding with Russia.<sup>10</sup> This neutrality is set out in the Constitution of Turkmenistan to maintain its defensive character.<sup>11</sup> The position of neutrality is security-focused as shown by the willingness to join non-security based institutions such as the Economic Cooperation Organisation and the Non-Aligned Movement.<sup>12</sup>

The GDP in 2015 was US\$ 54 billion with the main industries being natural gas, oil, petroleum products, textiles and food processing. Currently 70-80 billion cubic metres of gas are produced annually in Turkmenistan, with it holding the 4<sup>th</sup> largest natural gas reserves globally, and 20-25% of this production is consumed internally.<sup>13</sup> The economy however remains very much state-controlled, the private industry remains underdeveloped, and foreign investors are deterred by the general lack of transparency.<sup>14</sup>

#### LEGAL SYSTEM OVERVIEW

The legal system in Turkmenistan is Civil law based, with Islamic law influences.<sup>15</sup> The enforcement of any part of the legal framework is very poor, with a lack of an effective and independent implementation body.<sup>16</sup>

#### Hierarchy of Laws:<sup>17</sup>

- The Constitution of Turkmenistan
- Constitutional Laws
- Codes
- Ordinary Laws
- Decrees and acts of the President
- Resolutions of the Mejlis
- Resolutions and orders of the Cabinet of Ministers
- Normative acts of the organs of state power and government

<sup>9</sup> <https://photos.state.gov/libraries/turkmenistan/49351/pdf/2015TurkmenistanCCGFIN060915.pdf>

<sup>10</sup> [https://www.files.ethz.ch/isn/119141/SSR\\_full-text.pdf](https://www.files.ethz.ch/isn/119141/SSR_full-text.pdf)

<sup>11</sup> [https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=6&ved=0ahUKEwjS2lqy97LTahWfF8AKHSqSCZgQFgg8MAU&url=http%3A%2F%2Fwww.dcaf.ch%2Fcontent%2Fdownload%2F35357%2F525931%2Ffile%2FBook\\_3.pdf&usq=AFQjCNHQ0eLuV\\_NAvXchEG-IM\\_Ci02N8ow](https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=6&ved=0ahUKEwjS2lqy97LTahWfF8AKHSqSCZgQFgg8MAU&url=http%3A%2F%2Fwww.dcaf.ch%2Fcontent%2Fdownload%2F35357%2F525931%2Ffile%2FBook_3.pdf&usq=AFQjCNHQ0eLuV_NAvXchEG-IM_Ci02N8ow)

<sup>12</sup> [https://www.files.ethz.ch/isn/119141/SSR\\_full-text.pdf](https://www.files.ethz.ch/isn/119141/SSR_full-text.pdf)

<sup>13</sup> <https://www.gov.uk/government/publications/overseas-business-risk-turkmenistan/overseas-business-risk-turkmenistan>

<sup>14</sup> <https://www.gov.uk/government/publications/overseas-business-risk-turkmenistan/overseas-business-risk-turkmenistan>

<sup>15</sup> <https://www.cia.gov/library/publications/resources/the-world-factbook/geos/tx.html>

<sup>16</sup> <http://www.business-anti-corruption.com/country-profiles/turkmenistan>

<sup>17</sup> <http://www.nyulawglobal.org/globalex/Turkmenistan.html>

- Resolutions of the governor (hyakim) of the region
- Decisions of local meetings (gengeshi)

The Constitution is supreme, and primacy is given to generally recognised norms of international law.<sup>18</sup>

The principle of the separation of powers operates as in the UK, with the highest governmental powers being exercised by the President, Parliament, the Supreme Court, the Supreme Commercial Court, and the Cabinet of Ministers.<sup>19</sup> However, the judicial branch operates under direct instruction from the President meaning that these institutions do not remain separate.<sup>20</sup> Plus, the President can modify delivered court decisions and appoint judges of the courts.<sup>21</sup>

The judiciary is notoriously corrupt, arbitrary, and open to bribery. Permits to engage in legal work are issued by the Ministry of Justice in a very opaque manner.<sup>22</sup>

#### THE CIVIL CODE OF TURKMENISTAN

Upon the dissolution of the USSR Turkmenistan, along with Georgia, adopted the 19<sup>th</sup> Century German Civil Code approach, whereas all other former-USSR States based their Civil Codes on the Russian Federation's Code and were virtually identical. There are however many similarities between the two types of codes from the former-USSR States.<sup>23</sup>

Both types of Codes are drafted very generally, meaning that academic and judicial interpretation is required, however although there are multiple sources of judicial and academic interpretation of the Russian Civil Code, this cannot be applied to the Turkmenistan Civil Code as they are not the same. Nor is it possible for Turkmenistan to produce interpretative material on their Code themselves due to their underdeveloped judiciary.<sup>24</sup>

The Civil Code of Turkmenistan is not available in its entirety in English. The first part is available here: <http://cis-legislation.com/document.fwx?rgn=2363> The German Civil Code, on which Turkmenistan's Civil Code is based, is available here: <http://www.fd.ulisboa.pt/wp-content/uploads/2014/12/Codigo-Civil-Alemao-BGB-German-Civil-Code-BGB-english-version.pdf>

Article 1(2) of the Civil Code of Turkmenistan sets out that parties are free to decide on their own contractual provisions, as long as these provisions don't contradict the law, setting out the general principle of autonomy of the parties to the contract or agreement.

<sup>18</sup> Constitution of Turkmenistan, Article 5, Article 6

<sup>19</sup> Constitution of Turkmenistan, Article 48

<sup>20</sup> <https://photos.state.gov/libraries/turkmenistan/49351/pdf/2015TurkmenistanCCGFIN060915.pdf>

<sup>21</sup> <http://www.business-anti-corruption.com/country-profiles/turkmenistan>; <https://www.pwc.kz/en/about-us/dbg-eurasia/dbg-turkmenistan-2011-2012.pdf>

<sup>22</sup> [https://www.bti-project.org/fileadmin/files/BTI/Downloads/Reports/2016/pdf/BTI\\_2016\\_Turkmenistan.pdf](https://www.bti-project.org/fileadmin/files/BTI/Downloads/Reports/2016/pdf/BTI_2016_Turkmenistan.pdf)

<sup>23</sup> <https://pages.law.illinois.edu/p-maggs/codes.htm>

<sup>24</sup> <https://pages.law.illinois.edu/p-maggs/codes.htm>

Section 249 of the German Civil Code sets out the nature and extent of damages available, as follows:

“(1) a person who is liable in damages must restore the position that would exist if the circumstances obliging him to pay damages had not occurred”.

Section 280 of the German Civil Code sets out damages for breach of duty, as follows:

“(1) If the obligor breaches a duty arising from the obligation, the obligee may demand damages for the damage caused thereby. This does not apply if the obligor is not responsible for the breach of duty.

(2) Damages for delay in performance may be demanded by the obligee only subject to the additional requirement of section 286 [default of the obligor]

(3) Damages in lieu of performance may be demanded by the obligee only subject to the additional requirements of sections 281, 282 and 283 [damages in lieu of performance requirements]”.

Section 433 of the German Civil Code sets out the duties in a purchase agreement, namely that the buyer is obliged to pay the agreed purchase price.<sup>25</sup> Therefore, there will have been a breach of duty if the contract price has not been paid, therefore resulting in damages as the above provisions.

Although the Russian legislation cannot be relied on, it is very similar to that of Turkmenistan, therefore it could potentially be used as a method of interpretation where there are gaps in our knowledge of the Turkmen provisions.

Contractual remedies under Russian law can be for losses or as a penalty. Losses are defined as those expenses incurred by the non-breaching party to restore the breached right plus the profits that would have been received had the contract not been violated. In order to claim losses however, the breach of the contract must be the *sole* cause of the loss, rather than just *a* cause of the loss.<sup>26</sup>

The non-breaching party can claim the payment of outstanding debt in court. In addition, if the contract itself does not provide for a penalty for delay in payment, the non-breaching party can also claim for the outstanding period due to the delay. In Russia, this rate is equal to the key rate of the Bank of Russia.<sup>27</sup>

#### SPECIFIC LEGISLATION

The Petroleum Law of Turkmenistan (available here: <http://crudeaccountability.org/wp-content/uploads/2012/04/19961230-PetroleumLawOf1996en.pdf> ) sets out provisions

<sup>25</sup> German Civil Code, Section 433(2)

<sup>26</sup> [https://uk.practicallaw.thomsonreuters.com/Document/I0f967dcce15811e698dc8b09b4f043e0/View/FullText.html?transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://uk.practicallaw.thomsonreuters.com/Document/I0f967dcce15811e698dc8b09b4f043e0/View/FullText.html?transitionType=CategoryPageItem&contextData=(sc.Default))

<sup>27</sup> [https://uk.practicallaw.thomsonreuters.com/Document/I0f967dcce15811e698dc8b09b4f043e0/View/FullText.html?transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://uk.practicallaw.thomsonreuters.com/Document/I0f967dcce15811e698dc8b09b4f043e0/View/FullText.html?transitionType=CategoryPageItem&contextData=(sc.Default))

relevant to the oil and gas industry, and applies to all relations arising in the course of conduct of petroleum operations.<sup>28</sup>

This legislation further guarantees the contractors' rights in accordance with principles of international law, legislation of Turkmenistan, the Licence and the Contract.<sup>29</sup>

The common principle of force majeure applies to the fulfilment of contracts, therefore only allowing departure from the contractual provisions for reasons of "war, act of war, military conflicts, natural hazards or other events beyond the will and actions of the Contractor". Therefore, without any of these situations arising, the contract will be breached for any non-fulfilment of obligations.<sup>30</sup>

However, the principle of force majeure "shall not apply on the requirement of payments to be made in due time, as provided by [the Petroleum law], the Licence and the Contract". Therefore, even if there were circumstances which fall under force majeure this would not extinguish the obligation of payments being made.<sup>31</sup>

The Turkmen law about Business Activity sets out provisions for when one of the parties is foreign, establishing that in this situation international treaties only apply if the current legislation does not establish the rules itself.<sup>32</sup>

The Turkmen Model Production Sharing Agreement for Petroleum also emphasises that the principle of force majeure does not apply to monies due, highlighting the importance of the payment of due monies.<sup>33</sup> This Model Agreement also confirms that monies due accrue interest.<sup>34</sup>

#### INTERNATIONAL LAW

Primacy is given to generally recognised international laws and Turkmenistan is signatory to many treaties and most major human rights instruments, however implementation of national legislation is difficult and of international legislation even more so.<sup>35</sup>

Turkmenistan is a member of the International Labour Organisations and has ratified 9 of its conventions including those relating to the rights of children.

<sup>28</sup> Petroleum Law of Turkmenistan, Article 2

<sup>29</sup> Petroleum Law of Turkmenistan, Article 55

<sup>30</sup> Petroleum Law of Turkmenistan, Article 59

<sup>31</sup> Petroleum Law of Turkmenistan, Article 59

<sup>32</sup> Law of Turkmenistan of Oct 1<sup>st</sup> 1993 No. 863-XII About Business Activity, Article 2

<sup>33</sup> [https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwjZ-93UlgHTAhUFaRQKHVVMC3YQFggcMAA&url=http%3A%2F%2Ffaolex.fao.org%2Fdocs%2Ftexts%2Ftuk81989E.doc&usq=AFQjCNEgd2QW1dw38u3qvnU6\\_qp8sHOL-Q](https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwjZ-93UlgHTAhUFaRQKHVVMC3YQFggcMAA&url=http%3A%2F%2Ffaolex.fao.org%2Fdocs%2Ftexts%2Ftuk81989E.doc&usq=AFQjCNEgd2QW1dw38u3qvnU6_qp8sHOL-Q)

Article 31

<sup>34</sup> As above, Annex D 1.4(c)

<sup>35</sup> <https://www.gov.uk/government/publications/overseas-business-risk-turkmenistan/overseas-business-risk-turkmenistan>

Turkmenistan is a member of numerous international organisations, including but not limited to: International Monetary Fund, Organisation for Security and Co-operation in Europe, and World Health Organization. Turkmenistan is also interested in joining the World Trade Organisation but is currently not a member.

Turkmenistan is also signatory to many international treaties, including but not limited to: Geneva Conventions, International Covenant on Economic, Social and Cultural Rights, Treaty on the Non-Proliferation of Nuclear Weapons, United Nations Framework Convention on Climate Change.<sup>36</sup>

### DISPUTE RESOLUTION

The corruption of the Turkmen government, and its involvement in the judicial system, means that the judiciary highly favour, if not always favour, national persons and entities in disputes.

Turkmenistan's military courts were abolished in 1997, so now cases involving the armed forces are tried in civilian courts.<sup>37</sup>

Turkmenistan is not a signatory to the New York Arbitration Convention, so arbitral awards from foreign arbitration tribunals are not enforceable and recognisable in Turkmenistan.<sup>38</sup>

Turkmenistan, although being a member of the United Nations, has not submitted an optional clause jurisdiction declaration to the International Court of Justice under Article 36 ICJ Statute.

Turkmenistan are however party to the International Centre for the Settlement of Investment Disputes (ICSID) Convention and have accepted either ICSID Arbitration, ad hoc arbitration under the United Nations Commission for International Trade Law (UNCITRAL) or the Court of Arbitration of the Chamber of Commerce in many of their Bilateral Investment Treaties. Therefore, investment disputes are more accessibly solved by arbitration.

### BUSINESS RISKS

The attraction of doing business in Turkmenistan, both commercially and politically, is that it has the 4<sup>th</sup> largest reserves of gas in the world, plus major infrastructure programmes are underway.<sup>39</sup>

Turkmenistan's neutrality is beneficial for doing business because the current business relationships which Turkmenistan have are not political or military and therefore do not

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<sup>37</sup> <http://www.nationsencyclopedia.com/Asia-and-Oceania/Turkmenistan-JUDICIAL-SYSTEM.html>

<sup>38</sup> <http://www.taitwalker.co.uk/wp-content/uploads/2014/10/Doing-Business-Guide-Turkmenistan.pdf>

<sup>39</sup> <https://www.gov.uk/government/publications/overseas-business-risk-turkmenistan/overseas-business-risk-turkmenistan;>  
<https://blogs.fco.gov.uk/leighturner/2013/03/12/turkmenistan-business-opportunities/>

penalise competitors.<sup>40</sup> This also means that Turkmenistan generally has good relations with all countries.<sup>41</sup> However, due to a multitude of factors, doing business in Turkmenistan does remain very challenging.<sup>42</sup>

The business climate in Turkmenistan has been deemed to be 'very high risk' due to the lack of accurate information available, the corrupt and unpredictable legal system, and the weak institutional framework.<sup>43</sup> Accurate information with regards the business environment is difficult to come by due to the secretive character of the State, therefore it is often advised that those interested in working in Turkmenistan should work through a local partner in order to overcome various issues.<sup>44</sup>

The main challenges in Turkmenistan are the obtaining of visas, the underdeveloped commercial world- especially the banking sector, high levels of widespread corruption, and an unpredictable business environment where the government plays an excessive role in private affairs.<sup>45</sup>

Expatriate employees are required to obtain work permits which are issued by the Turkmenistan government, in addition to visas, and this process is equally bureaucratically lengthy. Security is of paramount importance to Turkmenistan, unsurprisingly given its neighbouring countries, and therefore there are significant obstacles to obtaining visas and work permits.<sup>46</sup> It is very difficult to obtain visas when the company in question employs nationals from regions which Turkmenistan deem to be 'conflict regions' (the Middle East, North Africa and South Asia). It is also very difficult to obtain visas for business developments because Turkmenistan prefers to issue visas to already existing contacts and businesses.<sup>47</sup>

Turkmenistan's major partner in historical, cultural, commercial, economic and political ties is Turkey, and more than 600 Turkish companies are registered in Turkmenistan. Russia and China are important export partners, and there are significant commercial relationships

<sup>40</sup> <http://www.turkmenistanembassy.org/business-opportunities/>

<sup>41</sup> <https://www.gov.uk/government/publications/overseas-business-risk-turkmenistan/overseas-business-risk-turkmenistan>

<sup>42</sup> <https://www.gov.uk/government/publications/overseas-business-risk-turkmenistan/overseas-business-risk-turkmenistan>

<sup>43</sup> <https://globaledge.msu.edu/countries/turkmenistan/risk>

<sup>44</sup> <https://www.gov.uk/government/publications/overseas-business-risk-turkmenistan/overseas-business-risk-turkmenistan>

<sup>45</sup> <https://www.gov.uk/government/publications/overseas-business-risk-turkmenistan/overseas-business-risk-turkmenistan>

<sup>46</sup> <https://www.gov.uk/government/publications/overseas-business-risk-turkmenistan/overseas-business-risk-turkmenistan>

<sup>47</sup> <https://www.gov.uk/government/publications/overseas-business-risk-turkmenistan/overseas-business-risk-turkmenistan>

with Iran, UAE, Italy, Germany, Kazakhstan and the Ukraine.<sup>48</sup> The UK's bilateral trade in goods with Turkmenistan also increased by 200% in 2013.<sup>49</sup>

The State has a very high level of control over foreign trade, therefore making it not a very open and independent trading partner.<sup>50</sup>

There are significant administrative hurdles to cross when thinking of doing business in Turkmenistan: all newly established enterprises, subsidiaries and branches have to follow the onerous registration procedures as set out by the Ministry of Economy and Development of Turkmenistan, which includes legal, tax and statistics registration which is a very lengthy process. All accounting records and financial statements must also be maintained and recorded as per the local legislation.<sup>51</sup>

### SECURITY INDUSTRY

The security personnel in Turkmenistan are very poorly paid, equipped and trained leading to widespread corruption and inexperience in the security sector.<sup>52</sup> The security sector is in need of reform however this is challenged by the country's closed and opaque political culture. For instance, the staff of the State Security Council are appointed by the president and there is a complete lack of transparency in policy formulation.<sup>53</sup>

Turkmenistan tightly controls its security sector in cooperation with the US. There are various assistance programmes between Turkmenistan and the US with regards the military, law enforcement and border control agencies.<sup>54</sup>

The laws regulating the use of weapons by security personnel are very strict and only a limited number of security personnel are authorised to carry handguns.<sup>55</sup>

The security presence in Turkmenistan is quite high, making it a safe country to visit, however there always issues with the unpredictable political and security situations in Afghanistan and Iran.<sup>56</sup>

### ARMED FORCES

The President is the supreme commander of the armed forces meaning that the military is under the direct rule of the President.

<sup>48</sup> <https://www.gov.uk/government/publications/overseas-business-risk-turkmenistan/overseas-business-risk-turkmenistan>

<sup>49</sup> <https://blogs.fco.gov.uk/leighturner/2013/03/12/turkmenistan-business-opportunities/>

<sup>50</sup> [https://www.bti-project.org/fileadmin/files/BTI/Downloads/Reports/2016/pdf/BTI\\_2016\\_Turkmenistan.pdf](https://www.bti-project.org/fileadmin/files/BTI/Downloads/Reports/2016/pdf/BTI_2016_Turkmenistan.pdf)

<sup>51</sup> <https://www.taitwalker.co.uk/wp-content/uploads/2014/10/Doing-Business-Guide-Turkmenistan.pdf>

<sup>52</sup> <https://www.osac.gov/pages/ContentReportDetails.aspx?cid=19444>

<sup>53</sup> [https://www.files.ethz.ch/isn/119141/SSR\\_full-text.pdf](https://www.files.ethz.ch/isn/119141/SSR_full-text.pdf)

<sup>54</sup> <https://2009-2017.state.gov/p/eur/rls/rpt/eurasiafy07/115982.htm>

<sup>55</sup> <https://www.osac.gov/pages/ContentReportDetails.aspx?cid=19444>

<sup>56</sup> <https://www.intelligent-protection.co.uk/turkmenistan-country-brief.html>



Upon the dissolution of the Soviet Union in 1991 Turkmenistan inherited the largest armed forces in Central Asia, but due to the neutral and isolationist character these forces have been neglected. The Turkmenistan armed forces are often perceived to be ill-equipped and not prepared to face terrorist threats because of a lack of practice through operations or training exercises.<sup>57</sup>

There are no nuclear weapons in Turkmenistan, and were not either in the soviet era. Much of Turkmenistan's military equipment is of the soviet era which they inherited on dissolution.<sup>58</sup>

The branches of the Turkmen military comprise the Ground Forces, Navy, Air and Air Defence Forces. Much like the rest of Turkmenistan, the military is believed to be very corrupt.<sup>59</sup>

In 1992, via bilateral treaty, Russia was named as the guarantor for Turkmenistan's security with the provision that command over the armed forces would move gradually from Russia to Turkmenistan's officers. With the gradual removal of Russian forces there are currently no other foreign troops remaining in Turkmenistan.<sup>60</sup>

The annual military expenditure in Turkmenistan is higher than many States in the region, and between 2003 and 2005 the defence budget was increased from US\$ 83million to US\$ 173million.<sup>61</sup>

In 2006 the Army had 21,000 active personnel, the Air Force had 4,300 and the Navy had 700.<sup>62</sup> Turkmenistan's army, unlike other States' armies, does not perform police functions or deal with internal hostilities.<sup>63</sup>

The main Naval base is in Turkmenbashi, Air bases are in Mary and Ashgabat, and Army bases are in Gysylarbat, Ashgabat and Gushgy.

Military service is compulsory for 2 years as per Article 38 of the Constitution of Turkmenistan and there is no alternative, however around 25% of conscripts are assigned to civilian work.<sup>64</sup>

Turkmenistan does not participate in the military structures of the CIS, SCO or CSTO and only partially engages with NATO.<sup>65</sup> Turkmenistan was the first of 5 Central Asian States to

<sup>57</sup> [http://www.ecoi.net/local\\_link/319729/445099\\_en.html](http://www.ecoi.net/local_link/319729/445099_en.html)

<sup>58</sup> [http://factsanddetails.com/central-asia/Turkmenistan/sub8\\_7d/entry-4833.html](http://factsanddetails.com/central-asia/Turkmenistan/sub8_7d/entry-4833.html).

<sup>59</sup> [http://factsanddetails.com/central-asia/Turkmenistan/sub8\\_7d/entry-4833.html](http://factsanddetails.com/central-asia/Turkmenistan/sub8_7d/entry-4833.html)

<sup>60</sup> <http://www.marines.mil/Portals/59/Publications/Turkmenistan%20Profile.pdf>

<sup>61</sup> [https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=6&ved=0ahUKEwjS2lqy97LTAhWff8AKHSqSCZgQFgg8MAU&url=http%3A%2F%2Fwww.dcaf.ch%2Fcontent%2Fdownload%2F35357%2F525931%2Ffile%2FBook\\_3.pdf&usq=AFQjCNHQ0eLuV\\_NAvXchEG-IM\\_CIO2N8ow; http://factsanddetails.com/central-asia/Turkmenistan/sub8\\_7d/entry-4833.html](https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=6&ved=0ahUKEwjS2lqy97LTAhWff8AKHSqSCZgQFgg8MAU&url=http%3A%2F%2Fwww.dcaf.ch%2Fcontent%2Fdownload%2F35357%2F525931%2Ffile%2FBook_3.pdf&usq=AFQjCNHQ0eLuV_NAvXchEG-IM_CIO2N8ow; http://factsanddetails.com/central-asia/Turkmenistan/sub8_7d/entry-4833.html)

<sup>62</sup> [http://factsanddetails.com/central-asia/Turkmenistan/sub8\\_7d/entry-4833.html](http://factsanddetails.com/central-asia/Turkmenistan/sub8_7d/entry-4833.html)

<sup>63</sup> <http://mdb.cast.ru/mdb/3-2002/dp/aft/>

<sup>64</sup> [https://www.files.ethz.ch/isn/119141/SSR\\_full-text.pdf](https://www.files.ethz.ch/isn/119141/SSR_full-text.pdf)

join NATO's Partnership for Peace Programme. Because of the position of neutrality, Turkmenistan does not offer any armed forces or infrastructure to NATO-led operations, but will contribute on a case by case basis to disaster relief, humanitarian and search and rescue operations.<sup>66</sup>

Turkmenistan has allowed the landing of NATO planes in one of their air bases and many officials from their armed forces participate in training courses ran by NATO and NATO member states.<sup>67</sup>

Turkmenistan has allowed a small contingent of US personnel to operate in Ashgabat to assist refuelling operations for humanitarian purposes in Afghanistan. Turkmenistan has also offered invaluable assistance to the Operations Enduring Freedom and Iraqi Freedom, however this assistance does remain non-military in nature.<sup>68</sup>

In March 2009 the Turkmen military completed a major exercise to shift national priority to a counter-narcotics mission on the Afghanistan border.<sup>69</sup>

In October 2015 Turkmenistan had to react to problems which broke out on the Afghanistan border when Taliban militants sought shelter on the island in the Amu-Darya (the river dividing Turkmenistan and Afghanistan). Turkmenistan remained neutral by halving the island by a fence, feeding the militants and sending them back to Afghanistan.<sup>70</sup>

However, given its permanent neutrality, there is a heavy importance placed on defence operations. The armed forces have been conducting unprecedented, large-scale, unannounced exercises for the practising of air strikes against enemy armed groups. The current emphasis for the military is to acquire new weaponry and modernise the armed forces.<sup>71</sup> In January 2016, a new military doctrine of a defensive nature was endorsed which is aimed at securing security and territorial integrity.<sup>72</sup> Turkmenistan has begun to undertake more military exercises in order to increase the capability of their units, but also prove that they are capable to face modern threats and challenges.<sup>73</sup>

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<sup>65</sup> [https://www.files.ethz.ch/isn/119141/SSR\\_full-text.pdf](https://www.files.ethz.ch/isn/119141/SSR_full-text.pdf)

<sup>66</sup> [http://www.nato.int/cps/en/natohq/topics\\_50317.htm](http://www.nato.int/cps/en/natohq/topics_50317.htm)

<sup>67</sup> <http://www.rferl.org/a/1144519.html>; [http://www.nato.int/cps/en/natohq/topics\\_50317.htm](http://www.nato.int/cps/en/natohq/topics_50317.htm)

<sup>68</sup> <http://www.eurasianet.org/departments/insightb/articles/eav071209.shtml>

<sup>69</sup> <http://www.globalsecurity.org/military/world/centralasia/turkmen-army.htm>

<sup>70</sup> <http://www.rferl.org/a/qishloq-ovozi-turkmenistan-afghanistan-taliban-border/27330020.html>

<sup>71</sup> <http://www.eurasianet.org/node/77991>

<sup>72</sup> [http://www.ecoi.net/local\\_link/319729/445099\\_en.html](http://www.ecoi.net/local_link/319729/445099_en.html)

<sup>73</sup> [http://central.asia-news.com/en\\_GB/articles/cnmi\\_ca/features/2016/09/07/feature-01](http://central.asia-news.com/en_GB/articles/cnmi_ca/features/2016/09/07/feature-01)

## PARAMILITARY

There are three types of paramilitary forces in Turkmenistan: the border guard; the national guard; and the internal troops of the Ministry of National Security. The numbers of personnel in these forces is unknown.<sup>74</sup>

## POLICING

The national police force is estimated to include 25,000 personnel.<sup>75</sup> The police force's role is the routine maintenance of public order, crime prevention, detection and investigation, protection of people and property, road and fire safety, passport control, law enforcement training and international police co-operation.<sup>76</sup>

The criminal justice system has not really changed from the Soviet system. The Ministry of Internal Affairs directs the operations of police departments who must ensure that the government remains in power, using whatever measures necessary.<sup>77</sup>

Due criminal process is rarely observed, the rights are enshrined by law but the government can, and often does, deny these rights.<sup>78</sup> Warrants are not required for arrests. The prisons are overcrowded and full of disease, with prisoners and detainees frequently tortured.<sup>79</sup>

Turkmenistan promotes model of non-interference, non-alignment and neutrality in relation to domestic affairs, so information about their policing, intelligence agencies and security services is difficult to access.<sup>80</sup>

## RECENT/ ONGOING CONFLICTS

With Turkmenistan's geographical location there are always underlying threats of the conflicts in Afghanistan and Iran spilling over the borders, also with Turkmenistan holding the southern border of the CIS States this would become a problem for other countries too.<sup>81</sup> This ongoing situation is unlikely to improve anytime soon, however the Taliban forces in Afghanistan have not expressed any intention to extend their operations beyond Afghanistan borders.<sup>82</sup> However, in 2014 and 2015 there were at least three attacks on Turkmen border guards by alleged Taliban militants in an assumed attempt to steal weapons.<sup>83</sup>

<sup>74</sup> [http://factsanddetails.com/central-asia/Turkmenistan/sub8\\_7d/entry-4833.html](http://factsanddetails.com/central-asia/Turkmenistan/sub8_7d/entry-4833.html)

<sup>75</sup> [http://factsanddetails.com/central-asia/Turkmenistan/sub8\\_7d/entry-4830.html](http://factsanddetails.com/central-asia/Turkmenistan/sub8_7d/entry-4830.html)

<sup>76</sup> <https://www.interpol.int/Member-countries/Asia-South-Pacific/Turkmenistan>

<sup>77</sup> <http://www.marines.mil/Portals/59/Publications/Turkmenistan%20Profile.pdf>

<sup>78</sup> <http://www.nationsencyclopedia.com/Asia-and-Oceania/Turkmenistan-JUDICIAL-SYSTEM.html>

<sup>79</sup> <http://www.marines.mil/Portals/59/Publications/Turkmenistan%20Profile.pdf>

<sup>80</sup> [https://www.files.ethz.ch/isn/119141/SSR\\_full-text.pdf](https://www.files.ethz.ch/isn/119141/SSR_full-text.pdf)

<sup>81</sup> <https://www.riskadvisory.net/news/turkmenistan-moscow-courts-ashgabat-for-security-support.php>

<sup>82</sup> <https://www.riskadvisory.net/news/turkmenistan-moscow-courts-ashgabat-for-security-support.php>

<sup>83</sup> <https://www.riskadvisory.net/news/turkmenistan-moscow-courts-ashgabat-for-security-support.php>

Turkmenistan has since taken further measures to protect their border in mobilising reservists and moving 70% of armed forces to the borders, however no other concrete measures have been taken. Turkmenistan has downplayed the threats and claims that the border is stable, the opposite approach to that taken by Tajikistan and Uzbekistan who exaggerated the threat to secure support from Russia and the US.<sup>84</sup>

Turkmenistan is possibly the Central Asian state which is the most vulnerable to threats because it is not part of a military alliance and its armed forces have little operational experience, therefore lack in capability to manage external threats such as a surge of criminal activity at the border, an inflow of refugees, an insurgency, or military aggression.<sup>85</sup> The refusal of support from the US and Russia also puts Turkmenistan in a potentially vulnerable position to instability in Afghanistan.

Tensions between Turkmenistan and Uzbekistan were high between 2002 and 2004 because of bilateral disputes and accusations that Uzbekistan played a role in the attempted assassination of then President Niyazov. However, friendly relations between the two States were restored in 2004 by bilateral treaties and although tensions rose again in 2006, Turkmenistan was never under a credible military threat.<sup>86</sup>

Turkmenistan has also had conflicts with Azerbaijan about its borders on the Caspian Sea due to oil fields and both States and Iran, claiming they fall within their nautical borders. The three States have clashed over this issue before, and are likely to again. There were also informal allegations that Turkmenistan's Naval forces fired shots at Azerbaijan's oil rig.<sup>87</sup>

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<sup>84</sup> <https://www.riskadvisory.net/news/turkmenistan-moscow-courts-ashgabat-for-security-support.php>

<sup>85</sup> <https://www.riskadvisory.net/news/turkmenistan-moscow-courts-ashgabat-for-security-support.php>

<sup>86</sup> <http://www.marines.mil/Portals/59/Publications/Turkmenistan%20Profile.pdf>

<sup>87</sup> <https://worldwideconflicts.wordpress.com/tag/turkmenistan/>