
KANYBEK KUDAYAROV. THE SITUATION IN THE FIELD OF ILLEGAL DRUG TRADE IN KYRGYZSTAN

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Abstract. The collapse of the Soviet Union led to significant geopolitical changes throughout the post-Soviet space. The newly formed states were left to themselves in the matter of state-building, which was carried out through full-scale reforms of the entire vital activity of the state. At the same time, the new political entities had to face certain challenges standing in the way of nation-building, among which the problem of illegal drug trade and drug trafficking was not the least. Due to its geographical location, the Central Asian states directly bordering the main drug economy of the world – Afghanistan – were the most affected by it. The infrastructure that has existed since Soviet times has allowed for a few years to establish a “northern route” of drug trafficking passing through the countries of the region to Russia and Europe. Decades of the existence of Afghan drug trafficking have led to serious changes in Kyrgyzstan, expressed in the form of an increase in drug crime and crimes committed under the influence of drugs, the formation of all-powerful drug cartels capable of promoting their interests through government officials and law enforcement agencies. The strongest blow for the population of the republic was the rapid increase in drug addicts and the spread of HIV / AIDS. An identical picture has developed in the neighbouring countries of Kyrgyzstan,

which contributed to both intraregional and international cooperation with the assistance of various international organizations. The measures taken contributed to curbing the Afghan drug expansion and to a certain extent were able to change the situation for the better.

The illicit drug situation in Kyrgyzstan, as in other Central Asian states, is one of the pressing issues on the agenda during the whole period of independence of the Republic. Being one of the main threats to stability and security both regionally and globally, Afghan drug trafficking continues despite the measures taken by the international community to eradicate it. There is a noticeable reduction in the supply of opiates to external markets along the “northern route” in favour of the Balkan and other trafficking routes; this contributes to the improvement of the drug situation in transit and consumer states north of Afghanistan, but does not entirely solve the issue. Cooperation between the states of the southern flank of the CIS and Russia is still ongoing through the UNODC, the CSTO and other organizations designed to combat drug trafficking. The “northern route” for trafficking of Afghan opiates passes through Central Asia, directly affecting Kyrgyzstan, which being the “weakest link”, is the most vulnerable to the Afghan drug economy.

The causes of illegal drug trafficking in Kyrgyzstan are associated with geographical proximity to Afghanistan, weak governance both within the country and along the borders, as well as the poor economic situation in the Republic. In a given economic environment, corruption may be seen as one of the possible ways out of this situation.

The other causes include ineffective state policy in the field of combating illegal drug trafficking and drug addiction, as well as imperfect anti-drug legislation. It should be noted that the fight against drug trafficking and drug addiction can only be effective if a range of services (Ministry of Internal Affairs, Border Service of the Federal Security Service, Ministry of Health, local authorities, public institutions and other structures) work

together under the coordination of the Service for Combating Illicit Drug Trafficking of the Ministry of Internal Affairs of the Kyrgyz Republic, which is the successor of the State Drug Control Service of Kyrgyzstan [5, p. 18].

While the first and second reasons for drug trafficking are clear enough, since these topics are quite often brought to international attention and widely discussed in political, diplomatic and scientific communities, the issue of corruption often goes unnoticed by experts. With this in mind, attention should be paid to corruption in the law enforcement system of the state, in particular the Ministry of Internal Affairs of Kyrgyzstan, which regulates and coordinates national anti-drug policy.

Considering the corruption component, it should be noted that, for instance, the 2013 annual report indicates that 142 cases of corruption were identified within law enforcement and judicial bodies of the Republic, of which 54 in the Ministry of Internal Affairs, 16 in the Customs Service, 13 in the State Penitentiary Service of Kyrgyzstan, 3 in the State Service for Combating Economic Crimes, 2 in the State Committee for National Security, 2 in the State Drug Control Service, 2 in prosecution services, and 20 in the judiciary [3, p. 52].

It should be emphasized that a significant number of the cases never gets to court. In 2017, out of 704 corruption-related criminal cases, 173 (24.57 per cent) were brought to court. Another 244 cases were investigated (34.65 per cent) and 287 cases were dismissed (40.7 per cent). Thus, 40.7 per cent of cases never went to trial, which means that there are corruption schemes in pre-trial proceedings [14, p. 141].

Overall, law enforcement agencies are considered among the most corrupt structures of the state. However, there is no way to either confirm or refute this statement, since most of the information is classified, which makes it impossible to conduct independent analysis or investigation. The data is partially classified under the law (e.g. the budget), but in some cases

senior officials refer to secrecy when they are unwilling to provide information (e.g. crime statistics) [8]. The database of the Ministry of Finance is lacking data on the State Committee for National Security, the State Border Service, the State Committee for Defense Affairs and the Ministry of Internal Affairs.

In the span of five months (from February to June 2019), citizens filed 550 complaints and statements about unlawful actions of employees of the Ministry of Internal Affairs of the Kyrgyz Republic, of which 63 were confirmed. After inspections by the Department of Internal Affairs, 27 officials were fired and 92 employees were relieved of their duties. In addition, 416 and 2351 officials received other disciplinary penalties for violation of the law and disciplinary breaches, respectively. Between February and June 2019, 14 criminal cases were initiated against employees of the Ministry of Internal Affairs on the fact of extortion and receiving bribes, as well as 12 cases for abuse of power [19].

There are certain issues related to the drug situation and the protracted adoption of the basic legislation regulating the fight against drug trafficking in different republics (from 1998 to 2004) that are common for the CIS countries. However, there is still no common terminology in the field of drug trafficking and counter-narcotics, there are regulatory discrepancies regarding the legal circulation of drugs and counteracting their illicit turnover, as well as other issues [12, p. 84]. Nevertheless, the measures taken by Kyrgyzstan both at the national and international levels undoubtedly have a positive effect in combating drug-related crimes and drug addiction, charting the course to continue this anti-drug strategy.

The state began to develop a legal framework in this area, implementing various anti-drug programmes and creating corresponding concepts. The logical continuation was the approval of the Anti-Drug Programme for 2022–2025 [6], Law of the Kyrgyz Republic “On narcotic drugs, psychotropic substances and precursors” and regulations within the framework of the

National Development Programme of the Kyrgyz Republic until 2026 [15].

It should be noted that the problem of illicit drug trafficking is one of the major threats facing the Kyrgyz statehood. It is clearly reflected in the “Concept of National Security of the Kyrgyz Republic”, along with such threats as terrorism, extremism, border issues (disputed territories), etc.

Authorized Bodies

The main authorized body dealing with this issue for a long time was the State Drug Control Service, which was abolished as part of the reform of the law enforcement system of the Republic. By the Decree of the Government of the Kyrgyz Republic No. 637 of November 30, 2016 [17], the functions of the dissolved agency were transferred to the following bodies:

- The Ministry of Health was vested with the development and implementation of state policy and legal regulation of the licit movement of narcotic drugs, psychotropic substances and precursors; eight employees were transferred to the Ministry and provided an appropriate budget.

- The Ministry of Internal Affairs was stuffed with 255 persons and given an appropriate funding.

- The State Service for Combating Economic Crimes under the Government of the Kyrgyz Republic was staffed with 68 employees.

The Government repeatedly expressed dissatisfaction with the results of implementation of the national programme to combat drug abuse and illicit drug trafficking, ultimately resulting in its closure. Data for 2016 show that most of the drug crimes were solved by employees of the Ministry of Internal Affairs (1473), while the State Drug Control Service accounted for 222 cases, which is almost 7 times less [10, p. 20]. A. Zelichenko believes that the Republic followed the example of Russia, which abolished the Federal Drug Control Service of the Russian

Federation. At the same time, the expert points out that such a decision in Kyrgyzstan is wrong, since the two countries have different approaches to solving this issue, specifically one of the differences was that the treatment of drug addicts was one of the top priorities in the fight against drug trafficking in Kyrgyzstan. Now it is much more difficult to coordinate anti-drug policy, since there is no unified infrastructure and no single mechanism for implementing this policy. It should be noted that overlap or duplication of functions of the Ministry of Internal Affairs, the State Committee for National Security and other agencies used to be beneficial, since the competition helped to monitor each other's work [1]. The State Service for Combating Economic Crimes under the Government of the Kyrgyz Republic has been mainly dealing with drug crime ever since the State Drug Control Service was dissolved. Its functions are overlapped by the Prosecutor's Office, the Customs Service, the Ministry of Finance and the State Border Service of the State Committee for National Security [4, p. 59].

Drug Routes

The very first drug routes appeared in the region in the 1990s. It was during this period that the drug routes, drug supply chains and drug cartels were established.

The "northern route" of drug trafficking developed further by increasing the number of heroin-producing drug laboratories in the territories bordering the states of Central Asia, which affected the volume of transported Afghan opiates. The region was becoming a transit zone of drug trafficking [13, p. 93].

Drug routes connect Afghanistan with the Central Asian republics through numerous passes and gorges. One of these drug routes goes through territory of Tajikistan and Kyrgyzstan. Depending on geographical and infrastructural conditions, narcotic substances are being transported via almost all means,

ranging from horse-drawn transport in border areas to air transport where possible.

Drugs from Tajikistan to Kyrgyzstan are trafficked along the following routes:

1. The Kyzylart route includes the highway connecting the cities of Osh and Khorog with adjacent vast mountain ranges located in Murghob District in the Gorno-Badakhshan Autonomous Region (GBAO) of Tajikistan.

2. The Altyn Mazar route starts at the Rushan Plateau on the Afghan-Tajik border along the GBAO, passing through the gorges of the Pamir Mountains and the Trans-Altay Range to the Chong-Alay valley in the Osh Region of Kyrgyzstan.

3. The Batken route includes numerous mountain trails that are used to cross from Jirgatal District, Gharm District and other nearby regions of Tajikistan to Batken District, Kadamjay District and Leylek District in the Batken Region of Kyrgyzstan.

4. The Khodjent route covers highways and the adjacent territories starting from Khodjent in Tajikistan, through Leylek District in the Batken Region and the adjacent Tajik and Uzbek districts and up to Osh in Kyrgyzstan.

The Kyrgyz-Tajik border mainly passes through hard-to-reach terrain, where the most vulnerable areas border with Sughd Province of Tajikistan. The vast majority of the western flow of opiates is shipped from Dushanbe first to Isfara District in Sughd Province of Tajikistan, and then transported to the Batken Region. This is a key region in drug trafficking, since there are no borders or border control in many areas [16, p. 86]. The main area used for the trafficking of opiates is the Tajik enclave Vorukh in the Batken Region. It historically has been challenging to undertake anti-drug operations on the Kyrgyz-Tajik border, because the demarcation process is still ongoing, which makes it considerably difficult for law enforcement agencies to work, especially in Tajik regions such as Gharm District and the GBAO. Border patrols in the Batken region of Kyrgyzstan are complicated by the fact that – in addition to Vorukh – there are

three Uzbek enclaves, namely Sokh, Chong-Kara and Shohimardon. If in the late 1990s drugs mainly flowed along the Khorog-Osh highway, then in the 2000s opiates were transported on horseback or on foot along the entire perimeter of the Kyrgyz-Tajik border towards regional centers, the cities of Batken and Osh [2, p. 50]. Experts emphasize that it is not possible to establish control over numerous mountain gorges connecting the republics with each other and with Afghanistan.

The evolution of the drug business and drug cartels led to the fact that by 2018, the major drug trafficking organizations of Kyrgyzstan were involved in drug shipment and retail, while staying clear of not drug-related criminal activities. It is important that there are also extremist and terrorist organizations, namely the Islamic Movement of Uzbekistan (IMU), Jamaat Ansarullah and Hizb ut-Tahrir al Islami.

Drug Seizures

In recent years, the logistics of drugs has changed significantly. Trafficking along the “northern route” has been significantly reduced in favour of increasing exploitation of other drug routes. The dynamics of opium poppy cultivation in Afghanistan shows that in 2020, the area of poppy crops in the Badghis and Faryab Provinces (which are adjacent to the border with Turkmenistan) increased by 194 per cent and 98 per cent, respectively; at the same time, in Badakhshan Province (which borders with Tajikistan) this figure increased only by 36 per cent [21]. Despite the increase in opium cultivation on the Afghan-Tajik and Afghan-Turkmen borders, as well as heroin laboratories located close the Afghan borders with the countries of Central Asia, the drug flow along the “northern route” is gradually shrinking. It is attributed to enhancing of the “southern route”, and especially the “Balkan routes” of drug trafficking, which is the major outlet of Afghan heroin to the states of the European Union. For example, between 2013 and 2018, the volume of

heroin seizures in all countries of the region surged from 67 per cent to 92 per cent.

According to the Newsletter for 2016 [10, p. 21], a total of 1,738 drug crimes were identified in the Kyrgyz Republic, which was 6.76 per cent less than the previous year and 6.3 per cent of overall crimes. The most common drug crimes are “storage without a commercial purpose” (1137) and “sale, storage with a sales objective” (471). The list of drug-related crimes also indicates an increase in cases of “abetting the drug use” by 81 per cent, “inducing of minors to use drugs” by 400 per cent, “maintaining premises for drug use” by 16 per cent, and “illicit trafficking in substances and poisons” by 57.14 per cent.

As far as drug seizures are concerned, a total of 18 tons of narcotics, psychotropic substances and precursors were removed from circulation, which is 36.6 per cent less than in 2015. The list of seized drugs include cannabis (hemp) – 13.2 tons (+35.2 per cent by 2015), marijuana – 2.13 tons (-8.4 per cent by 2015), hashish – 794 kg (+55.3 per cent), heroin – 166.8 kg (-51.5 per cent), opium – 24.9 kg (-46.2 per cent), and opium poppy – 40.4 kg (+178.03 per cent). The volume of seized precursors decreased by 84.9 per cent, amounting to 1.6 tons [10, p. 24].

A dramatic decline in drug trafficking in the Kyrgyz Republic can be also attributed to economic downturn caused by the COVID-19 pandemic. The use of cannabinoids, pharmaceutical drugs and alcohol instead of expensive heroin was reported. Some drug addicts started using personal pipes while smoking hashish and marijuana (cannabinoids), which was not the case in the pre-coronavirus times [11, p. 11].

Cooperation with International Organizations

Since the early 1990s, the United Nations Office on Drugs and Crime (UNODC) has been successfully operating in the republics of the region, implementing a large number of anti-drug projects. The Central Asian states highly appreciate its

efforts, thus allowing it to continue to operate within the framework of the UN programmes in Central Asia, which are comprised of the following sub-programmes: preventing and combating transnational organized crime; crime prevention; increasing access to justice and enhancing the rule of law; addressing the issue of drug use; expansion of treatment of diseases associated with drug use and HIV / AIDS prevention; preventing and countering terrorism and radicalization leading to violence; and support for research, trend analysis, policy, information promotion and forensics.

The UNODC also deals with the strengthening of border control and cross-border cooperation, implementation of the Container Control Programme (CCP) and other projects in the region. Thanks to regional cooperation, CCP's Port Control Unit (PCU) carried out several drug seizures in Osh in cooperation with the State Border Service of Kazakhstan and Uzbekistan, confiscating 127,344 capsules of the drug Regapen (Pregabalin). Given the increasing abuse of new psychoactive substances in the region, such seizures indicate that UNODC's involvement helps national partners to prevent the possible negative impact of these substances on the population [7, p. 30].

Russia has been a long standing partner in the fight against drug crime and drug trafficking in Central Asia, implementing anti-drug policy in cooperation with the CSTO (operations "Channel", "Thunder", etc.). In 2019, during the anti-drug operation "Channel Center", the internal affairs authorities identified 22 drug-related crimes; seized 29.5 kg of drugs, psychotropic substances and precursors from illicit trafficking; solved 34 ordinary crime cases; and confiscated two firearms. During the operation "Channel - Caucasian Redoubt", 25 drug-related crimes were identified on the territory of the Kyrgyz Republic, and 368.6 kg of narcotic drugs, psychotropic substances and precursors were seized from illegal circulation [20, p. 11]. In addition, operations such as "Channel - Valley", "Channel -

Red Barkhan", "Channel – Patrol", "Channel – Southern Trap" are carried out on a regular basis [18].

Conclusion

To conclude, the analysis of the drug situation in Kyrgyzstan shows that the effectiveness of the ongoing anti-drug policy can be enhanced if special attention is paid to the problem of corruption and abuse of power in law enforcement agencies responsible for coordinating and implementing this policy. In order to increase control over the activities of law enforcement agencies, it is necessary to take measures to prevent violations. It is also important to strengthen internal monitoring of the situation by giving the Internal Investigation Service (already existing under the Ministry of Internal Affairs) greater authorities. The possible restoration of the Anti-Corruption Service within the State Committee for National Security or other structures should also be considered.

Other effective measures, proposed by V. Ivanov, include: 1) nullifying the drug market by reducing demand; 2) eliminating the supply of drugs of Afghan origin; 3) improving the tools of international cooperation [9, p. 146].

To curb the demand for drugs, regular preventive activities should be carried out, which means that specialists and teachers of academic institutions should deliver lectures and provide video and audio materials about the dangers of drugs and drug addiction. There should be continuous, step-by-step rehabilitation of drug addicts. At the same time, any attempts to distribute and sell prohibited substances must be stopped in a timely fashion.

It is vital to put an end to the drug economy in Afghanistan. This can only be done with the assistance and support of the international community. An effort should be made to build a dialogue with the Taliban. Given the urgent need of the Taliban for recognition of their regime by the world community, it can be

assumed that the movement may be interested in switching to the traditional economy.

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AZIZ NIYAZI. VORUKH – THE TERRITORY OF THE TAJIK-KYRGYZ DISCORD. ON THE ISSUE OF THE INITIAL DEMARCATION OF THE SOVIET PERIOD. Part 1

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