



OVERVIEW OF NGOS AND CIVIL SOCIETY

TURKMENISTAN

Country Context

Turkmenistan is the southernmost country of Central Asia, bordered by the Caspian Sea on the west, Iran and Afghanistan to the south, and Kazakhstan and Uzbekistan on its northern border. The Karakum Desert occupies four-fifths of the country's surface area.

Turkmenistan is sparsely populated, with its six million¹ residents concentrated along rivers, canals, and other waterways. The country is richly endowed with natural resources, including oil, natural gas, nonferrous metals, and coal. It ranks fourth in the world in natural gas extraction. The capital and largest city is Ashgabat.

From ancient times until the 20th century, the Turkmens lived in Central Asia as pastoral tribes sharing a common culture. The region they inhabited became the Turkmen Soviet Socialist Republic in 1924. Following the disintegration of the Union of Soviet Socialist Republics, Turkmenistan was proclaimed an independent state on 27 October 1991.

Saparmurad Niyazov became first secretary of Soviet Turkmenistan in 1985 and then President upon independence. His term was extended for life in a 1999 referendum. At the time of his death in December 2006, he served as head of state, Prime Minister, and chairperson of the *Khalk Maslakhaty* (People's Council), the supreme representative body that meets annually. Presidential elections were held on 11 February 2007. Three days later, Gurbanguly Berdimuhammedow was declared the winner with 89% of the votes and was immediately sworn into office. The country's second parliamentary body, the *Medjlis* (National Assembly), comprises 50 members who are directly elected to a 5-year term by majority vote through constituencies.

The population is almost evenly divided between rural and urban areas. Its ethnic composition is 85% Turkmen, 7% Russian, 5% Uzbek, and 3% other groups. Turkmen is the country's official language, although Russian is still widely spoken.² The United Nations Development Programme (UNDP) classifies Turkmenistan as a country of medium human development, ranked 107th in the Human Development Index. Close to 99% of the adult population is literate.³

Poverty is widespread as unemployment continues to be high. The country faces serious environmental, water, and sanitation problems. Health indicators, such as life expectancy and infant mortality, are among the worst among former Soviet Union republics. Drug abuse is a problem and it has contributed to the spread of the human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) problem.

History of NGO involvement in Turkmenistan

There was no organized civil society in Soviet-era Turkmenistan. A few national public organizations (NPOs) from that era continued to operate in an independent Turkmenistan, including the **Women's Union**, **Youth Union**, and **Union of Entrepreneurs**. The Law on Public Associations, which was passed in 1991, formally established nongovernment organizations (NGOs).

The first registered NGOs focused on environmental issues, as they were an extension of the well-developed network of naturalists and geologists who worked during the Soviet era. Several NGOs were also active in health and education, a number of them having

been established under the auspices of NPOs—pro-government quasi-NGOs like the Women’s Union, Youth Union, and Union of Entrepreneurs. By the end of the 1990s, the following types of civil society groups were operating in the country: government-supported NGOs, independent NGOs, non-registered initiative groups, clubs, and voluntary societies.

In 1999, Turkmenistan adopted the Civil Code, which regulates registered noncommercial legal entities. Inconsistencies between the code and the Law on Public Associations were resolved with the adoption of an amended law in October 2003.

Organized civil society faced relatively favorable conditions immediately after Turkmenistan achieved independence. A legal framework for NGO operations was established where none had previously existed, and the Government was generally respectful of the potential for civil society to contribute to socioeconomic development. Consequently, hundreds of organizations were founded during the 1990s and early part of the new millennium. Many were able to forge partnerships with the state and development partners. However, conditions for NGO activity have become much more difficult in recent years.

Most NGOs are led by women—predominantly Turkmen, given the exodus of the native Russian-speaking population. Today, the small NGO sector includes business associations, sports clubs, and organizations that work with youth, conduct training, and address health issues. A few organizations, including Bosphorus and Ynam, offer legal services. The Association of Ufologists provides legal, economic, and youth leadership training, as well as access to computer facilities to NGOs and community groups. Family, Mercy, and Health conducts training for at-risk children and their parents in the city of Ovadan. Mashgala Bashgala serves government orphanages and shelters by providing psychological training and HIV/AIDS-awareness programs.⁴ In addition, NGOs such as Keik Okara, Ilkinkiler, and the Association of Accountants have qualified attorneys that provide services to NGOs.⁵

Legislation on NGO activity

Law of Turkmenistan on Public Associations, October 2003

The Constitution of Turkmenistan establishes the right of citizens to organize themselves into public associations. These associations are defined as:

...voluntary, self-regulatory, noncommercial formations, created upon an initiative of citizens, associated based on common interests for implementation of common goals specified in the charter of a public association. The Law on Public Associations governs the legal and organizational basis for activities, reorganizations, and liquidations of public associations.

Public associations in Turkmenistan can be created in one of the following four organizational legal forms: a public organization, public movement, public fund, or public activity body. This law covers all public associations created upon the initiative of citizens, except for religious organizations, commercial associations, political parties, and trade unions. The law also covers the activity of structural subdivisions, branches, and representative offices of foreign public associations created in Turkmenistan.

Resolution on Registration of Public Associations, 14 January 2004

This resolution established a sliding scale of registration fees based on the geographical area of an association’s activities. Since registration fees are high, this is an expensive procedure for most organizations.

Resolution on State Registration of Projects and Programs of Foreign Technical, Financial, Humanitarian Assistance, and Grants

The State Service for Foreign Investments, under the President of Turkmenistan and the Ministry of Justice (MoJ [*Adalat*]), is responsible for registering all foreign technical, financial, and humanitarian assistance and grants to domestic NGOs. Public associations receiving foreign assistance are obliged to register the nature and amount of funding/grant with MoJ.

Tax Code, 1 November 2004

Turkmenistan’s first Tax Code entered into force on 1 November 2004. It exempts all public organizations from paying income tax and envisions tax benefits for disabled persons’ organizations and enterprises, organizations rendering educational services, and religious organizations. Although terms such as “charitable organization” and “charitable assistance”

appear in the Tax Code, no Turkmen legislation pertains to charity or charitable organizations. Thus, the terms appearing in the Tax Code are difficult to define.

NGO–Government relations⁶

The 2003 amendments to the Law on Public Associations criminalized all activities of unregistered associations. A related amendment to the Criminal Code mandated fines, “corrective labor,” and imprisonment with confiscation of “illegally obtained resources (*sredstva*)” for those found guilty of engaging in public activities without explicit state approval.

NGOs were required to rewrite their charters to comply with the new law, and were effectively suspended until they did so. Many organizations were unable to take up funds granted by development partners for new projects. Law enforcement bodies tightened their grip on the activities of NGOs, initiative groups, and activists. The main focus of government attention was on the procedure of NGO reregistration.

The Government applied the new law with selective degrees of strictness, allowing the quasi-NGO NPOs to complete a quick, formal procedure to bring their charter documents into compliance with the law. Nevertheless, their branches and subunits working in the *velayat* (provincial) centers were either incorporated or cancelled, and their number sharply decreased. For instance, the Women’s Union dwindled to no more than five units in each *velayat*, carrying out their activities according to directions issued from the top. In early 2004, two of the country’s most serious and long-standing NGOs, Ecological Club Catena and Dashoguz Ecological Club, were stripped of their registration, rendering them vulnerable to criminal prosecution for continued work.

Many NGOs encountered bureaucratic obstacles on the path to reregistration and had to apply several times, often without success. However, some NGOs were successful in registering anew. In January 2004, the Association of Accountants was registered, Keik Okara in August, and Agama in December of the same year.

Unregistered groups—the vast majority of NGOs in Turkmenistan—either ceased operations or cut back their activities. Under these difficult circumstances, NGOs found innovative ways to continue their activities. Some organizations, such as the environmental group Eco Center that was denied registration thrice, are working under patents. Others register as commercial entities, or partner with the private sector and remain unregistered. Many discarded the label of “public association” and began to operate as a commercial venture or under the individual license of one of its members.

International agencies are aware of these unique types of arrangements and support them through grants. Former NGOs, such as My Right and Arma, have received funding. Several groups chose to be co-opted into a governmental or government-controlled entity, trading their independence for the opportunity to function at all. Others opted to continue activities in an underground manner. The label “NGO” largely disappeared from the local lexicon, replaced by “initiative group” or other terms.

The law severely affected environmentally focused organizations. Prior to 2003, these organizations were considered the most successful at establishing partnerships with the Government and development partners. They were allowed to operate freely, perhaps because their activities were politically neutral and did not pose a threat to the Government. However, the number of NGOs in this sector has been drastically reduced. Only a handful of NGOs have been permitted to reregister. These include the Society for the Preservation of Nature, Union of Hunters and Fishermen, and the National Club of Hawkers.

In November 2004, the Government published the Law of Turkmenistan on Introducing Amendments to the Criminal Code of Turkmenistan, which decriminalized the activity of unregistered NGOs by removing Article 223/1 from the Criminal Code. Nonetheless, the registration process remains slow and MoJ did not register any new organizations in 2006. Even if an organization is able to register, it must contend with invasive oversight by MoJ. One provision, for example, requires that an NGO reregister if even one member leaves the organization.

Official statistics on the number of public associations registered by MoJ show only 89 public associations,⁷ most of which are sports organizations and government NGOs. Only a few are working in the field of development, such as Ynam (“Trust”), a women’s advocacy NGO; and Keik Okara, which assists refugees and offers language, computer, and social skills training to orphans and other children at risk.

NGOs supporting democracy and human rights are not allowed to operate openly in the country. Suppression of civil society has had a direct impact on the health of the population because NGOs that had started to work in the health sector following independence can no longer operate openly. HIV/AIDS prevention projects supported by UNDP, United States Agency for International Development (USAID), and the Open Society Institute have become more limited, contributing to an increase in infections.⁸

Capacity and funding of national NGOs⁹

Most NGOs lack an organizational development strategy and are often dependent on a single leader. Unregistered organizations are prohibited from receiving grants, and therefore, lack the funding necessary to develop their organizational capacity. NGOs that operate under a patent are obliged to engage in economic activities and pay taxes. The few registered organizations have been able to improve their structural development, professionalism, strategic planning, and management.

The organizational capacity of NGOs has been weakened by the country's economic challenges, as many of the most talented and motivated individuals have emigrated in search of better opportunities. The NGO sector has also been negatively affected by the outflow of ecologists after the termination of double Russian/Turkmen citizenship in March 2003, the collapse of organizations following the loss of their leaders, and restriction on the activity of numerous ecological clubs working in nature reserves.

Certain NGOs provide training and services to strengthen the capacity of civil society groups in the country. For example, Eco Center provides information, Internet access, and consultations to support other organizations. UFO Funs offers training, information, computers, and consultations in Lebap; and it is planning an NGO newspaper. Union of Economists permits NGOs to use its library materials, while Women's Resource Center offers a wide range of materials on legal and gender-related issues. In addition, NGOs such as Keik Okara, Ilkinkiler, and Association of Accountants have qualified attorneys that provide services to NGOs.

Some NGOs—such as Keik Okara, Association of Ufologists, Agama, and Association of Accountants—charge membership fees, but these are not sufficient to fund all their activities. Eco Center, which operates under a patent, provides consultations for fees and the Association of Accountants provides trainings on international accounting standards.

The business sector generally does not engage in philanthropy and there are no tax incentives for contributing to NGOs. That said, both domestic and international businesses support the Special Olympics for Disabled People NGO, as well as other organizations serving disabled persons and orphaned children.

In some recent cases, the Government has entered into contracts with NGO service providers. Agama, which provides alpine tours and mountaineering training, received a government contract to maintain high-rise buildings. Eco Center received a contract to train and help government officials and private businesses. The Government has begun providing more support for NGO social initiatives, including in-kind support such as construction materials and labor for infrastructure development projects. The Mercy, Family, and Health organization receives regular support from the Ovadan city government to provide services to local orphanages and organize summer camps for at-risk children.

International support for NGOs

The main source of financing of NGO activity in Turkmenistan continues to be foreign governments, intergovernmental organizations, and international NGOs. The 2003 Law on Public Associations created a dilemma for international development partners. Several long-standing financial supporters of civil society in Turkmenistan eventually decided to suspend their assistance programs to help protect their grantees from the risk of unintentionally violating the law.¹⁰ Since then, development partners have begun to combine various types of activities in the programs they support with the aim of promoting organizational growth of NGOs and the efforts of activists addressing social needs. Development partners recognize the challenging operating environment for NGOs, as well as the important work that NGOs undertake to address social needs in areas such as ecology, education, public health, and youth.

USAID

USAID is the leading bilateral assistance provider in Turkmenistan. It supports the development of civil society at the community level through training, technical assistance, and access to legal information. For example, the agency supported the launch of Junior Achievement (JA) in Turkmenistan. JA is a nonprofit organization that educates young people on free enterprise system. JA offers economic education programs to secondary school students, provides teacher training, develops and distributes teaching materials, and organizes youth events.¹¹ USAID has also provided training and grants to health sector NGOs.

The USAID-financed Civil Society Support Initiative has developed a network of three civil society support centers and 24 resource centers and “points,” which are similar to resource centers but offer a limited range of services. These facilities offer legal consultations, advice on projects and activities, training, and access to information and the Internet. The three civil society centers hold regular discussion groups where NGO representatives and community members can share ideas and opinions. They are also utilized for youth activities.¹²

The American Bar Association (ABA) began its programs in Turkmenistan in 1999. Because of Turkmenistan’s particularly challenging environment, ABA is one of the few NGOs still addressing democracy issues in the country. Since opening its office in Ashgabat, ABA has created an association for law students providing practical skills training for aspiring lawyers; established the Legal Resource Center at Turkmen State University; trained legal practitioners and students in a variety of commercial law topics; published the first Turkmen-language collection of international human rights treaties; established a network of legal aid lawyers providing help to citizens in rural Turkmenistan; and trained a network of social advocates from diverse professional backgrounds on available legal mechanisms to help victims of domestic violence. In cooperation with Counterpart International and with the support of USAID, ABA began a project in October 2006 to provide information to Turkmen citizens on their legal rights.¹³

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Open Society Institute

In November 2002, the New York-based Open Society Institute launched the Turkmenistan Project. The project builds on the work that the institute has conducted since the 1990s to promote civil society in Turkmenistan. This work has included grant-making and programmatic activities in areas as far-ranging as arts and culture, access to information, and public health. The Turkmenistan Project adds resources to ongoing work and a strategic purpose to the Open Society Institute’s traditional activities by working on the policy level—with intergovernmental organizations, NGOs, and development partners—and galvanizing demand for reform by raising awareness of civil society concerns more broadly through information outreach. The Turkmenistan Project focuses on three principal areas of activity:

- grant making to civic actors in Turkmenistan and abroad and broadening opportunities for Turkmen citizens to study and integrate more fully into international development and civil society initiatives;
- providing fuller information about the situation inside the country through independent research and media outreach, including publication of the *Turkmenistan News Brief* that is available via e-mail in English and Russian; and
- promoting government accountability and good governance through policy work, media outreach, and targeted advocacy.

Details on the Turkmenistan Project are available at www.eurasianet.org/turkmenistan.project/.

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Endnotes

- ¹ Government of Turkmenistan. Available: www.turkmenistanembassy.org/turkmen/gov/gov.html.
- ² See footnote 1.
- ³ United Nations Development Programme. *Human Development Report 2007/2008: Fighting Climate Change: Human Solidarity in a Divided World*.
- ⁴ United States Agency for International Development (USAID). 2005, 2006. *Nongovernment organization (NGO) Sustainability Index*.
- ⁵ See footnote 4.
- ⁶ This section draws extensively upon USAID's 2005 NGO Sustainability Index and Erika Dailey's article, *New Law on NGO Activity in Turkmenistan Greeted with Caution*, which appeared on the Eurasianet web site on 30 November 2004. Available: www.eurasianet.org/departments/civilsociety/articles/eav113004.shtml.
- ⁷ The BEARR Trust web site. Year?. *NGOs in Turkmenistan*. Available: www.bearr.org/en/information/Mar_07/Turkmenistan.
- ⁸ McKee, Martin, and Bernd Rechel. 2005. *Human Rights and Health in Turkmenistan*. European Centre on Health of Societies in Transition and London School of Hygiene and Tropical Medicine, pp. 8–9. April. Available: www.lshtm.ac.uk/ecohost/projects/turkmenistan%20files/Turkmen%20report.pdf.
- ⁹ This section draws primarily upon USAID's 2006 NGO Sustainability Index.
- ¹⁰ See footnote 6.
- ¹¹ USAID. 2007. *USAID Programs in Turkmenistan in 2007*. Available: <http://centralasia.usaid.gov/page.php?page=article-91>.
- ¹² See footnote 9.
- ¹³ The American Bar Association (ABA) Rule of Law Initiative in Turkmenistan. Available: www.abanet.org/ceeli/countries/turkmenistan/program.html.

About the Asian Development Bank

ADB's vision is an Asia and Pacific region free of poverty. Its mission is to help its developing member countries substantially reduce poverty and improve the quality of life of their people. Despite the region's many successes, it remains home to two thirds of the world's poor. Nearly 1.7 billion people in the region live on \$2 or less a day. ADB is committed to reducing poverty through inclusive economic growth, environmentally sustainable growth, and regional integration.

Based in Manila, ADB is owned by 67 members, including 48 from the region. Its main instruments for helping its developing member countries are policy dialogue, loans, equity investments, guarantees, grants, and technical assistance. In 2007, it approved \$10.1 billion of loans, \$673 million of grant projects, and technical assistance amounting to \$243 million.

About the NGO and Civil Society Center

ADB's NGO and Civil Society Center (NGOC) serves as the focal point for ADB's interaction with civil society organizations (CSOs), including the broad range of nongovernment organizations, foundations, social movements, and trade unions. The NGOC is a part of the Gender, Social Development and Civil Society Division in ADB's Regional and Sustainable Development Department. Its key functions include empowering operations departments to work with NGOs/CSOs, serving as ADB's knowledge center and advisor on consultation and participation with NGOs/CSOs, managing implementation of ADB's Policy on Cooperation with NGOs, contributing to the capacity of ADB staff and NGOs/CSOs to work together, communicating on ADB's work with NGOs/CSOs, and supporting the exchange of knowledge and expertise between ADB and civil society. The NGOC also coordinates ADB's NGO and Civil Society Cooperation Network, which comprises designated staff from departments and offices across the institution.