

# An Intractable Partner: Whither the OSCE's Relations with Turkmenistan?

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## Abstract

This paper surveys the OSCE's relations with Turkmenistan. By detailing how the OSCE has engaged with its most authoritarian participating State, its findings contribute to debates on the viability of the current international order and the OSCE's relevance in the global community. Concluding with three interrelated policy recommendations, the paper argues that Turkmen-OSCE relations are marked by a minimum level of engagement and the marginalization of issues concerned with human rights and good governance.

## Keywords

Turkmenistan, OSCE, authoritarianism, good governance promotion

To cite this publication: Luca Anceschi, "An Intractable Partner: Whither the OSCE's Relations with Turkmenistan?" in *OSCE Insights*, eds. Cornelius Friesendorf and Argyro Kartsonaki (Baden-Baden: Nomos, 2023), <https://doi.org/10.5771/9783748933625-04>

## Introduction

On July 7, 2022, in co-operation with the Ministry of Foreign Affairs of Turkmenistan, the OSCE Centre in Ashgabat hosted a half-day event to mark the thirtieth anniversary of the establishment of Turkmen-OSCE relations. Speaking at the event, Turkmenistan's long-term foreign minister, Rashid Meredov, highlighted his country's unwavering commitment to "fruitful co-operation with the Organiza-

tion for Security and Co-operation in Europe in strengthening security in the OSCE region."<sup>1</sup> In his remarks to guests and delegates attending the conference, the head of the Centre, Ambassador John MacGregor, noted the deepening of comprehensive co-operation between the parties, listing an expansive range of policy areas in which the relationship had returned substantive outcomes.<sup>2</sup>

Despite the optimism that permeated these assessments of Turkmen-OSCE co-operation, however, a closer look at bilateral interactions between Turkmenistan and the OSCE in the post-Soviet era suggests a different picture. Through interviews with OSCE officials and analysis of official documents issued by the OSCE and

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the government of Turkmenistan, I will argue that, thirty years since their establishment, Turkmen-OSCE relations are marked by a minimum level of engagement and the avoidance of discussing thorny co-operation issues concerning human rights and good governance promotion.

I argue that this minimal engagement is viewed by both Turkmenistan and the OSCE as optimal in terms of the functioning of their broader relationship. In addition, the paper's findings are relevant to wider debates on the apparent hollowness and inadequacy of the current international order and the future of the OSCE as the Organization prepares to mark its fiftieth anniversary.<sup>3</sup>

In the following, I first analyze the parameter-setting work completed during the Niyazov era (1992–2006), when the OSCE and the Turkmen government established the rules of engagement governing their relationship. My focus then shifts to the long presidency of Gurbanguly Berdimuhamedov (2007–2022), in particular to co-operation between Turkmenistan and the OSCE in the human dimension, the field activities of the OSCE Centre in Ashgabat, and progress made in the OSCE's other two dimensions of security. I conclude by offering recommendations for future OSCE policy lines.

### **Setting the rules of engagement: Turkmen-OSCE relations in the Niyazov era**

Throughout the post-Soviet era, successive Turkmen regimes pursued a deliber-

ately isolationist foreign policy in which engagement with other nations was predicated on its contribution to preserving domestic power. Active participation in regional and international forms of multilateralism, including the OSCE, was no exception. It is through this lens that the dynamics governing relations between Turkmenistan and the OSCE should be viewed.

In July 1992, recognition of the Helsinki Final Act represented a default foreign policy option for the newly independent Turkmenistan. Rather than stemming from a principled “vision of the future” (as one of the last policy documents of the Niyazov era proclaimed), OSCE participation was in some sense an accidental development.<sup>4</sup> Saparmurat Niyazov's long, mercurial tenure oversaw the establishment of a collaborative pattern in which co-operation between the OSCE and Turkmenistan hinged on economic and environmental issues, with virtually no progress on the OSCE's mandate in the human dimension. Two landmark events defined Turkmen-OSCE relations when Niyazov was in power, contributing equally to consolidating the pattern described above.

On July 23, 1998, a decision issued by the OSCE Permanent Council established the OSCE Centre in Ashgabat, setting the mandate for a field presence the relevance and remit of which, as I will argue in greater detail below, developed in line with the evolution of the relationship between the OSCE and Turkmenistan.<sup>5</sup> Writing in 2001, Bess Brown noted that Turkmen officials were somewhat surprised by the Centre's en-

agement with the human dimension and were displeased with its ongoing efforts to build a civil society across Turkmenistan.<sup>6</sup> These remarks suggest that, at least in its early stages, the Centre did put a premium on human dimension activities—a focus that, as of this writing, seems to have lost much, if not all, of its impetus.

The second event that defined Turkmen-OSCE relations in the Niyazov era was the launch of the Moscow Mechanism to investigate the brutal wave of repression following the alleged coup of November 2002. OSCE investigations led by Emmanuel Decaux concluded in a detailed report that offered sixteen recommendations for improving governance in Turkmenistan, building on intensive in-country work and thorough engagement with local players.<sup>7</sup> The OSCE's sharpest criticism of Turkmenistan's human rights record to date, this report aimed to exert precisely the kind of pressure that the policy of "positive neutrality" was designed to contain.<sup>8</sup> The regime's imperviousness to the observations and recommendations voiced in the report revealed Turkmenistan as an intractable partner, instigating a collaborative pattern in which the human dimension was relegated to the margins in interactions between the regime in Ashgabat, the OSCE's institutions, and its field operations. In his report, Decaux noted that "Turkmenistan cannot constitute a 'black hole' within the OSCE" as far as the protection of human rights and respect for the rule of law are concerned.<sup>9</sup> Decaux's words would nevertheless prove prophetic: almost twenty years since the report's

publication, and despite three decades of engagement with the OSCE, not only is Turkmenistan's record in governance one of the poorest across the entire OSCE area, but it is no longer part of the agenda pursued by the OSCE in its dealings with Turkmenistan.

### **Human dimension co-operation as a box-ticking exercise**

During the long presidency of Gurbanguly Berdimuhamedov, Turkmenistan remained the most authoritarian of all OSCE participating States. Despite this, and at least superficially, the intensity of its co-operation with the OSCE did not decline. There is no reason to suppose that Serdar Berdimuhamedov's accession to the presidency in early 2022 will alter either Turkmenistan's rules of engagement with the OSCE or the quality of Turkmen governance.

A closer look at the electoral observation missions deployed by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) in Turkmenistan reveals the pitfalls of the patterns of human dimension co-operation established in the Berdimuhamedov era. On the one hand, Turkmenistan has never wavered in its commitment to inviting OSCE/ODIHR observers to assess its electoral processes: the ODIHR online archive confirms that a report has indeed been filed after every Turkmen election.<sup>10</sup> On the other hand, personnel involved in these electoral observation missions have noted the essentially cosmetic nature of their remit. Although officially invited

by the Turkmen government to participate in election observation, members of Needs Assessment Missions (NAMs) and Election Assessment Missions (EAMs) found themselves restricted to “inhibited forms of observation” once in Turkmenistan.<sup>11</sup> In particular, they were denied unrestricted and unsupervised access to candidates, media operators, and election officials and were prevented from performing other independent electoral observation activities.<sup>12</sup> The 2022 presidential election put this pattern into even greater relief: the Turkmen government’s delay in extending its invitation to ODIHR restricted the latter’s capacity to organize and deploy a full-fledged observation mission.<sup>13</sup> As a consequence, the vote that led to Serdar Berdimuhamedov’s election was not observed by the OSCE/ODIHR, whose activities were limited to a small NAM that operated remotely.<sup>14</sup>

The government’s flawed understanding of the mechanics of electoral observation surfaced yet again as part of the restricted activities of the 2022 NAM: ODIHR officials were reportedly asked for assistance with voting technology and voting accessibility for those with disabilities.<sup>15</sup> While prior ODIHR reports on Turkmen elections had emphasized the latter issue, noting that Turkmenistan was an outlier regarding voting rights for disabled individuals, the government in Ashgabat opted not to act on their recommendations until two weeks before the 2022 vote, indicating a lack of engagement with the human dimension mandate of the OSCE.<sup>16</sup>

It is against this background that the dysfunctional nature of OSCE-Turkmen co-operation in the human dimension comes more clearly into view: ODIHR reports have consistently noted the poor quality of Turkmenistan’s electoral practices and have made elaborate recommendations, even offering direct assistance. Following the path established in the Niyazov era, the Berdimuhamedov regime deliberately ignored these recommendations and continued to hold essentially undemocratic elections, revealing a purely formalist understanding of the electoral process and the instrument of election observation.

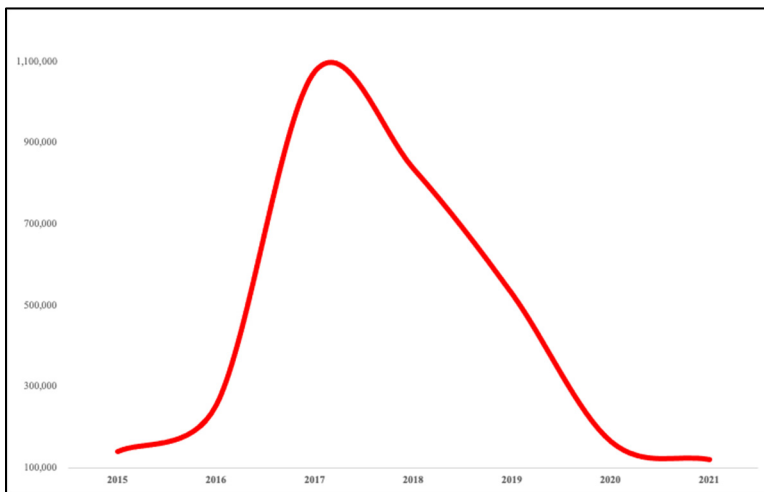
Given Turkmenistan’s failure to implement any of the recommendations articulated by successive ODIHR missions thus far, it is reasonable to ask why ODIHR continues to be involved in such an unfruitful partnership. In the eyes of many officials interviewed while researching this paper, although it remains an entirely inconsequential endeavor at present, the deployment of observation missions represents the one remaining instrument for preserving ongoing dialogue with Turkmenistan on electoral issues, especially since this matter has been conspicuously absent from the remit of the OSCE Centre in Ashgabat. In the electoral realm, any synergy that once existed between the Turkmen government and OSCE institutions and field missions fell apart in the 2010s, contributing to the further exclusion of the human dimension from the OSCE-Turkmenistan agenda.

### The limits of field engagement: The OSCE Centre in Ashgabat

At the end of 2021, the OSCE Centre in Ashgabat—the field mission that spearheads the OSCE agenda in Turkmenistan—hosted six international staff members and employed twenty-three domestic personnel, a staffing level that has remained constant since 2014.<sup>17</sup> A simi-

lar picture of stability emerges from the funding structure for the Centre's activities: annual contributions from the OSCE Unified Budget remained at the €1.5–1.6 million mark from 2015 to 2021 and amounted to €1,661,200 for 2021. A set of more intriguing conclusions can be drawn by delving into the Centre's extrabudgetary expenses, captured graphically in the figure below.

*OSCE Centre in Ashgabat: Extrabudgetary expenditure (in euros, 2015–2021)*



Presenting official OSCE data, the figure confirms that at the end of the period in question, the Centre in Ashgabat's extrabudgetary expenditure was the same as that reported for 2015.<sup>18</sup> The COVID-19 pandemic certainly accelerated the post-2017 declining trend, but the data for 2019 suggest that the reported expenditure for that year (€527,633) was effectively half the amount reached in 2017.

Extrabudgetary expenditure reflects the financial contributions made by participating States for projects that advance the OSCE agenda in Turkmenistan. The list of projects carried out in a specific calendar year (which is not publicly disclosed by the Centre) represents the outcome of a complex negotiation process.<sup>19</sup> There are many stakeholders in this process: the Centre's leadership, which identifies operational priorities that are likely to receive financial backing from OSCE

participating States, individual participating States (or groups of States) that may elect to support specific projects in discrete policy areas, and, perhaps most importantly, the host country, whose preferences determine the parameters within which the project list can expand.

In personal communications, officials have confirmed the precariousness of this process, noting that the Centre's projects must reconcile different agendas in order to receive funding.<sup>20</sup> For instance, recently funded projects have had to bring together the Centre's ongoing focus on border security—in particular, on Turkmenistan's border with Afghanistan—and the OSCE's women's empowerment agenda. Further constraints on project selection stem from the intractability of the Turkmen regime when it comes to measures aimed at political liberalization and promotion of the rule of law. Keeping relations between the Centre and the host authorities positive has thus far required avoiding decisive action in the human dimension; projects funded through extra-budgetary contributions are no exception in this regard.

As the pandemic has slowly relented, the number of projects implemented by the OSCE Centre in Ashgabat has risen, yet pragmatic considerations have caused the Centre to shift its focus away from the human dimension.<sup>21</sup> This inconvenient truth tends to be downplayed in the annual communications from the Head of Mission to the OSCE Permanent Council regarding the Centre's activities.<sup>22</sup> While these documents are not accessible to the public, this can be inferred from the often positive assessments

of human dimension co-operation voiced in participating States' official reactions to the director's report.<sup>23</sup>

The Centre's declining emphasis on the human dimension can also be deduced from the disappearance, in recent editions of the OSCE Annual Report, of transparent data on the provision of legal assistance to Turkmen citizens. This information is omitted from the 2020 and 2021 reports, whereas we know that in 2012 and 2013 the OSCE Centre in Ashgabat assisted 142 and 137 Turkmen citizens, respectively, in human rights cases.<sup>24</sup> While it was a key concern during the Centre's early operations,<sup>25</sup> co-operation in the human dimension is now ostensibly absent from its public remit and likely represents a marginal consideration in those segments of the Centre's agenda that are not usually disclosed to the public.

Like ODIHR's electoral remit in Turkmenistan, the activities of the OSCE Centre in Ashgabat have been affected by what we might call the *tyranny of engagement*. Given the tightrope it has had to walk, the Centre may have had no choice but to resort to lowest-common-denominator policies in its efforts to reconcile budgetary constraints with Turkmenistan's unwillingness to tolerate pressure regarding rule of law reform. Relevant OSCE officials have suggested that when it comes to assessing the success of the Centre's activities, even an apparently ineffective field presence is preferable to no in-country presence at all. As one official shared, "without a field presence there will be no future change."<sup>26</sup> Yet opportunities for future change are only

available in those policy areas on which OSCE fieldwork focuses more directly. In the case of Turkmenistan, where collaboration in the human dimension is limited, the Centre's work may only make progress in less controversial policy realms.

### **Baby steps at thirty: What is the OSCE actually doing in Turkmenistan?**

OSCE officials have devoted much of their attention in Turkmenistan to securing the country's porous and generally unstable border with Afghanistan.<sup>27</sup> Initiatives such as the 2015 training course for eighteen officers from the State Border Service of Turkmenistan and the 2018 joint workshop for senior border officials from both Turkmenistan and Afghanistan show that this policy area was on the OSCE's radar even in the pre-pandemic years.<sup>28</sup> Both initiatives were funded through the Centre's extrabudgetary projects.

The securitization of the Turkmen-Afghan border could also take on a distinctly environmental dimension in the future. As the ENVSEC Initiative—of which the OSCE is a key partner—has observed, the intersection of chronic instability and climate change may lead to the further deterioration of security in this border region.<sup>29</sup> Personal communications with relevant officials confirm that matters of environmental consideration are likely to constitute a future area of concern for the OSCE in Turkmenistan.<sup>30</sup>

A declared commitment to including Turkmenistan in connectivity networks both within and beyond Central Asia represents another significant item on the agenda being pursued locally by the OSCE. With that said, this policy focus remains aspirational at best. Recent work on economic diplomacy in the OSCE area does not identify Turkmenistan as a developing connectivity hub.<sup>31</sup> Moreover, media reports on Turkmen affairs confirm that, both prior to and following the pandemic, the regime in Ashgabat has maintained its idiosyncratic attitude *vis-à-vis* connectivity and regional integration.<sup>32</sup>

### **Conclusion and recommendations**

The findings of this paper corroborate some of the key conclusions advanced by prior scholarship on the OSCE's role in, and impact on, Central Asia. To begin with, the observed trend of excluding human dimension measures from the OSCE agenda in Turkmenistan confirms Maria Debre's conclusions regarding the institutionalization of "non-interventionist norms that shield regimes from unwanted external interference into politically sensitive areas of domestic politics."<sup>33</sup> Acquiescence to this sanitized interactive model is a pattern that has also been identified by Alexander Warkotsch, who notes that a lack of visible incentives to introduce human dimension reforms has led authoritarian leaders across the OSCE area—including Turkmenistan—to regard OSCE-sponsored liberalization

measures as a direct threat to their authoritarian stability.<sup>34</sup>

This paper has also shown that failure to regard authoritarian politics as a source of insecurity, while it may preserve a minimum degree of engagement with Turkmenistan, is likely only to advance the OSCE on its inexorable “path towards irrelevancy”—to borrow a phrase from Karolina Kluczevska.<sup>35</sup> Turkmenistan’s potential for instability remains significant precisely because of the authoritarian governance patterns that OSCE officials have thus far left unaddressed: the food/energy nexus—wherein the kleptocratic management of Turkmen gas revenues has led to the rise of food insecurity across the country—is a vivid example of how authoritarian entrenchment has facilitated the deterioration of the population’s human security.<sup>36</sup>

Co-operation that ignores the human dimension ultimately erodes the relevance of the OSCE *acquis* and its most fundamental normative documents, as William Hill has argued.<sup>37</sup> In addition to being detrimental to Turkmenistan’s security, these engagement patterns continue to constrain the role played by the OSCE as the global community becomes less democratic.

My analysis points to three policy lines that could be adopted as part of the OSCE agenda in Turkmenistan:

1. Encourage further scrutiny of the Turkmen regime’s human rights record, for example by encouraging the OSCE Centre in Ashgabat to offer greater and more visible assistance to

Turkmen citizens persecuted by the regime.

2. Refuse to engage in window-dressing election observation, for example by demanding that observation missions be given timely notification of upcoming elections and fair, unfettered access to voting procedures.
3. Promote human rights as a fundamental element of the OSCE security framework, for example by negotiating the inclusion of human dimension projects on the list of the OSCE Centre in Ashgabat’s extrabudgetary activities.

## Notes

- 1 OSCE, “OSCE and Turkmenistan Mark 30 Years of Co-operation,” July 8, 2022, <https://www.osce.org/centre-in-ashgabat/522316>
- 2 Turkmen official media reproduced lengthy excerpts of MacGregor’s speech in: Irina Imankulieva, “30 лет успешного сотрудничества,” *Neytral’niy Turkmenistan*, July 8, 2022, 3.
- 3 Philip Zelikow, “The Hollow Order: Rebuilding an International System That Works,” *Foreign Affairs* 101, no. 4 (July/August 2022): 107–19; William H. Hill, “The OSCE Approaching Fifty: Does the Organization Have a Future?,” in *OSCE Insights*, eds. Cornelius Friesendorf and Argyro Kartsonaki (Baden-Baden: Nomos, 2023), <https://doi.org/10.5771/9783748933625-01>
- 4 Delegation of Turkmenistan to the OSCE, Statement by the Head of Delegation of Turkmenistan at 14<sup>th</sup> Meeting of the OSCE Ministerial Council, MC.DEL/37/06 (Brussels: December 4, 2006), <https://www.osce.org/files/f/documents/5/9/22862.pdf>



- 5 OSCE Permanent Council, Decision No. 244, PC.DEC/244 (July 23, 1998), <https://www.osce.org/files/f/documents/c/a/40139.pdf>
- 6 Bess Brown, "Turkmenistan and the OSCE," in *OSCE Yearbook 2001*, ed. IFSH (Baden-Baden: Nomos, 2002), 107, <https://ifsh.de/file-CORE/documents/yearbook/english/01/Brown.pdf>
- 7 Emmanuel Decaux, OSCE Rapporteur's Report on Turkmenistan, ODIHR.GAL/15/03 (March 12, 2003), <https://www.osce.org/files/f/documents/0/5/18372.pdf>
- 8 Luca Anceschi, *Turkmenistan's Foreign Policy: Positive Neutrality and the Consolidation of the Turkmen Regime* (London-New York: Routledge, 2008), 128–37.
- 9 Decaux, cited above (Note 7), 3.
- 10 OSCE/ODIHR, "Elections in Turkmenistan," <https://www.osce.org/odihr/elections/turkmenistan>
- 11 OSCE official, personal communication with the author, May 2022.
- 12 OSCE/ODIHR, Turkmenistan Presidential Election 12 February 2017—OSCE/ODIHR Election Assessment Mission Final Report (Warsaw: May 10, 2017), <https://www.osce.org/files/f/documents/b/1/316586.pdf>
- 13 The OSCE received an invitation to conduct the NAM on February 23 and an invitation to observe the election on February 25. The vote was scheduled for March 12, 2022.
- 14 One OSCE official (cited above, Note 11) confirmed that different monitoring organizations were treated differently regarding exemptions to the strict COVID-19 quarantine regimen enforced in Turkmenistan in early 2022. Unlike observers from the Commonwealth of Independent States and the Shanghai Cooperation Organisation, who were promptly included in this exemption system, ODIHR members were not guaranteed quarantine-free travel to Turkmenistan up until a few days before the deployment of the NAM—a move that forced it to be downgraded to a remote mission and that led the ODIHR leadership to decide against the deployment of a full observation mission on election day. This difference in treatment is also highlighted by Deirdre Brown, deputy head of the UK delegation to the OSCE, in her response to the 2022 report by the head of the OSCE Centre in Ashgabat, <https://www.gov.uk/government/speeches/report-by-osce-head-of-centre-in-ashgabat-uk-response-june-2022>
- 15 OSCE official, personal communication with the author, May 2022.
- 16 Recommendation #13 listed in the 2017 EAM Report (cited above, Note 12, 18) explicitly mentioned the systematic "disenfranchisement of persons with mental disabilities" as one of the main obstacles to voter registration in Turkmenistan. The same theme is also frequently touched on in a subsequent report: OSCE/ODIHR, Turkmenistan Parliamentary Elections 25 March 2018—OSCE/ODIHR Election Assessment Mission Final Report (Warsaw: May 30, 2018), 1, 5, 7, 14, [https://www.osce.org/files/f/documents/2/8/382915\\_0.pdf](https://www.osce.org/files/f/documents/2/8/382915_0.pdf)
- 17 Data on the Centre's staffing size can be retrieved in different editions of the OSCE Annual Report, <https://www.osce.org/annual-reports>
- 18 Data on funding for the Centre's activities can be retrieved in different editions of the OSCE Annual Report, cited above (Note 17).
- 19 See, for instance, OSCE, Annual Report 2021 (Vienna: 2022), 55–56, <https://www.osce.org/files/f/documents/a/4/520912.pdf>
- 20 OSCE official, personal communication with the author, September 2022.
- 21 In 2021, the Centre reported a 33 percent increase in the total number of projects funded from the 2020 baseline of 44.

- 22 OSCE official, personal communication with the author, September 2022.
- 23 “We also welcome the Centre’s work in the third dimension, especially in promoting media freedom and enhancing the capacity of the Ombudsperson,” Permanent Delegation of Norway to the OSCE, “Statement in Response to the Head of the OSCE Centre in Ashgabat,” June 17, 2021, <https://www.norway.no/en/missions/osce/norway-and-the-osce/statements/norwegian-statements-2021/statement-in-response-to-the-head-of-the-osce-centre-in-ashgabat/>
- 24 OSCE, Annual Report 2012 (Vienna: 2013), 58, <https://www.osce.org/files/f/documents/2/2/100193.pdf>. Data for 2013 are retrievable at: OSCE, Annual Report 2013 (Vienna: 2013), 74, <https://www.osce.org/files/f/documents/7/4/116947.pdf>
- 25 Brown, cited above (Note 6), 110.
- 26 OSCE official, personal communication with the author, September 2022.
- 27 OSCE officials, personal communication with the author, September 2022. Frequent mention of border management is also made in the sections on the OSCE Centre in Ashgabat’s activities in post-2019 editions of the OSCE Annual Report.
- 28 OSCE, “OSCE Trains Turkmenistan Border Guards in Border Management and Threat Assessment,” April 29, 2015, <https://www.osce.org/ashgabat/154276>; OSCE Centre in Ashgabat, “Border Management,” <https://www.osce.org/centre-in-ashgabat/106253>
- 29 ENVSEC Initiative, Climate Change and Security: Central Asia, <https://www.osce.org/files/f/documents/5/8/331991.pdf>
- 30 OSCE official, personal communication with the author, September 2022.
- 31 Stefan Wolff, Economic Diplomacy and Connectivity: What Role for the OSCE? (Birmingham: Institute for Conflict, Cooperation and Security at the University of Birmingham, 2018), <https://www.birmingham.ac.uk/Documents/college-social-sciences/government-society/iccs/news-events/2018/Osce-Report.pdf>; Stefan Wolff, Anastasiya Bayok, Rahimullah Kakar, and Niva Yau, The OSCE and Central Asia: Options for Engagement in the Context of the Crisis in Afghanistan and the War in Ukraine (Birmingham, Hamburg, Vienna: OSCE Network of Think Tanks and Academic Institutions, 2022).
- 32 On some matters, Turkmenistan wants to join the rest of the world. On others, it wants the opposite: “Turkmenistan: Shining City at a Foothill,” *Ahal-Teke: A Turkmenistan Bulletin*, September 20, 2022, <https://eurasianet.org/turkmenistan-shining-city-at-a-foothill>
- 33 Maria J. Debre, “Clubs of Autocrats: Regional Organizations and Authoritarian Survival,” *Review of International Organizations* 17, no. 3 (2022): 504.
- 34 Alexander Warkotsch, “The OSCE as an Agent of Socialisation? International Norm Dynamics and Political Change in Central Asia,” *Europe-Asia Studies* 59, no. 5 (2007): 844.
- 35 Karolina Kluczevska, “Benefactor, Industry or Intruder? Perceptions of International Organizations in Central Asia—the Case of the OSCE in Tajikistan,” *Central Asian Survey* 36, no. 3 (2017): 368.
- 36 Luca Anceschi, “Nahrungsmittelunsicherheit, Armut und autoritärer Zerfall in Turkmenistan,” *Zentralasien-Analysen* 143 (September 30, 2020): 9–12.
- 37 Hill, cited above (Note 3), 9.