

The Devil is in the Details:

Drug-Trafficking and Corruption in Kazakhstan

Zhaniya Turlubekova

The Devil is in the Details:

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Zhaniya Turlubekova

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Prof. dr. D. Siegel - Rozenblit
Prof. dr. M.L. Levay

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The research embodied in this thesis is my own work and has not been previously submitted at any other

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thesis

Declaration

I Declare that the research embodied in this thesis is my own work and has not been previously submitted at any other University. I have not used commercial doctoral advisory services, and all sources and aids used are listed in the thesis

Samenvatting

Deze dissertatie beoogt inzicht te verschaffen in de drugshandel, drugsgerelateerde corruptie en de reacties daarop in Kazachstan. In dit land, waar miljarden aan buitenlandse investeringen op het spel staan, heeft actief ingrijpen door de overheid geresulteerd in aanzienlijke veranderingen in de drugsmarkten. Deze studie toont aan dat de geografische nabijheid tot Rusland en de strategische belangen van buitenlandse actoren in de regio invloed hebben gehad op de aanpak van drugssmokkel door Centraal-Aziatische overheden. Kazachstan neemt een geografische sleutelpositie in en vormt zo een brug tussen regionale drugshoofdsteden en Russische markten. Drugs worden vooral gesmokkeld via bestaande handelsroutes tussen Centraal-Azië en Rusland. De structuur van de drugsondernemingen wordt in deze studie aan een diepgaande analyse onderworpen. Empirisch bewijs laat zien dat de drugssmokkelorganisaties in Kazachstan kunnen worden omschreven als ongeorganiseerde structuren. Concurrentievoordeel kan worden behaald door ondernemers die connecties hebben met informele netwerken die gebruik kunnen maken van de relaties tussen productie-, transit- en consumptielanden. Dergelijke connecties (ofwel ‘relationeel kapitaal’) blijken te zijn ingebed in reeds bestaande sociale relaties van de actoren. Maatregelen tegen corruptie onder staatsambtenaren hebben geresulteerd in duizenden strafprocessen en gevangenisstraffen en in een serieuze heroverweging door Kazachstaanse politiefunctionarissen van de voor- en nadelen van het deelnemen aan corrupte praktijken. Dit resultaat werd vooral bereikt door intensieve handhaving van nieuwe wetgeving tegen corruptie. Daar staat tegenover dat deze nieuwe wetgeving nog steeds de sporen in zich draagt van een sovjetachtige houding ten opzichte van verdovende middelen en daarom, afgezet tegen internationale standaarden, als uiterst streng kan worden gekwalificeerd.

Abstract

The central aim of this thesis was to study drug trafficking, drug related corruption and reactions to it in Kazakhstan. In Kazakhstan, where billions of foreign investment are at stake, active state measures have produced significant changes in the drug markets. Geographic proximity to Russia, as well as the strategic interests of foreign actors in the region, are shown to have affected the way Central Asian governments respond to drug trafficking. Kazakhstan's key geographic position rendered it a bridge that connected regional drug capitals with Russian markets, and some drugs remained in Kazakhstan too. Drugs were mostly trafficked across legitimate trade routes connecting Central Asia and Russia. The structure of drug enterprises is placed under close examination. The empirical evidence is presented that drug trafficking enterprises in Kazakhstan can accurately be described as disorganised structures. Competitive advantage belonged to entrepreneurs who could link themselves with informal networks capable of exploiting the connection between production, transit and consuming countries. Such connections, or relational capital, seemed to be embedded into existing social relationships of actors. The measures taken against corrupt state officials resulted in thousands of criminal trials and imprisonments, and a recalculation by police officials nationwide about the costs and benefits of engaging in corrupt activities. The results were achieved mainly due to intensive enforcement of new legislation against corruption. However, this updated legislation still had a flavour of Soviet-style attitude towards drugs and could still be considered very strict in terms of international standards.

Summary

Drug trafficking from Afghanistan has been a major international security concern for many years. Drugs travel through many countries before reaching Europe and especially Russia, which continues to be recognised as the largest drug market in the world. Therefore, the drug-related situation in Central Asian states – Kazakhstan, Kyrgyzstan, Turkmenistan, Tajikistan, and Uzbekistan – is critical to global and international security. Under analysis, apparent similarities among these countries fade quickly. In this circumstance, it is important to understand what was happening in Kazakhstan, the closest, wealthiest and perhaps most important post-Soviet state, which shares more than 7500 km of borders with five other states where drug trafficking occurs. The central aim of this thesis was to study drug trafficking, drug related corruption and reactions to it in Kazakhstan.

Geographic proximity to Russia, as well as the strategic interests of foreign actors in the region, are shown to have affected the way Central Asian governments perceive and respond to drug trafficking. In particular, Russia continued to protect its domination over security policies in Kazakhstan by educating Kazakhstan's security personnel in Russian universities. Besides that, Russia's seven huge military bases in Kazakhstan, covering a total area of 11 million hectares, are shown to have been critical to Russia's military projection into Central Asia and beyond (Aliyev, 2016, p. 2). Thus, the discussion of the drug trade in Central Asia is heavily influenced by the strategic battle, between the USA and Russia, for political influence in Central Asia. Empirical data demonstrates that drugs were mostly trafficked across legitimate trade routes connecting Central Asia and Russia, and together with legitimate cargo on those routes. Kazakhstan's key geographic position rendered it a bridge that connected regional drug capitals with Russian markets, and some drugs remained in Kazakhstan too. Although the volume of drugs trafficked across the Northern Route declined recently, the local drug market that developed in tandem with the trafficking continued to affect Kazakhstan. Besides that, wild marijuana harvested in the Chu Valley is a key reason for a complicated drug-related situation in southern Kazakhstan, since it can potentially satisfy Kazakhstani and Russian demand for marijuana.

The structure of drug enterprises is placed under close examination, including the presentation of empirical evidence that leads one to be skeptical about the relevance of many widely held beliefs. For example, some authors have focused on the role of organised crime (the infamous *Vory v zakone*, or other criminal groups more commonly known collectively as the Russian Mafia) in drug trafficking, but not on underlying reasons for the drug trade. Generally, half of the analysed literature leaves the impression that drug trafficking was conducted via some global hierarchical network of drug lords cooperating with each other and

whose primary interest lies in funding terroristic activities (e.g. Cornell, 2005; Mohaparta, 2007). This argument is not supported by evidence presented here. On the other hand, evidence is presented in support of authors who have suggested that drug trafficking enterprises in Russia accurately be described as disorganised structures. Hence the argument developed here builds on the too-often neglected work of Peter Reuters (1983). The importance of ethnicity for drug trafficking actors in Central Asia is lower than many scholars have believed. Even when Central Asian Roma dominated Kazakhstan's drug markets, this dominance was derived not from ethnicity per se, but from the relational capital available to them. Competitive advantage belonged to entrepreneurs who could link themselves with informal networks capable of exploiting the connection between production, transit and consuming countries. Such connections, or relational capital, seemed to be embedded into existing social relationships of actors. As for Vory v zakone, their role seems to have been limited to arbitration and protection services.

The role of drug-related corruption, as well as the impact of national anti-corruption measures, is critically important to this thesis. Many authors have suggested that pervasive corruption is the main reason for the complicated drug trafficking situation in Central Asia. It was argued that any serious reforms aimed against drug-trafficking would be undermined by a corrupt political elite that personally benefits from the drug trade (e.g. Cornell, 2006; De Danielli, 2014). Others were more focused on the drug trade, which, thanks to corruption, became the main source of income for terrorist groups (e.g. Jackson, 2005; Cornell and Spector, 2002). However, the relationship between drug-trafficking and drug-related corruption is shown to have been far more complicated than this. Instead, evidence presented here supports the conclusion that drug trafficking depended massively on broader contextual factors such as social, political and economic. So does drug-related corruption. In Kazakhstan, development and implementation of National Anti-corruption Strategy for 2015–2025, which is mainly aimed to improve the quality of public service and create the business climate more favourable for the increased amounts of foreign investment, caused a massive disruption of the drug markets. The measures taken against corrupt state officials resulted in thousands of criminal trials, hundreds of imprisonments, and a recalculation by lower-level police officials nationwide about the costs and benefits of engaging in corrupt activities. In this circumstance, the risks of drug entrepreneurs substantially increased, not only because they had lost the protection of corrupt police, but also because they now risked facing charges for bribing of state officials in addition to engaging in drug trafficking. One might wonder, however, about the long-term prospects for this apparent change in institutional culture. After all, police performance is affected not only by the condition of anti-corruption legislation and the presence of political will to demand substantial changes but also on the condition of the criminal justice system and the black markets.

It goes without saying that the criminal justice system and legal aspects related to drug trafficking are analysed as well. In Kazakhstan, where billions of foreign investment dollars and rubles are at stake, active state measures have produced significant changes in the drug markets. The results were achieved mainly due to intensive enforcement of new legislation against corruption, and enforcement was enhanced by giving multiple, competitive agencies jurisdiction over various elements of the implementation. However, this updated legislation still had a flavour of Soviet-style attitude towards drugs and could still be considered very strict in terms of international standard. Notably, the Kazakhstani government's use of specific institutional tools contributed to the impressive results they achieved. However, much more pressing question if these changes will produce meaningful results in the long run. Moreover, drug trafficking was recognised as main national security priority and all state bodies were commanded to assist Ministry of Internal Affairs and National Security Committee in the fight against drug trafficking.

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List of Abbreviations

AGDS	<i>Agenstvo po delam gosudarstvennoj sluzhby i protivodejstviyu korrupcii Respubliki Kazahstan</i> The agency of the Republic of Kazakhstan for Civil Service Affairs and Anti-Corruption
GP	General'naja Prokuratura General Prosecution Office
FSB	<i>Federal'naja Sluzhba Bezopasnosti</i> Federal Security Service
KGB	<i>Komitet Gosudarstvennoj Bezopasnosti</i> State Security Committee
KNB	<i>Komitet Nacional'noj Bezopasnosti</i> National Security Committee
MVD	<i>Ministerstvo Vnutrennih Del</i> Ministry of Internal Affairs
NATO	Northern Atlantic Treaty Organisation
OECD	Organisation for Economic Co-operation and Development
OSCE	Organisation of Security and Cooperation in Europe
SCO	Shanghai Cooperation Organisation
SNG	<i>Sodruzhestvo Nezavisimyh Gosudarstv</i> Commonwealth of Independent States
SU	<i>Sledstvennoe upravlenie</i> Investigative Department
UBN	<i>Upravlenie po bor'be s narkobiznessom</i> Directorate of Anti-Narcotics Committee
UBOP	<i>Upravlenie po bor'be s organizovannoj prestupnost'ju</i> Directorate against Organized Crime
UKRK	<i>Ugolovnyj Kodeks Respubliki Kazahstan</i> Criminal Code of the Republic of Kazakhstan
UN	United Nations
UNODC	United Nations Office on Drug and Crime
UPRK	<i>Ugolovno-Processual'nyj Kodeks Respubliki Kazahstan</i> Criminal Procedural Code of the Republic of Kazakhstan

Chapter 1

Introduction

The sixteenth member of a police mafia that provided protection to drug dealers was imprisoned on 9 February 2017 in Kostanay, Kazakhstan. A local newspaper reports that the police officer regularly received money and heroin from [wholesale] heroin dealers. In return, he did not interrupt the activities of the criminal enterprise. The heroin dealer-turned-star-witness emphasised in her testimony before the court that she was dependent on the police officer and provided him with money and heroin (Lugovskoj, 2017). On the other hand, the fifteenth member of this police mafia testified that he took money from the [wholesale] drug dealers in order to collect criminal intelligence and therefore solve other crimes. Moreover, he was afraid of the leader of drug enterprise. As he testified, the star witness was a wholesale dealer who felt comfortable enough to make scandals, threaten all police officers with dismissal and demand the release of her arrested employees from the police station where he worked (Inform bjuro, 2017).

This criminal case could seem like a cliché, in which members of criminal network simply blame each other in order to dodge their own responsibility, if it did not raise a number of serious questions. If this police officer is honest, what could be the basis for the drug entrepreneur's threatened dismissal? Where is the court's new confidence and capacity to impose sanctions on police is coming from? How serious is the issue of police corruption in Kazakhstan? How does it affect drug trafficking?

Meanwhile, in 2018, the UN Office on Drugs and Crime (UNDOC) reported that the range of drugs and drug markets is expanding and diversifying at an unprecedented level. UN data show that total global production of opium increased by 65 per cent between 2016 and 2017, to 10,500 tons. This is the "the highest level recorded by the UNODC since it started estimating global opium production at the beginning of the twenty-first century ... Overall, opiates seizures rose by almost 50 per cent from 2015 to 2016, including a record-high 91 tons of heroin seized globally in 2016" (UNODC, 2018: 7).

The record level of opium poppy cultivation in Afghanistan in 2017 is likely to create multiple challenges for neighbouring countries (UNODC, 2018). Although the Balkan route from Afghanistan to Europe remains the most dominant route for opiates trafficking today, most heroin supplied to the Russian Federation (which

remains one of the largest drug markets in the world) continues to travel through Central Asia. Interestingly, Central Asia is used by drug entrepreneurs exclusively for trafficking. However, the region is less suited to heroin manufacturing (UNODC, 2018).

If we look closely, we will see that the context associated with drug-trafficking in Central Asia is complex. Mohaparta (2007) suggests that Central Asian states are related under the 'complex web of security' framework. Buzan et al. (1998: 12) define "security complex" as a "set of states whose major security perceptions and concerns are so interlinked that their national security problems cannot reasonably be analysed or resolved apart from one another". Such security complexes not only play the central role in the relationships among states within a common security web, but also critically condition whether and how stronger outside forces, such as Great Powers¹, would intervene (Buzan et al., 1998). According to Cornell (2006), internationally, a state that fails to stem drug trafficking on its own might face economic sanctions or even threats of military intervention. Domestically, such a failure might endanger ruling elites as a result of massive public dissatisfaction which may, in turn, take the form of public protests (Ibid.).

Similarly, recognising the importance of drug trafficking in Central Asia for international relations, Jackson (2005) observes that the above-mentioned challenges attracted the attention of international organisations, which then inserted themselves into the Central Asian political and social context in an effort to help solve the region's drug trafficking problem. However, there was a certain degree of misunderstanding in their policies because, all too often, they inappropriately lumped drug trafficking and terrorism together. By creating these so-called 'threat packages' (for example, the Shanghai Cooperation Organisation's 'three evils forces of terrorism, extremism, and separatism' or the UNODC's 'efforts against the uncivil forces of our time: drug traffickers, organized crime groups and terrorists alike'), international institutions have encouraged development of similar security strategies to counter three largely distinct activities (Jackson, 2006: 310).

Moreover, Jackson (2005) observes that, while the international community had designed many projects ostensibly to improve the social, economic and political situation in Central Asia, American post-9/11 security priorities were mostly related to stationary military bases, training and equipping some regional armies, and collecting intelligence to respond to global threats associated with trafficking and terrorism. Such traditional 'securitisation' of trafficking activities fails to recognise that these are somewhat separate phenomena that by addressing them

as such, more meaningful solutions – also as related to global aspects – could be identified (Jackson, 2005). The evidence connecting drug trafficking with terrorism is fragmented at best, while the symbiotic relationship between state officials and drug traffickers deserves more attention than it has received to date (De Danieli, 2014).

Moreover, Makarenko (2004) disputes the analytic adequacy of claims that the Taliban and Al-Qaeda monopolise the production and distribution of opiates in Afghanistan. She further explains that suggestions that money from drug trade constitutes the main financial source for Taliban and Al-Qaeda arms and ammunition seem to be inspired not by careful empirical research, but rather by media attempts to bolster public support for US-led military operations in Afghanistan. Such reports serve political purposes, which is well and good and, to be sure, any attempt to understand the drug trade in its totality should situate it in the context of the post-Cold War security environment, which indeed has affected the nature of actors involved in drug trafficking and their relationships with one another. Still, the extent to which the scholarly community has been deceived by politically motivated reports is disturbing, and the present work hopes to provide a corrective: as Makarenko (2004) observes, distinguishing different actors involved into drug trade such as those who control or and those who just take advantage of it is analytically crucial.

These arguments demonstrate that drug trafficking should not be confused with terrorism since it is only a source of income for a subset of groups involved in the trafficking business. Therefore, the present work is focused on drug trafficking as a separate phenomenon, which can and should be analysed apart from terrorism. Nevertheless, this analytic starting point acknowledges that drug trafficking might be affected by the interplay between major international actors, the interplay between them and domestic actors in Kazakhstan.

There is another seriously misunderstood aspect of drug trafficking in Central Asia: the states in this region are different from each other, and explanations about drug trafficking in one state cannot be presumed to apply to another. De Danieli falls into this trap. In his words, "in all five Central Asia republics, strategic partnerships have formed between drug traffickers and state actors around the exploitation of drug rents, and the mafias' influence on politics is stronger in Tajikistan and Kyrgyzstan, the region's poorest countries" (De Danieli, 2014: 1235). In this regard, Cecarelli (2007) examines the relationship between organised crime and the democratisation process in Central Asia. She argues that the interests of leading tribal families, high levels of corruption, and economic struggles can combine to create a fertile ground for smuggling, trafficking and other transnational criminal activities in the region. Further, she foresees the

¹ The definition and role of Great Powers in drug trafficking is discussed in a greater detail in Chapter Two.

failure of Central Asian states due to their clan-based political system. Specifically, she defines clans as informal organisations limited by some unwritten rules and connected through ties of kinship and friendship. As a result of great economic uncertainty, clans became more efficient in providing clans' members than state institutions (Cecarelli, 2007).

Given that clans have been closely associated with criminal organisations, and therefore to the state as well, Cecarelli claims that criminal organisations in Central Asia infiltrated state institutions through violence and corruption. Members of infiltrated state institutions are expected not only to accept bribes passively but also actively to facilitate criminal enterprises. As for the role of clans in the drug trafficking, in particular, transnational criminal organisations moved part of their operations from Afghanistan to Osh (Kyrgyzstan), Shymkent (Kazakhstan) and Samarkand (Uzbekistan) cities. In short, this movement is said to make sense because relevant clans had close ties with transnational organised crime and therefore directly control drug trafficking, and it was done in order to generate more resources for clan members. Local criminal organisations and drug mafias, on the other hand, were given only a minor role in drug trafficking (Ceccarelli, 2007).

We shall see that such general, region-wide arguments have only limited relevance to the Kazakhstani case. By emphasising the role of clan-based political systems, Ceccarelli (2007) overlooks the much greater complexity of authoritarian states in the region and fails to understand that drug trafficking can be affected by the whole range of contextual factors. Of much greater value are, for example, Paoli et al. (2009), who emphasise that condition of the national economy will massively affect the role of clans, since their functionality is conditioned on state's weakness - institutional and economic.

In relation to this, it was demonstrated that significant economic differences between the five Central Asian states could influence the development and significance of informal political and social networks such as clans. Junisbai and Junisbai (2005) offer an argument that is consonant with the one presented here: as a result of economic prosperity, both the extent and intensity of clan influence in society has declined. Given that the primary function of clans is to improve the economic well-being of their members under difficult economic conditions (Collins, 2003), at times of economic growth and prosperity, the significance of clans may decline or even disappear. Therefore, Collins (2003) argued, clans were stronger in Kyrgyzstan, Tajikistan and Uzbekistan, whose economies in the early 2000s were weak and in decline. By this logic, clans in these countries can be expected still to have a strong influence on social behaviour, as these economies continue to be weak. By contrast, the rise of energy, banking, real estate and

construction sectors in Kazakhstan have transformed the country into the region's most powerful economic actor and indicate the presence of conditions that are consistent with a declining the role of clans (Junisbai & Junisbai, 2005; Junisbai, 2010). In any case, if the economic context is different, then analysis of recent empirical data is necessary to identify if clans were present in Kazakhstan and what effect their absence or presence has had on drug-trafficking.

There is no doubt that the specific differences between Central Asian states can explain why the five states' drug trafficking trajectories have not been identical. This general idea is not new. Abdirov (1999) argues that despite many similarities of the drug-related situation across the territory of the Commonwealth of Independent States, specific and quite-significant differences in each country explain variations in the volume of drugs trafficked, organisation of criminal enterprises, and roles of the state in facilitating or hindering such trade. Curtis (2002) suggests that these variations are related mostly to the level of economic development and the degree of political stability in a particular Central Asian state. These hypotheses are intuitively reasonable and worthy of subjecting to rigorous empirical testing.

No one would deny the tremendous influence of the degree of economic development on a state's capacity to respond to drug trafficking. Given the tremendous range of economic conditions in Central Asia, discussing the influence of economic factors on the questions of interest seems to be reasonable. Kyrgyzstan, for example, lacks the rich energy resources of some of its neighbours. Therefore, as a result of poverty and the devastating overall economic situation, it seems reasonable to imagine that many people there are easily recruited by drug traffickers in Kyrgyzstan, as suggested by Radio Free Europe (2013).

By contrast, Cornell and Spector (2002) point to the relevance of Kazakhstan's markedly higher standard of living and suggest that differences in urban-rural distribution might help to explain variations among Central Asian states regarding a wide variety of social phenomena. Empirically, they hit the nail on the head: even by 2002 (during the most challenging period of transition from the USSR) most of Kazakhstan's population lived in cities, while two-thirds of the population of Kyrgyzstan and Tajikistan lived in the countryside (Cornell and Spector, 2002). Thus, they conclude, it is possible that as a result of higher living standards, incentives for participation in drug trafficking in Kazakhstan were lower.

This short overview of academic debate regarding drug trafficking has identified two important research problems. Whereas some authors seem to be convinced that drug trafficking and terrorism are interrelated, others maintain that these are largely separate phenomena. At the same time, many sources limit the

analysis of drug trafficking in Central Asia to regional factors, and thus ignore domestic factors in each Central Asian state, which leads to a loss of considerable explanatory power. After all, each of these countries has its own domestic political context as well as domestic policy priorities in many areas including energy policy, law enforcement, natural resources and these areas, as well as priorities in them, can be different in each of the Central Asian states. Therefore, the condition of drug trafficking in each Central Asian country might be different as well.

The present work fits comfortably within this epistemological perspective. In this thesis, I am going to discuss the issues of drug trafficking in Kazakhstan. The central aim of this research is to conduct a qualitative research with a focus on local Kazakhstani aspects of drug trafficking. Thus, the following questions will be asked.

- What is the role of Kazakhstan in drug trafficking?
- Who is trafficking drugs through Kazakhstani territory? How? Why?
- What is the nature of such networks and are these networks structured?
- How does Kazakhstan's criminal justice system deal with drug trafficking?
- What is the role of police corruption in drug trafficking in Kazakhstan?
- How is the government reacting to corruption?

First, however, some background information will be provided, in order to provide a theoretical context and demonstrate the theoretical and empirical significance of the present work.

1.1 Background Information on Kazakhstan

The Republic of Kazakhstan gained its independence in 1991 as a result of the USSR collapse. Not surprisingly, as a result of such a long intertwinement with Russia, many similarities emerged and have shaped domestic factors such as ethnic structure, language, political structure and relevance and role of local traditions. After the Soviet collapse, independent Kazakhstan became the ninth-largest country in the world (Brown, 1998: 929). The total land boundary sums to 13,364 km, including 1,765 km shared with China, 1,212 km with Kyrgyzstan, 2,330 with Uzbekistan, 413 km with Turkmenistan and 7,644 km with Russia (Central Intelligence Agency, n.d.). Such a strategic location and vast amounts of natural resources made it an attractive target for all of its neighbours (Brown, 1998: 929).

Russian colonization started in the eighteenth century, and various Kazakh tribes established formally subservient positions with the Russian Empire in exchange for support against the last wave of Mongol invaders. Taking advantage of these traumatic events, Russia annexed the entire territory in the 1850s. Shortly after, traditionally nomadic Kazakhs were forced into a sedentarisation process under

a policy directed from Saint Petersburg. At the same time, the Tsars encouraged massive immigration into Kazakhstani territory. In fact, by 1917 approximately 1.5 million Russian settlers were residing in Kazakhstan in comparison with only 400 000 Russians living in the rest of Central Asia (Brown, 1998, pp. 917–920). Soviets have encouraged immigration even further and in 1930 Kazakhstan was accepting violently transferred Poles and Koreans, and later on Germans in 1940. The earlier migration waves have been associated with a significant decline in the standard of living for many Kazakhs, who responded by repeatedly revolting against Russian domination. Russia's reactions to revolts were normally quite despotic (Brown, 1998: 924).

Under Joseph Stalin, mandatory collectivization led to mass starvation, local traditions were eradicated and the Russian language became the new lingua franca. The command economy was introduced without proper preparation, and partly defined the economic structure of post-independence Kazakhstan. (Brown, 1998: 911–917).

By this time, ethnic Kazakhs were a minority in their own country, comprising approximately 40% of the population. Russians were the dominant ethnic group, especially in more industrially developed northern Kazakhstan. In this sense, complete cultural and political independence from Russia was a less desirable option for the Kazakhstani government, rather than peace maintenance between the country's culturally and linguistically diverse northern and southern regions. The mere fact of economic dependence from Russia during the 1990s conditioned future political relationships between the two countries, despite the intense suffering experienced by Kazakhs during the Soviet period (Hale, 2009).

During Soviet times, Kazakhstan was economically exploited by Moscow, as was the rest of Central Asia. Kazakhstan was mostly considered as a source of food supplies and natural resources. In 1949, the Soviet government conducted the first of about 500 nuclear tests that took place at Semipalatinsk, between 1949 and 1989. While the above narrative suggests that Kazakhstan had every reason to flee from the USSR at the earliest opportunity, it was the last Soviet republic to declare its independence, which it did in December 1991 (Brown, 1998: 928).

As Brown (1998) further explains, independent Kazakhstan found that Russia had taken what it could of Kazakhstan's industrial infrastructure, leaving behind a weakened market and dramatically reduced industrial potential. Russia's strategy at this time was even more extractive than it had been during the Soviet era, when resources from strong Republics like Kazakhstan were distributed throughout the Union in the way Moscow's economic commanders saw fit. Despite these challenges, Kazakhstan entered its Independence period in better shape than many

other republics, because its power as a grain producer was essentially impossible for Russia to extract. After the virgin land scheme was introduced, Kazakhstan became the sixth-largest grain and bread producer in the world (Brown, 1998: 937–939; 958). In such circumstances, strengthening Kazakh ideology was in conflict with economic needs dictating to raise importance of foreign languages and implementation of consumer economy instead of family ties and traditional tribal subdivisions perseverance (Brown, 1998: 930). “Kazakhstan’s early post-Soviet economic policy was influenced by the economic trends in Russia and was concerned mainly with maintaining close economic ties with its former patron. Similar to Russia, Nazarbayev’s reform and destatification agenda included price liberalisation, liberalisation of the consumer market more generally, a privatization programme, and the reconstruction of the country’s economic infrastructure” (Isaacs, 2010: 11).

Today Kazakhstan is one of the biggest oil exporters in the world. It became a major trading partner in energy resource trade with the USA, China, Russia, the UK and the EU. It is worth noting that Kazakhstan’s political elite has been known for being interested in the maintenance of a favourable investment climate and economic growth (Siegel and Turlubekova, 2019).

Kazakhstan’s budget has benefitted tremendously from the constant inflow of cash as a result of trade in oil, gas, copper and other natural resources. Foreign direct investment has also benefitted both the state and the general economy: between 1993–2002, ExxonMobil, ChevronTexaco, and TotalFinaElf, LG Electronics. Russia’s Lukoil and other multinational companies combined to invest some \$23,008.7 m in the country (Kazakhstan Business Magazine, 2003).

In this regard, two aspects deserve particular attention: the role of political will of former president Nazarbayev, who held top political positions even before Kazakhstan gained its independence; and the importance of resources trade, which has conditioned the seriousness of the government’s position on anti-corruption.

As Isaacs highlights (2010), president Nursultan Nazarbayev’s role is central to understanding the Kazakhstani political context. Central the nation-rebuilding process after the USSR’s collapse and subsequent national transition, Nursultan Nazarbayev is deeply respected for his ability to maintain national integrity, avoid serious ethnic conflicts, create economic prosperity and achieve international legitimacy. Many in Kazakhstan call him the father of the Kazakh nation. It is worth noting that Nursultan Nazarbayev enjoyed more domestic popularity than his Central Asian counterparts, and even though the population in his own country believes that corruption may be out of hand, this charge never extends to the President’s Office, which is described as the least corrupt institution in the country.

More importantly, the public supported Nazarbayev’s efforts to prioritise the country’s economic development, and understood that economic success required a multi-vectoral foreign policy and enhanced international legitimacy (Isaacs, 2010). This background provides the necessary context for the understanding of corruption, and anti-corruption efforts, in Kazakhstan.

The importance of anti-corruption measures has been emphasised in ‘Kazakhstan 2050’, the national development strategy in which the creation of a stable and non-corrupt political climate is a main priority. The main, broader, goal of the strategy is the successful implementation of economic social and political reforms that are intended to strengthen Kazakhstan’s long-term development (Nazarbayev, 2012). Today, most anti-corruption measures are performed in line with the Anti-Corruption Strategy adopted in 2015. On paper, this strategy covers all state and quasi-state bodies and seeks not only to weed out corrupt individuals, but also to create a strong anti-corruption culture. Besides that, a separate legal act ‘On combating corruption’ in November 2015 was created (Agency of the Republic of Kazakhstan for Public Service and Anti-corruption, 2018).

The presence of the massive resource wealth brought serious risks to independent Kazakhstan. In this regard, political elites had initiated national rebuilding policies that were used as a defence strategy against potential territorial disputes with its densely populated neighbours (Brown, 1998). It is worth noting that the mere fact of implementation of nation-rebuilding policies already demonstrates the weakness of traditional Kazakh culture, especially in the northern region, which is more densely populated with members of a variety of ethnic groups. In other words, the northern part of country was already too ‘Russian-like’ in comparison to the rest of the country and therefore had to be socially and linguistically taught how to be Kazakhstani again after more than three centuries of Russian/Soviet influence.

The relationships with Russia should be discussed in greater detail. According to Aliyev (2016), Russia has two main foreign policy priorities in the reconstruction of the relationship between Central Asian states and establishing Russian leadership over them. Moreover, Russia continues to protect its domination over security policies in Kazakhstan by educating Kazakhstan’s security personnel in Russian universities. Besides that, Russia has seven huge military bases in Kazakhstan, covering a total area of 11 million hectares and are critical to Russia’s military projection into Central Asia and beyond (Aliyev, 2016: 2). In other words, Russia remains very sensitive towards its relationship with Kazakhstan which manifests in the presence of these military bases which Moscow and Astana intend to use in case of any threat to the sovereignty of their countries (Aliyev, 2016).

A few other aspects of the Russia–Kazakhstan security relationship seem to deserve the reader's attention. According to Lefebvre and McDermott (2008), Kazakhstan is the most stable political regime in the region. The country tends to balance Russian and American influence. The CIA has developed some interests in the area, but the potential for more comprehensive development in this direction is limited, due to Russian objections. There are structural reasons for this. During Soviet times, each Republic maintained a KGB was headquarters that was strictly controlled from Moscow, yet maintained its own, highly centralised institutional culture. After the Soviet dissolution, a large number of KGB-trained officers remained in intelligence agencies in Kazakhstan, and the agencies themselves continued to be conditioned by institutional culture, which remained. While the post-independence institution was renamed 'KNB' (Komitet Natsional'noy Bezopasnosti, The Committee of National Security) and was subjected to a number of reforms, key aspects of the hierarchical design and institutional culture remain. The KNB Chairman is still a member of the President's Security Council, and this position is filled via Presidential appointment and reports directly to the President. President Nazarbayev's Strategy 2030 indicated that national security is the country's top first long-term priority (Lefebvre and McDermott, 2008), and one can thus expect that the KNB will continue to play a substantial role while that priority is pursued.

The KNB institutional culture is far from Kazakhstan's only Soviet legacy. The country also has inherited Soviet-style policing and standard operating procedures. The police services are massive, even in comparison with the country's formidable military forces. Although the exact size of Kazakhstan's military capabilities is classified, some sources have attempted to estimate its extent. According to their data, the numerical force of the Ministry of Internal Affairs is more than 120 000 people, while the army size is approximately 74500 people in 2016 (Factum, n.d.).

In 2006, according to Lefebvre and McDermott (2008), the Russian Intelligence services cooperated more closely with their Kazakhstan counterparts than with the intelligence services of any other state. More importantly, the Tashkent treaty, which was signed under the pretence of addressing Islamist Threats in Central Asia, provides a legal foundation for the deployment of Russian armed forces on the territories of state signatory states, including Kazakhstan. In other words, Russia turned the discussion of terroristic threats to its own advantage and used it as an excuse to strengthen security cooperation and its influence in Central Asia (Lefebvre & McDermott, 2008).

1.2 Relevance of the Research

In terms of academic relevance, this research project breaks with recent scholarly tradition by dissociating issues related to drug trafficking from those related to terrorism. Instead, drug trafficking will be assessed on its own terms. It will be

taken as a separate phenomenon and analysed in its specific context, in order to explain the relationship between macro and micro factors that affect it. The structure and relationship between people involved in drug trafficking networks in Kazakhstan will be addressed specifically and in great detail.

The methodology deployed here enables this work to address many interesting questions that the existing literature has ignored because reliable and relevant data was inaccessible. Behera (2013) highlights the problem of reliability of drug trafficking statistics, and the impact using faulty statistics can have on understanding drug trafficking. For example, while the UN reported a decline in drug trafficking in 2004, it noted that its estimates might be inaccurate due to the secretive nature of organised crime as well as a low degree of reliability of national-report-based systems (Behera, 2013). De Danielli (2014) argues that so far, only quantitative data about the drug trade in Central Asia was available, and this data was unreliable because politicians and law enforcement often manipulated such statistics. Therefore, the reliability and validity of drug-related data were highly problematic. No major trial on drug mafia took place in Central Asia until 2014. Given that, trial transcripts usually are the primary source of information on drug mafias, evidence-based studies in Central Asia were the rare occasion (De Danielli, 2014). Therefore, there is a need to conduct a qualitative research project focused on micro-level aspects of drug trafficking. Such research might fill in a significant gap in criminology, corruption and security studies.

The lack of solid empirical data in drug-related research in Central Asia has been discussed in the literature. Actual addiction rates in Central Asia were not known due to inadequate measuring mechanisms (Cornell, 2005). So far, according to De Danielli (2011) quantitative data from governments was the only available source of information about the drug trade in Central Asia, but politicians and law enforcement can manipulate these statistics. Therefore, it was nearly impossible to verify the reliability and validity of drug-related data. Scholars of drug trafficking in South America have benefitted from data that emerged from the transcripts of legal proceedings related to drug lords. However, no drug mafia trial took place in Central Asia before 2011. For these reasons, evidence-based studies in Central Asia were the rare occasion (De Danielli, 2011). It is worth noting, however, that as a result of anti-corruption measures, some criminal trials against corrupt police who had provided protection to drug entrepreneurs were widely discussed in mass media and demonstrated public interest in research on drug trafficking in the region as it will be discussed in the methodology chapter and throughout the dissertation.

This research is also policy-relevant. The central focus of this research is placed on heroin and marijuana distribution in order to demonstrate how state enforcement measures affect local drug markets as well as relationships between corrupt police

on regional levels. In addition to these drugs, both the production and distribution of synthetic narcotics have grown dramatically in recent years. The dynamics of these activities, and the way the Government of Kazakhstan has approached them, vary considerably from those as related to heroin and marijuana. The research framework introduced here is capable of yielding powerful insights related to the trafficking and distribution of synthetic drugs, but the analytic narrative thus generated varies in every respect from that presented here. Hence, synthetics are excluded from the current research.

Nevertheless, this research discusses the structure and mechanism of the Criminal Justice System, as well as the effect of anti-corruption measures on the drug markets. Thus, it can become a good contribution to the evaluation of existing policies and possibly serve as a suggestion for improvement by future policymakers.

The social relevance of this research comes from its attempt to explain what kind of social relationships are at the heart of the drug trade in Kazakhstan. It is commonly known that Kazakhstan's geographic position makes it a key transit country for the trafficking of Afghan heroin to Russia. However, greater attention should be paid to how the country's social, political and economic situations have influenced the flow of heroin and cannabinoids. Some authors emphasise corruption and legal trade routes, as well as specific economic and political circumstances as factors at the heart of the Central Asian drug trade. Others emphasise the importance of ethnic background and membership in traditional criminal societies for drug trafficking, and still other convincing studies disagree. None of it is possible without reliance on social structures and these social structures are massively stereotypes in the existing literature sources. Thus, the primary importance is to melt these stereotypes and perhaps walk one step closer toward an understanding of what should be changed in order to reduce the harmful effects of the global drug industries.

1.3 Structure of the Thesis

Immediately following this introduction, Chapter Two will present a discussion of the theoretical aspects that inform the interpretation of collected empirical data in the chapters that follow. Chapter Three will outline the methods used to pursue these questions. For now, these issues will be discussed using less rigorous, ordinary language.

Chapter Four assesses alternative and competing arguments. Notably, the importance of ethnicity will be shown to be lower than expected by many theoretical treatments of drug trafficking in Central Asia. Instead, a wide range of social relationships was utilised by drug entrepreneurs. Traditional criminal networks ('mafia organisations')

like the Vory v zakone are shown to have only limited roles, most notably arbitration and protection, which is sought by more active actors who wish to reduce the risks associated with their business, in Kazakhstani drug markets. Among other risk-reduction strategies, minimising information about dealers along with reliance on the personal relationships and evaluation of individual reputations is discussed.

Chapter Five addresses another important but ultimately secondary collection of explanatory factors: those related to the world beyond Kazakhstan's national borders. Analysis of macro factors that influence drug trafficking within Kazakhstan directs attention to the far greater complexity of the Central Asian and global political contexts. Geographic proximity to Russia as well as the strategic interests of foreign actors in the region are shown to have affected the way Central Asian governments perceive drug trafficking.

The basic insight that motivates the present work is the possibility that legal and institutional factors can define how and why Kazakhstan was fighting not only drug trafficking, but also drug-related corruption. Briefly, in this thesis I will argue that Kazakhstani law enforcement, even after the increased anti-corruption measures, remained insufficiently equipped, legally and institutionally, to fully address the relatively new threat of transnational crimes like drug trafficking. Even though corruption has been reduced, law enforcement remains heavily weighed down by Soviet institutional legacies that continue to affect the performance as well as the main goals of Kazakhstani law enforcement, even after 25 years of independence. This analysis of formal and informal institutional practices will be presented in Chapters Six and Seven.

The relationship between the interests of low and middle-level officials who participate in corrupt regional networks on the micro-level, and macro-level political will to address corruption and its effects on drug-related activities, will be discussed in detail in Chapter Six. Further, the interaction between Soviet legacies and institutional structures used to implement anti-corruption reforms will be evaluated.

Chapter Seven will provide an analysis of drug-related legislation and the structure of Kazakhstan's criminal justice system. The effect of the Soviet legacies on the drug-related law enforcement will be emphasised since the criminal justice system was burdened with them, rather than systemically corrupt. Moreover, significant economic growth of Kazakhstan allied the government to invest heavily in the fight against drug trafficking which has been recognised as a priority crime and national security priority. As a result, all government bodies are responsible for fighting drug crimes, either directly or by assisting specifically authorised agencies as they act against drug trafficking.

Chapter Eight concludes by summarising the research findings and placing them into a broader context. This context highlights that drug-trafficking situation in Kazakhstan was critically preconditioned by Kazakhstan's geographic location. Further, the interest of Great Powers and other international actors in Kazakhstan's drug situation has shaped the way the country has grappled with the issue by providing additional incentives for addressing drug trafficking and corruption. These incentives became a solid foundation for the implementation of anti-corruption and drug related legislation. However, for the more interesting details regarding how (and why) drug trafficking proceeds as it does, how it is connected to the domestic market, how (and why) various government institutions have responded as they have, one must probe more deeply into the domestic context. This is what this dissertation seeks to do.

Chapter Two

Conceptualising Drug Trafficking in Kazakhstan

2.1 Introduction

The complex context associated with drug trafficking demands nuanced answers, and the work of many scholars will be built upon as we proceed. Most importantly, the explanatory power of Paoli et al. (2009) and Thoumi's (2003) theoretical models is acknowledged. These works address variations in the drug manufacturing and trafficking tendencies across different producing, trafficking and consuming countries. Many aspects can be redirected toward questions of interest in this dissertation, especially the emphasis on the importance of understanding the social, political and economic contexts in the countries of interest. These theoretical aspects are discussed in connection to the central research question, on the role of drug trafficking in Kazakhstan.

Existing academic sources on drug trafficking in Kazakhstan reveal a significant amount of information and fascinating insights on the underlying reasons for drug trafficking in Central Asia, often with an emphasis on the Russia–Kazakhstan border and within Russia (Golunov & McDermott, 2005; Golunov, 2007; Paoli, 2001; Paoli, 2002; Weitz, 2006). Increased drug abuse in the region, routes, amounts and methods of drug trafficking, corruption of customs officials, the role of declined economies as well as the efficiency of border controls are widely discussed (Cornell, 2006; Curtis, 2002; Mohaparta, 2007; Latypov, 2009). Some authors have focused on the role of organised crime in drug trafficking (Nurgaliyev et al., 2014), but not on underlying reasons for the drug trade.

Generally, half of the analysed literature looks through the lens of security studies, leaving an impression that drug trafficking is conducted via some sort of global hierarchical network of drug lords who cooperate with each other and whose primary interest lies in funding terroristic activities (Behera, 2013; Cornell, 2005; De Danieli, 2014). Here, drug trafficking and terrorism are often analysed as inseparable phenomena. Additional issues, such as increased levels of addiction, petty crime and AIDS, and the exacerbation of corruption and decline of state legitimacy are acknowledged as dangers that often accompany drug trafficking (Cornell, 2005).

Nevertheless, these studies can leave their readers frustrated, because contextual factors are ignored or minimised. Among these factors, the position of international organisations and the effectiveness of their policies, the evolution of Russian foreign policy interests and Russia's relationship with Western countries, and high variation in economic development among Central Asian states, seemed to warrant additional attention.

Another shortcoming of the existing literature is that the majority of identified academic papers are not recent, and much of the argumentation depends on conditions that no longer exist. The situation in Afghanistan has changed significantly, as have Russian foreign policy interests, and the political climate in both Russia and Central Asia is more stable today than it has been at any point since the Soviet collapse. As a result of these and other local and global transformations, foreign policy priorities have changed for many political actors. As such, one could think about the global decline in the oil price, worsened relationship between Russia and the Western World, not to mention the anti-corruption measures undertaken in Kazakhstan, all of which appeared after the publication of much of the literature.

Some theoretical perspectives on organised crime seem irrelevant. For example, as Kleemans (2014) states, Alien Conspiracy Theory argues that organized crime, rather than being shaped by society, is instead imported by outsiders to threaten peaceful, open and democratic society. For example, when the Soviet Union collapsed, many European countries were afraid that Russian criminal groups would infiltrate them (Ibid). Considering the history of the Soviet Union and the fact that Vory v Zakone was born in the Gulag (Varese, 1998), part of which was located in Kazakhstan, the idea of migration and infiltration – a central premise of Alien Conspiracy theory – seems to be irrelevant. Similarly, The Situational Crime Approach seemed to be peripheral from the beginning as well. As Kleemans (2014) suggests, the Situation approach perceives organized crime as a set of preventable criminal events. However, this approach is seriously challenged by the idea that organized criminals might be more resourceful and less dependent on opportunity structures in time and space. Thus, this approach might not be relevant under all circumstances (Ibid). Situational crime prevention seems to be even less relevant in the peculiar institutional context of the Former Soviet Union, which will be discussed in the greater detail in the section 2.6.

This chapter engages with theoretical perspectives related to drug-trafficking in Central Asia. According to Slade and Light (2015), the vast majority of modern criminology departments are housed in North American and Western European universities, where scholars understandably are more interested in understanding conditions close to them. Equally understandably, these scholars of criminology

and criminal justice do not have access to post-Soviet data that can challenge their geographic bias. Therefore, the adoption of theories and concepts should be careful and, on some occasions, a considerable adaptation of some standard criminological theories or even development of entirely new concepts is required (Slade & Light, 2015). Moreover, when it comes to understanding organised crime, both theory and theoretical perspectives are underdeveloped (Kleemans, 2014).

The contribution of this chapter to criminological theory includes the incorporation of additional factors that influence the production and trafficking of opioids, including clearly specified aspects of political, economic, social, geographical and legal environments, drawing on the work of scholars from political science, security studies, law and anthropology. These enhancements enable the scholar to paint a nuanced picture of drug trafficking in Kazakhstan, as well as the fight against it.

In other words, in this thesis, a web of political, social, institutional and economic factors is used to explain the dynamics of drug trafficking in Kazakhstan. Arguments related to drug markets in Kazakhstan and the dynamics of the legal and institutional environments, notably the informal practices inherited from the Soviet Union, will be discussed. As expected by Thoumi (2003) the illegal industry will be shown to be flexible and adaptive to changing state policies. Still, this adaptation takes place in a specific context: historical, social, and cultural roots of the illegal drug industry; the roles of dynamic native cultures; violence; the way in which each country has participated in illegal industry. All of these have shaped the responses of this illegal industry to various policies, including adopting new routes, trafficking systems, markets and products (Thoumi, 2003). Special attention must be paid to these elements. Therefore, the post-Soviet context – including not only institutional legacies that have proven to remain a subtle and yet powerful force, but also far broader processes in the former Soviet Union – will be incorporated into the analysis, in an effort to understand and explain the role of massive political processes and their effect on phenomena of interest to criminologists (Slade and Light, 2015; Varese, 2001; Volkov, 2014).

2.2 Illegal Enterprise Theory

Theories related to the idea of a state–crime nexus, a theory that argues that pervasive drug trafficking in Central Asia is due largely to the involvement of high-level politicians in the drug business, has attracted considerable interest (Cornell, 2006; De Danieli, 2014; Jackson, 2006; Mohaparta, 2007). It is worth noting that many scholars remain sceptical; the paucity of supporting empirical data has been a target of criticism and, occasionally, a deeper analysis of empirical data has shown that actual outcomes have been the polar opposite of the theory-driven expectations (Cornell, 2006). In criminology as well, the bureaucracy model of

organised crime has been highly praised among the law enforcement and criminal justice actors, despite the wide range of phenomena within its theoretical gambit that it has failed to explain adequately (Kleemans, 2014). For example, data presented by Zaitch (2002a) demonstrates that cocaine business economic units tend to be small, very flexible (almost fluid) and of an ad hoc nature, all quite different from *'the cartel'* images that are common both in the academy and in mass media. Such cartel narratives are far from reality and some have argued that they are used mostly metaphorically to justify the 'fight against drug trafficking' (Zaitch, 2002: 524).

A similar disconnect between theory and empirical reality has manifested itself in scholarly communication about drug trafficking in Central Asia. Despite or perhaps due to the absence of reliable empirical data, many scholars have presented grand, theoretically consistent explanations of, for example, the assumed presence of large and hierarchical structures within drug enterprises, which were believed to be built on family-based networks, that is, clans (Cecarelli, 2007) and whose actions were facilitated by corrupt relationships with the highest echelons of political and economic power (Cecarelli, 2007; De Danieli, 2014; Mohaparta, 2007). However, except for a couple of articles (Curtis, 2002), scholarly works on drug trafficking in Central Asia fail to recognise that both organised crime and drug trafficking are adapting not only to political environments that vary from country to country (Junisbai, 2010; Junisbai & Junisbai, 2005), but also to a constantly changing global context that also can influence local drug markets. And constant change is not limited to the global context: the value of tribal and clan identity has been shown to decline with the rise of industrialisation and capitalism (Sharipova et al., 2019). Such a recognition of the possibly wide range of clan influences, and variation of this range over time and space, are logical aspects and must be included as important to the analysis.

Other scholars have blamed the Russian Mafia and ethnic communities for the increased trafficking of Afghan heroin through Central Asia (Curtis, 2002; Nurgaliyev et al., 2014), although others quickly pointed to data that shows a decline of the Russian mafia and describe this mafia as a one-generation phenomenon whose influence has declined as the situation in Russia has stabilised (Volkov, 2014). Indeed, trying to clarify the structure of drug markets in Kazakhstan is of utmost importance, especially if we assume the possibility that drug markets in each Central Asian state are not homogeneous and have been affected by different conditions in each country.

In relation to this, we could turn our attention to the criminologists who emphasise that globally, modern drug markets tend to be characterised by a more disorganised nature than had been believed, and the structure of modern drug enterprises

depends on the political, social and economic factors in a given country (Reuter, 1983; Paoli, 2002; Zaitch, 2002). More recent studies from criminology and legal anthropology have reached similar conclusions as they looked at post-Soviet law enforcement performance. These conclusions were reached after looking deeply into the same structures inherited from the former USSR, arguing that political and economic structures were indeed problematic, but actually less corrupt and pathological than expected (McCarthy, 2015; Kurkchiyan, 2003). There is no reason to expect that the conclusions regarding Kazakhstan will be absolutely identical, but these scholars point to variables that are relevant to the analysis.

The dominant 'mafia' image of organised crime theorising has some competition. The Theory of Illicit Enterprises, for example, highlights remarkable similarities between legal and illegal businesses. In this view, offenders are profit-oriented entrepreneurs and are driven by market forces, just like their legal counterparts (Kleemans, 2014). This theory borrows standard economic concepts in order to explain organised crime (Kleemans, 2013; Reuter, 1983; Duynne, 1993). The Illicit Enterprise Theory is based on economic analysis, which means that it presumes that it can be applied to all contexts where laws of supply and demand are relevant. Basically, illegality constraints emerge as a result of a given government's decision to criminalise trade in some commodity (Kleemans, 2014). As illegality constraints are imposed on heroin or marijuana trafficking, Illicit Enterprise Theory might yield valuable insights, even in a context as different as Kazakhstan.

Another challenge to the dominant theory is *Disorganized Crime*, in which Peter Reuter (1983) argues that the illegal status of products such as drugs creates incentives for structuring enterprises as small and local, and not the vertically structured transnational organisations featured in Hollywood movies. Non-enforceable contracts, the possibility of arrest and product seizure and lack of control over information flows play major roles in shaping the structure and dynamics of illegal markets, as do other, even broader factors (Reuter, 1983).

In her research on Russian drug markets, Paoli (2001) refers to concepts introduced in *Disorganized Crime*. Her research further suggests that the drug market is driven by the invisible hand of the market and is comprised of "a myriad of drug dealers who tend to operate alone or in small groups and often consume drugs themselves" (p. 1017). She supports the idea that actors in illegal markets operate under constant threat of arrest and confiscation of goods, due to the product's illegality. Yet she argues that it is essential to bear in mind that risk declines when state institutions are inefficient or corrupt. Still, drug entrepreneurs will structure their business in a way that minimises the risk of intervention, including minimising the amount of information that buyers know about sellers, and vice-versa (Paoli, 2001). When control over information is a priority, business segmentation seems to be an

effective strategy. There are thus few incentives to expand the illegal business, since internationalisation of functions increases operational risks. (Ibid.).

Paoli (2001) demonstrates that on some occasions, law enforcement places emphasis on the outliers: the very 'organised' drug trafficking and distribution operations. Police officers and other officials, reasonably generalising from their own experience, often describe drug trafficking networks as hierarchical, structural and large-scale enterprises. Even 'crew partnerships' that buy and sell milligrams of heroin were described as organised criminal networks as well. However, this picture is not supported by statistical data, which shows that such 'organised crime' is comprised of small groups of friends and family (Ibid.). Paoli (2001) also documents that half of drug 'trafficking' convicts were drug addicts who had to sell small amounts of drugs as intermediates or dealers in order to finance their addiction, which led to a greater level of risk-taking, exposure and eventual arrest. She thus demonstrates that none of the presented 'criminal societies' were consistent with the expectation of structured and stable criminal organisations (Ibid.). Thus, it is reasonable to conclude that post-Soviet law enforcement perceptions of highly hierarchical drug trafficking networks are inaccurate, and possibly based on law enforcement bias. In fact, several scholars have presented data that suggests the presence of a wide range of biases and informal practices in the post-Soviet criminal justice system. These insights will be discussed in a separate section.

2.3 Protection Theory

The Protection Theory of organized crime argues that a mafia manifests its control over specific territories or specific legal economic sectors. In essence, a Mafia controls such territories and sectors by acting as 'alternative governments' and making profits as a result of taking over two traditional state monopolies: taxation and use of violence (Kleemans, 2014, p.36). Varese and Campana (2018) highlight that this focus on governance enables a clear line to be drawn between providers of goods and services and suppliers of regulation. In particular,

Illegal governance includes protection against competition, enforcement of cartel agreements, settlement of disputes, labour racketeering, intimidation of workers and trade unionists for the benefit of employers, intimidation of lawful right-holders, protection against theft and police harassment, protection in relation to informally obtained credit and debt recovery, and protection against extortionists. (Varese&Campana, 2018: 1384)

The conditions in a given state play a crucial role in Mafia emergence and activities there. Diego Gambetta (1993) argues that a Mafia is a specific form of economic

enterprise that produces, promotes and sells private protection, protection for both illicit and licit economic transactions. That is to say, a Mafia provides a service that a given state is not able to provide (Gambetta, 1993). Varese (2014) explains that Mafias arise when a state is unable to provide quick and efficient mechanisms for dispute resolution. In such circumstances, the demand for protection generated by new property owners is satisfied with the supply of protection from people trained in violence (Ibid). Thus, the rise of the Mafia in Southern Italy, Japan and post-Soviet Russia was based on 'the lethal combination of a demand for the protection of property and property rights, the presence of a threat from banditry and disputes with other owners, low levels of trust, and supply of disbanded soldiers and unemployed field guards ready to offer protection' (Ibid.: 347). Similarly, Varese (2001) refers to the period of rapid transition in post-Soviet states as a recent example of rapidly changed and diminished state control, which conditioned the rise of Mafia groups. Here, Mafia groups stepped in and offered private protection that ensured continued licit and illicit economic transactions, as well as protection of property rights (Ibid.). It should be noted that restrictions imposed by the state provide the context not only for the emergence of a Mafia, but also for the conditions of illicit markets. Paoli (2003) emphasises that

all suppliers of illegal commodities are forced to operate under the constant threat of arrest and confiscation of their assets by law enforcement institutions. Participants in criminal trades will thus try to organise their activities in such a way as to assure that the risk of police detection is minimised... when they deal in drugs or other illegal commodities, they do not operate as monolithic productive and commercial units. (Ibid.: 225).

Thus, it can be assumed that when a state can re-establish effective controls, Mafia groups will also become subjected to illegality constraints even on the illegal markets.

According to Varese (2017: 51), the state is the most common and the most developed institutional structure for providing governance to those who have assets and are willing to exchange them. Thus, the governance services offered by organized crime and mafia groups compete with those provided by existing states (Ibid.) Concerning this, Shortland and Varese (2014) emphasise that authorities that derive significant income from legitimate trade are more likely to engage in counter-organized crime activities in order to retain control of 'taxation' revenues. Mafia history offers examples of legitimate states that have forced a Mafia to change its behaviour significantly. Further, 'when taxation from trade is more profitable than taxation from crime, local elites stop supporting widespread criminality' (Shortland and Varese, 2014: 760). Efficient state measures can push corrupt officials out of profitable markets, as happened in nineteenth-century

America when successful anti-corruption measures removed police protection from black markets (Varese, 2014).

2.4 Social Factors

In order to understand the importance of the broader context that can affect drug trafficking, it is important to discuss the role of social factors. Kleemans and De Poot (2008) argue that “local social context, where legal and illegal are often interwoven, also offers opportunities to operate in a grey area” (Ibid: 87). Therefore, analysis of drug trafficking networks should include an understanding of how and why personal relationships can affect organised crime.

According to Kleemans (2014), the concept of “embeddedness” developed by Granovetter (1985) means that problems of distrust in legal economic activities are resolved through networks of personal relationships. Many other sociologists and criminologists have also identified the importance of friends, family, colleagues, lovers, acquaintance for organised crime (Kleemans, 2014; Kleemans & van de Boot, 2008; van de Bunt et al., 2014). Kleemans (2013) emphasises that the product illegality demands a greater degree of trust. Therefore, entrepreneurs who are able to develop such relationships and bridge structural, geographic and ethnic holes gain a strategic advantage. These connections are usually made through the strong bonds of family and other social bonds (Kleemans, 2013). Thus, it is possible that drug trafficking networks utilize the whole range of social relationships.

Paoli et al. (2009) develop the concept of ‘relational capital’ (stock of existing relationships and connections of traffickers), which they argue is used by successful trafficking organisations to acquire specific expertise. Both relational capital and specific expertise allow them to function more effectively than competitors in other countries and on routes where these skills are needed but absent in competitor organisations. Also, the established national industry creates barriers for newcomers and reinforces market segmentation (Paoli et al., 2009; Kleemans, 2013). Thus, the availability of specific connections among actors operating in drug trafficking can be understood as a form of relational capital available to shifting subsets of actors and, therefore, an important aspect of the market as well (Paoli, et al., 2009).

As for the role of other social ties, Van de Bunt et al. (2014) argue that use of kinship, family and locality ties can be pragmatic and ‘instrumental,’ as it is in Colombia, but it could also possess a stronger ethnic component, like tribal affiliation in Nigeria. Their research indicates that organised criminal organisations could be either inter-ethnic or intra-ethnic, but the competitive advantage belongs to the groups with access to and the ability to use international contacts. This idea builds on social embeddedness theory, arguing that organised crime can be embedded

not only into occupations but also into gender relations and ethnic minorities. (van de Bunt et al., 2014)

Professional relationships are also important. Kleemans and De Poot (2008) argue that shared working relationships and leisure activities might determine who gets a chance to participate in illicit activities and share the significant profits associated with them, and when this chance might present itself. The lines between legality and illegality are crossed by social ties for many people involved in organised crime. In other words, ‘social opportunity structure’ gives access to profitable criminal activities (Kleemans & De Poot, 2008). Work and professional contacts can be important for two reasons. First, people might either find a job through their social contacts or develop existing professional relations into closer social relations. Second, offenders might inform each other about the professional expertise of community members and facilitate contacts between them. Thus, there can be a direct relationship between legal and illegal activities (Kleemans and De Poot, 2008; Koenraadt, 2018).

The exploitation of personal relationships by heroin dealers is also highlighted by Moore (1977), who argues that recruitment of employees from relatives, lovers and friends can be a reliable strategy for heroin dealers. He also notes that these are the safest people to recruit and, once recruited, it is easier for the dealer to create a dependency relationship with them, so over time, as a result of the personal relationship, a given dealer can enjoy monopolistic advantage within this group (Moore, 1977).

The importance of personal relationships in organised crime has been widely discussed. In this thesis, the importance of the whole range of social relationships for drug trafficking will be discussed. Social relationships might condition the relationship between actors, including the degree of trust between them. Thus, it seems to be reasonable to identify how the capital of social relations of actors involved in drug trafficking was affecting the structure of drug distributing and trafficking enterprises that they created. Besides that, it also seems to be reasonable to analyse how the social contexts they operated within was affecting the whole range of drug trafficking operations and processes related to it.

2.5 Corruption

It goes without saying that many scholars point to corruption as one of the key reasons for the emergence of organised crime and drug trafficking. Some have argued that corrupt officials or even entire governments can create favourable conditions for drug trafficking (Behera, 2013; Cornell, 2006). In fact, countries that have weak central governments and suffer widespread corruption are the most vulnerable to the development of illicit drug industries (Thoumi, 2003).

There is an important aspect to point attention towards in the latter theoretical claim. It follows from Thoumi's (2003) suggestion that, at least analytically, government strength might have an effect on the forms of corruption that could be developed. Different forms of corruption are likely also have different effects on all aspects of organised crime. After all, as demonstrated in Paoli et al. (2014), organised crime can take many forms, sizes and degrees of specialisation.

As Thoumi (2003) urges, corruption is frequently associated with drug trafficking, but there are several problems with using corruption-related arguments to explain trafficking. First of all, a corruption narrative can be beneficial for the politicians who are unwilling or unable to identify the deeper reasons that condition drug-trafficking, much less to address them. The unsatisfactory results of unrealistic policies are then attributed to the 'lack of political will' 'corruption', or similar reasons, but not to the presence of social value constraints that make such policy goals unrealistic even if the 'government is committed, has political will, and is not corrupt' (Thoumi, 2003: 76).

The relationship between organised crime and corruption can take many forms, which is why Passas (2003) urges scholars to refrain from theoretical expectations, ideological speculation and simplification of the relationship between legal and illegal actors in cross-border crimes. He demonstrates that the relationship between legal and illegal actors can be antithetical as well as symbiotic. Each of these categories includes several subtypes of relationships between legal and illegal actors. Antithetic was mostly related to the competition between legal and illegal actors, while collaboration and mutual benefits for both actors (Passas, 2003). Therefore, existing theories on the relationships among drug-traffickers should be open to deeper and more detailed explanations of various forms of corruption, and the effect each form contributes to the broader context. Understanding how the rest of the context would respond to the consequences of the persuasive degrees of corruption also seems to have significant analytical value.

In post-Soviet Russia, as argued by Gilinskiy (2006), the role of corruption has a huge analytical role due to its capacity to control illicit markets. Corruption is a tremendous barrier for legitimate businesses, but it is an entry point for criminal organisations. Organised crime can infiltrate local business, government and every power structure, and eventually might take control over an entire economy and even dictate state policies. Perhaps more importantly, society itself decides which actions are recognised as corrupt, and under what circumstances. However, it is not only the law that specifies what corruption is, but also how the officials interpret their behaviour and the decision making of the people holding the positions of power. Therefore, corruption becomes possible and acceptable when it is considered to be acceptable by actors (Gilinskiy, 2006). The arguments developed by Gilinskiy point in

the direction of understanding the role, influence and limits of corruption. After all, the opportunity to develop a working relationship with corrupt government officials can be perceived as a favourable condition, but is this really the sole reason for the development and flourishing of drug trafficking in certain countries?

Thoumi (2003) points to another limitation to using the idea of corruption to understand drug-trafficking: there is no common agreement on the definition of corruption, and some behaviours that could be defined as corrupt are perfectly normal in other environments. Corruption, like drug trafficking, is difficult to measure and establish. It is a multidimensional phenomenon and different types of corruption have different effects on drug trafficking. Corruption and drug-trafficking may be mutually reinforcing, since corrupt government officials may enhance conditions for drug trafficking, which provides more resources that drug traffickers can use to induce additional government officials to become corrupt. But most importantly, drug trafficking and corruption are symptomatic of deeper problems: both arise under conditions of weakened social controls on behaviour (Thoumi, 2003).

Moreover, as Varese (2000) argues, persuasive forms of corruption have an effect on a society's belief system. Such beliefs might justify corrupt behaviour by interpreting corrupt acts as normal and acceptable behaviour that has existed since the beginning of time. Therefore, those who fight it might be viewed with suspicion, and might be condemned on the grounds that their charges of corruption constitute a veiled pursuit of interest, rather than of broader social interests (Varese, 2000). Such an aspect can have a tremendous influence, especially in countries undergoing anti-corruption reforms.

Finally, pervasive forms of corruption are often criticised by the international community and some governments are receiving aid to overcome it. Lubin (2003) suggests, for example, that supporting the enforcement of new anti-corruption laws in Central Asia lies at the heart of the international counter-narcotics efforts. Indeed, in the late '90s, huge profits from the Central Asian drug trade are said to have been generously shared with local law enforcement (Ibid.). However, extreme forms of corruption can be dangerous to tolerate over long periods of time and therefore some Central Asian governments have expressed concern about the association between drug trafficking and corruption in their countries. Even though these concerns were uneven among different Central Asian states, with the help of foreign donors, corruption has abated somewhat, and with this success, enforcement of drug laws has also become more effective (Ibid.: 51). Theoretically speaking, the latter example demonstrates that the corruption rate is also a dynamic factor. Getting to the heart of this dynamism, though, is almost a philosophical question.

The discussion of theoretical arguments associated with the role of corruption in drug trafficking presented above adds more questions than answers. However, it does suggest that corruption is a complex phenomenon, a phenomenon that is closely linked to the broader social, political and economic context and, therefore, other contextual factors and their potential influence on drug trafficking will be discussed in the following sections. The next section will specifically focus on the role of the economy.

2.6 Economy

The degree of economic development might have an influence on actors and their intentions to participate in either corrupt practices or drug trafficking. For example, the condition of the legitimate economy can also influence the conditions for drug trafficking. For this reason, variations in economic development and its associated influence on the relationship between the political system and drug trafficking will be discussed in this section.

While challenging economic conditions play a huge role in the development of drug trafficking, these organisations, once established, take on a life of their own and exert an independent influence on both the legitimate economy and the government. Following Paoli et al. (2009), opiates production in lax-enforcement² countries can grow to the point that it harms legal economic activities and distorts the state-building process. When a large number of government officials profit from illegal trade and acquire a personal interest in it, not only can effective enforcement of anti-trafficking laws be blocked, but also other difficulties associated with building more authoritative and effective state structures can arise (Paoli et al., 2009).

However, profits generated from the drug business alone are insufficient for the developments of the illegal industry because non-economic factors can determine the reasons why a country produces and traffics drugs (Thoumi 2003). Poverty, inequality, economic crises and corruption play only the role of latent causes that may trigger the development of illegal drug industry, and only when social institutions and values to the degree when the governmental, societal and internalised constraints on individual behaviour have lost their power. Profits can explain why some individuals become involved in the drug business, but this explanation becomes less compelling when it comes to the question of why some countries traffick drugs and others do not. The skills associated with the illicit drug industries are more useful in institutional environments that favour the drug industry; the physical factors that favour production are less relevant. In many cases, the contribution of such skills is harmful to economic growth because they

increase business risks and security expenditure of a state. The value of such skills can be either enhanced or destroyed by legal changes (Thoumi, 2003). Thus, the primary role belongs to the institutional environment that governs economic processes, including drug trafficking. Even if a country has strong economic policy formulation and implementation, it is vulnerable to the development of illicit drug industries if it is weak in its ability to control national territories and provide effective policing, legal, and judiciary systems to protect property rights and solve conflicts (Ibid.: 274). In other words, while the condition of the national economy is important for the development of the opiates industry, other more important factors are involved.

To assist our understanding of the role of the state, and probably the condition of its institutions, Paoli et al. (2009) have much to offer. The strictness of opiates prohibition enforcement by a given state (degree of effective illegality to which opiates trafficking, as well as drug trafficking,) is the single most important factor shaping the organisation of illicit opiates market in a given country and behaviour of its market participants. The degree of effective illegality also affects the legitimacy of illicit activities, their impact on broader society and even the state itself. Moreover, strict enforcement has an effect of broader societal conditions such as the authority of the state. However, such societal conditions determine the degree of enforcement. Generally, the strictness of enforcement is closely linked with state stability, its effectiveness as well as legitimacy which will be relied on while enforcement of the international opiates prohibition legislation. Regardless of their intentions, resourceless and weak leaders with low popular support will not be able to enforce opiates prohibition. (Paoli et al., 2009, pp. 228–229).

Thus, the role of institutional machinery in the emergence as well as the fight against drug trafficking seems to be of utmost importance and therefore has to be discussed in greater detail.

2.7 Institutions and Drug Trafficking

Traditionally, according to Thoumi (2003) reasons such as poverty, violence, inequality, economic crisis and corruption are presented as the main reasons for the development of drug trafficking. However, even though these factors are frequently mentioned, the causes of the development of illegal drug industries can best be found elsewhere. This does not mean that these factors do not contribute to drug trafficking; it means that they are not the determining factors (Thoumi, 2003). As alluded to at the end of the previous section, the factors with the greatest effect on the extent and quality of drug trafficking are institutional, broadly understood. This starting point is in line with Windle (2016), who argues that drug production is most extensive in weak and stable states. Moreover, high- and middle-level corruption is also connected to institutional effectiveness (Ibid.).

² Definitions of lax-enforcement countries and strict-enforcement countries are discussed in section 2.7.

Drug-related violence can have institutional roots. Thoumi's model indicates three constraints that can lead to more violent outcomes: weakly internalised individual behaviour constraints, weak social behaviour constraints, and the state's inability to enforce its own laws. Therefore, according to the model, "violence and illegal drug production are symptomatic of the same social problems and reflect each society's institutional structure and development. At the same time, because violence plays important roles within organised crime, the propensity to use it in solving conflicts is an important contributor to the concentration of the illicit drug industry in a country" (Thoumi, 2003: 281).

More importantly, Thoumi (2003) explains the likelihood that a society will have a competitive advantage in illegal economic activities is conditioned on three types of restrictions: restrictions imposed by state, those constrained by social institutions, and individuals' own, internally induced restrictions. State restrictions are determined by its ability to enforce its own laws on its own territory. Social restrictions are generated by social institutions and expressed in the form of punishment or sanctions on particular activities. Behavioural restrictions are constraints internalised by individuals (Thoumi, 2003: 265). Therefore, it is important to identify the institutional differences in countries that play important roles in altering the constraints on behaviour.

In addition, while Thoumi (2003) identifies profits as among important concepts, he also introduces other variables that play a more important role, such as social restrictions and attitudes related to crime, and the strength of internalised controls over the citizenry. In his framework, the level of punishment the state can apply, and social punishments, the effectiveness of social institutions and state enforcement of internal behavioural constraints on individuals are playing casual roles and considered to be institutional causes. Attitudes and perceptions towards drug problems are based on some basic societal values (Ibid.). Following the model, an environment characterised by institutions that do not impose behavioural controls and tolerate deviant behaviours contribute powerfully to the development of the illegal drug industry. Thus, this model puts an emphasis on the role and condition of institutional machinery and its evolution. Criminal activities respond not only to illegal profits, but also to a state's weakened behavioural controls (Ibid.). Thus, it is not only the condition of specific institutions that is important for analysis; the interaction between separate institutions as well as the process of their development can also have an effect on the inclination towards drug trafficking in a given state.

Societies with weak central governments and governments undergoing a modernisation process might be more vulnerable to the development of illegal drug industries in comparison to stronger states with stronger social controls (Thoumi,

2003). In general, state weakness varies both across countries and within a country over time. History and geography play the key role determining the level and type of international trade, the taxes for the central government (Thoumi, 2003: 266). Gilinskiy (2006) also emphasises that legal norms, especially criminal law and its enforcement, depend directly on a country's political regime. Thus, a country's political dynamics have a strong effect on the extent of anti-drug measures taken, but one must not forget that wider perceptions of drugs also play a role, especially when it comes to implementing policies. In a way, repressive anti-drug measures could be the product of wider perceptions of drugs, as well as of a country's political dynamics. Moreover, Thoumi (2003) argues that behavioural restrictions in authoritarian regimes reflect the ideology and values of authoritarian power, be it person, political power or religion. The legislation of behavioural controls can reflect religious beliefs as well as social and party ideologies because various institutions interact during the policy-making process. This process varies from country to country (Thoumi, 2003). Therefore, it is crucial to pay attention to the nature, the reasons for and the effect of massive political changes in our attempts to understand how drug trafficking manifests itself in a given country.

Both the strength and the architecture of existing institutions play important roles (Thoumi 2003). Weak state control over territory and limited state capacity to provide adequate conflict resolution and law enforcement could condition the emergence of drugs manufacturing and trafficking despite strong economic growth and political continuity. Thus, the illegal drugs industry flourishes in the environments of weak states, in communities where an individual sense of belonging is lacking, and where social institutions and other factors fail to bridge social capital across social groups (Thoumi, 2003).

The concept of institutional machinery, which is emphasised by Thoumi (2003), is of tremendous theoretical value. Formal and informal institutions have been proven to be critical aspects that enable and constrain political behaviour. Moreover, limiting analysis only to formal institutions is often insufficient, because informal institutions can influence the performance of formal institutions in important and unexpected ways (Helmke and Levitsky, 2004).

As Ledenova (2006) writes, "[u]nwritten rules exist in all societies, but predominate (and even become indispensable) in those where enforcement and formal and informal rules are not synchronised and do not constitute coherent rules of the game" (Ledenova, 2006: 7). Thus, the written and unwritten rules of enforcement must be included in the analysis, in order to fully understand potential causal factors, especially in regions like the former Soviet Union, where informal rules and expectations are known to compensate for drawbacks of the formal state machinery (Ledenova, 2006; Ledenova, 2013). Therefore, analysis of drug

trafficking in the context of formal as well as informal institutional frameworks seems to be reasonable, because these institutions might affect the state capacity to enforce the drug-related legislation. The importance of state enforcement in the fight against drug trafficking is discussed below.

Drug trafficking by no means operates in isolation from the broader context, especially in the countries of interest in this dissertation, as has been discussed in previous sections. Thus, I will try to synthesise the theoretical arguments related to peculiarities for post-Soviet countries and their criminal justice systems conditioned on their unique communist past. This will be done in order to include the arguments related to informal institutions and their effects on drug trafficking.

In fact, the post-communist political transition from communism has affected the crime rate in various ways (Kerezsi and Levay, 2008). The Soviet collapse caused tremendous social consequences for its former members. The dysfunctionality of post-Soviet legal systems shortly after collapse of the USSR partly conditioned emergence and rise of informal governance in the form of the Russian Mafia (Varese, 2001; Volkov, 2016). Moreover, in these circumstances, legal institutions were perceived as unreliable and people preferred the informal rules, norms and practices that had emerged during the Soviet times (Galligan & Kurkchiyan, 2003; Ledenova, 2006). Lotspeich (1995, quoted in Slade and Light, 2015) argues that crime is a product of specific transition, such as weakness in law enforcement, unclear regulation of economic activity, lack of property rights protection and decline in living standards. On the other hand, whether communism, capitalism or transition was to blame for the crime waves in the former Soviet Union, the region is still dealing with the legacies of the initial post-independence crime waves (Slade and Light, 2015). We will see that Soviet legacies, both formal and informal, embedded into Kazakhstan's criminal justice system have had a significant influence on the investigation and prosecution of drug trafficking. Therefore, it seems to be reasonable to discuss how such legacies can affect transnational crime and drug trafficking in particular. In a nutshell, the following theoretical claims emphasise the complexity of such systems and the importance of including details that at first might seem to be of lesser importance.

It could be argued that the theoretical paradigm on the criminology of transition is diminishing after two decades of post-Soviet development (Slade & Light, 2015). As a result of these developments, post-Soviet states ended up very different from each other, both in the incidence of crime and responses to it. Nevertheless, the study of the post-Soviet region might raise questions that could not only add nuance to western criminological questions, but also develop new conceptual frameworks (Slade and Light, 2015).

Further, Karstedt (2003) emphasises that, despite sharing common characteristics, the pathways of transition in post-communist states depend on the specific cultural, institutional and social traditions in a country. Thus, in the end, post-communist countries might be dealing with different strategic interactions and choices in the distribution of the ex-state economic assets and management of the socialist welfare institutions (Karstedt, 2003). Again, the theoretical discussion of the contextual factors comes back to the institutions of a given state, which, as we remember, can define the emergence and attributes of the drug industry and trafficking.

On the other hand, there are multiple ways the condition of institutional machinery and its efficiency can manifest itself. For example, according to MacFarlane (2003) the establishment of the rule of law depends on the character of state and society. Particularly, the "receptivity of population and elite towards a western political and legal agenda depends on the how this agenda relates to the indigenous normative structures (political culture) and leadership interest" (MacFarlane, 2003: 71). In other words, the performance of legal transnational acts as well as recommendations of foreign actors might depend on the local rules and conditions. Thus, as described by MacFarlane (2003), Soviet and post-Soviet legacies tend to undermine many legal reforms, because of the absence of the historical tradition of institutionalising civil society, judicial independence and democratic governance. In other words, Soviet legacies not only prevent the emergence of independent political and social associations, but support the continued use of courts and the law as arms of state power (Ibid.: 72–73). Analysis of these legacies can also contribute to an understanding of how transformative agendas, such as Kazakhstan's anti-corruption initiatives, have been implemented and if they could have any effect on drug trafficking.

It has been suggested that, due to the structure of the political system inherited by post-Soviet countries from the USSR, economic agendas are more likely to succeed than legal or political agendas (MacFarlane, 2003). These arguments are particularly relevant for the understanding of how and why enforcement of the transnational legislation against drug-trafficking was or was not taking place and if economic agendas were of any relevance to them. Understanding of this type of interaction between outside forces, be they transnational, foreign or international, and local factors associated with drug trafficking, might enhance the theoretical value of arguments emphasising the importance of governmental institutions by recognising that institutions are far more complex issues than they might seem at first sight. Including concepts such as Soviet legacies, informal political institutions and unwritten rules and norms as well as their influence (definitions of which will be discussed throughout this dissertation) into analysis might help establish the explanations of why and under what circumstances the performance of law enforcement is very far away from what it was expected.

In fact, according to Solomon (2018), the influence of regime on the criminal justice system is indeed evident and yet this relationship is not a simple one. In the end, cultures (legal and political) and traditions play a huge role in explaining the limited effect of reforms of legal institutions and law in the post-communist world (Solomon, 2018). “Communist, Soviet and colonial legacies of Russian rule can be expected to continue to heavily affect law enforcement in post-communist countries in the years to come” (Shelley, 1996 in Taylor, 2014: 128). Kotkin and Beissinger (2014) define a legacy as a “durable causal relationship between past institutions and policies on subsequent practices or beliefs, long beyond the life of the regimes, institutions, and policies that gave birth to them” (Ibid.: 7). Moreover, Eurasian communism thoroughly transformed the society, reordered social structures, and imposed analogous political and economic institutions throughout the region (Ibid.: 10). Therefore, it seems to be reasonable to discuss arguments related to the historical legacies of communism in other post-Soviet states. In Russia in particular, the law enforcement and criminal justice systems seemed to be analytically relevant for understanding the law enforcement performance in Kazakhstan. In other words, there is a possibility that these arguments might explain how the Kazakhstani criminal justice system combats drug trafficking. These arguments will enable a determination of whether the experience of other post-Soviet states’ modes of addressing transnational crime is relevant to the empirical data on the fight against drug trafficking in Kazakhstan.

Generally, it has been argued that post-Soviet criminal justice systems inherited Soviet models characterised as having a strong prosecutorial bias. In such systems, acquittals are statistical rarities and the main question at a trial is the degree of punishment. Such tendencies are present due to the dominance of investigators and the weakness of judges. Power relationships were embedded into the design of the Soviet criminal justice system, and have proven resistant to reform attempts in the post-Soviet era (Solomon, 2015). The presence of such tendencies can indeed affect the performance of the whole range of law enforcement agents and also the risks for the drug entrepreneurs, since the risk of imprisonment might be higher in states where criminal justice prioritises the number of people arrested more highly than the quality of criminal evidence collected.

Post-Soviet criminal justice can be full of contradictions, but these contradictions fit well the informal power map among criminal justice actors (Trochev, 2017). As in many non-democratic regimes, post-Soviet criminal justice systems can be severely criticised for torture, lack of judicial independence and corruption. However, such criticism is sometimes related to a significant and yet small share of all criminal cases in the state. The bigger picture shows that Kazakhstan’s criminal justice system has significantly reduced the prison population through amnesties, started to enforce policies that demand registration of all crimes, and now uses zero-

tolerance policing. However, the success of these legal reforms has been limited by Soviet legacies that in turn have affected which rule-of-law innovations have become embedded into the criminal justice system (Trochev, 2017, p. 107–110).

Similarly, Lauren McCarthy (2015) argues that while creating legislation against transnational crime in the post-Soviet context is a very important step, its implementation can face resistance. She demonstrates that legislation against transnational crime is layered on the existing informal and formal practices of the institutions responsible for implementation. These practices caused law enforcement agents to act in predictable ways thought out the whole criminal justice system and were partially conditioned in the Soviet legacies.

However, the question remains: why do these particular legacies matter? In fact, there are several types of legacies, and the relationship among fragmented legacies is most relevant in Kazakhstan’s case. Kotkin and Beissinger (2014: 12) have defined fragmentation as the creation of new units based on the fragments of old institutions and therefore very similar to the parent organisations. It can be even the same organisation functioning in a new circumstance. They analyse the KNB (*Komitet Natsional’noi Bezopasnosti* in Russian – National Security Committee) as a case study of such legacy relationships in post-communist space. After the collapse of the USSR, this agency was established as a KGB fragment, with almost the same staff, almost the same operational rules, almost the same organisational culture. The main difference between the two organisations was the change of a single letter. Everything else remained the same (Kotkin and Beissinger, 2014).

Some other factors which come from legacies can explain other tendencies associated with post-Soviet law enforcement. Generally, Russian law enforcement systems are characterised as corrupt and serving the needs of political elites and sometimes even organised criminals (Volkov, 2001; Varese 2001; Taylor 2011 in McCarthy, 2015). On the other hand, a focus on corruption can distract attention from the complex of factors that are behind such inefficient performance of law enforcement. McCarthy (2015) has demonstrated that even honest and dedicated police officers are restricted by the complexities of post-Soviet institutional machinery. The institutional machinery affects the behaviour of actors on two levels. First, the formal context – official rules and policies – of a given institution conditions the discretion of the agents functioning on the ground. Second, the informal context, which consists of routines and practices developed over time in order to increase the efficiency of the agency, also plays a significant role. Particularly, those informal rules have conditioned Russian law enforcement in a way that contradicts official state policy. It is worth noting that these institutional restrictions characterise not only the anti-human trafficking effort, but the entire criminal justice system (McCarthy, 2015).

The influence of the Soviet past is present not only within the governmental organisations, but also affects the mindset of the law enforcement agents. According to Hendley (2019), the heritage of Soviet socialism has affected the mindset of modern lawyers in post-Soviet countries. For example, criminal law students who joined state institutions tended to support state policies, were more comfortable with an authoritarian state, and were more distrustful of liberal democratic ideas. Such aspiring state lawyers tended to support state policies even when such policies were illegal (Ibid.). Moreover, Hendley (2019) emphasises that such pro-state bias was conditioned not only on the institutional context in which young lawyers learn, but such students entered those institutions with a strongly pro-state worldview. The pro-state attitude of law enforcement seems to be particularly interesting. At least, because it recognised that the mindset and opinions of state officials can change over time (Ibid.). Hence, the mindset of state officials is important since it can indeed affect their behaviour – be it corrupt actions facilitating drug enterprises or instead prosecuting drug entrepreneurs and other corrupt officials, especially in circumstances of serious political change such as anti-corruption measures.

Trochev and Slade (2019) have identified a number of Soviet legacies that remain dominant in Kazakhstan's criminal justice system, including pro-prosecutorial bias, quantitative measures of performance and loyalty to superiors, all of which remain deeply embedded into everyday practices and continue to resist attempts at reform. In addition to these, Kazakh society continues to display a lack of trust towards law enforcement bodies and an unwillingness to cooperate with them, both of which can be understood as Soviet legacies (Ibid.).

It is also worth noting that such complexities of the institutional structures can have a tremendous effect not only on the perception of legal institutions, but also on social relationships among people.

Kurkchiyan (2003) in particular has questioned the appropriateness of using Western standards and neglecting cultural and social aspects of post-Soviet societies when assessing the degree of lawlessness in the former USSR. The law in post-Soviet states is perceived with scepticism, despite the massive amount of legal reforms due to the negative perception of legal institutions inherited from the USSR. For decades, citizens of the USSR had to find their way in between the lines of unreasonable laws. This mindset remained after the Soviet collapse. Even decades after the transition, such cynicism towards the law has been refined and even advanced in the circumstances of extreme policy changes, economic uncertainty and bewildering legislation. This cynicism has resulted in creating the negative myths that law serves the interest of the minority, incapability to provide justice and created behaviour expecting the legal failure (Ibid.). The lesson

for the present work is the need to pay particular attention to the experiences of the law enforcement agents as well as drug entrepreneurs, since their opinions, perceptions and interpretations of events and experiences can also be affected by 'against-state' bias – which is also a Soviet legacy, in a way.

People in post-Soviet societies act this way, despite adjusting to the corrupt practices and despite the fact that doing so goes against their own values (Ibid.). In other words, they do so not because they want to do so, but because they must manage their lives under the conditions imposed by the society around them. Kurkchiyan (2003) also urges that, due to the prevalence of strong negative myths about the law, some people might feel encouraged to exaggerate the degree of 'disrespect for the law, saying what they are expected to say even if that includes things that they do not do' (Ibid.: 32). Such forms of resistance towards corrupt practices is of special analytical value, especially in societies that are undergoing anti-corruption reforms. It has been already mentioned that behavioural and social constraints can have an effect on the development of the drug industry in a given country (Thoumi, 2003). Similarly, once the government changes major conditions by enforcing anti-corruption norms, previous behavioural constraints can strengthen and in the end produce strongly negative attitudes towards drug-related corruption. Paradoxically, such condemnation of the drug-related corruption might co-exist with very strong scepticism towards anti-corruption measures.

A more detailed explanation is provided by Kurkchiyan (2003). On some occasions, people could express a lack of confidence in legal institutions even when officials act in line with the law. Such a tendency is preconditioned on the legacy of strong disbelief in the state, co-existence of formal and informal institutions and post-Soviet transition itself. It was also suggested that respect towards the law might increase as society becomes more accustomed to the open market economy and also and perhaps more strongly, when the law reflects the interests of stronger political and economic forces. While the law is not considered to be ethical and fair, the ethical principles are deeply embedded in the social relationships that people construct as a counterbalance against state policies (Kurkchiyan, 2003). Such ethical norms of relationships expressed as norms people aspire to do and also as patterns in their actual behaviour. Thus, relationships based on kinship, friendships, links with neighbours and anyone else people would feel hour-bound are based on ethics and honesty. However, such conduct is embedded in social relationships, rather than in law. People are expected to place their faith, belief in justice and hope for truth into their social life, rather than legal and political institutions (Ibid.). This argument is relevant not only to the evaluation of the legal institutions, but also the strength of the social relations and therefore, potentially, the strength and nature of partnerships among drug entrepreneurs, which were initially based on pre-existing social relations.

2.8 Productive Illegality

According to Paoli et al., (2009), the organisation, operating methods the size of enterprises that produce and traffic opiates are important because they can influence the consequences of the drug trade within and beyond the market. For instance, large and visible enterprises with political power and social credibility might be capable of challenging governmental authority. Such traits depend on the strictness of national and international enforcement of legislation that prohibits opiates trafficking and production (Paoli et al., 2009).

One model presented in Paoli et al. (2009) identifies three levels of opiates enforcement: strict, lax and non-enforcement, depending on a state's implementation of international standards of opiate prohibition, that is, crafting and enforcing laws that are consistent with the requirements of international treaties. The model then consolidates political, social and economic concerns related to opiates prohibition and emphasises the importance of government action (and inaction) in applying international prohibitions on the production and trafficking of opiates: "governments, through decisions about the enforcement of opiate prohibitions, determine the degree of effective illegality that market suppliers have to cope with, thus enabling or discouraging different activities and organisational forms" (Ibid.: 202). Thus, another important factor for analysis is the state and its actions or inactions which in the end will cause the conditions in which drug trafficking will operate.

Strict enforcement of laws that prohibit drug trafficking imposes significant incarceration and seizure risks, which makes drug entrepreneurs particularly careful. Opiate production and trafficking are effectively criminalised in strict-enforcement countries, and systemic, drug-related corruption is rare. The category of such enforcement is associated mostly with drug markets in Western Europe, the United States, Canada and Australia. Iran and many Arab countries also fall into this category (Ibid.). In countries with strict enforcement, the government ratifies and enforces international standards on opiates prohibition and trafficking. Thus, if drugs in such countries continue to be consumed, produced and traded, they are moved to the black markets and become affected by the constraint of illegality (Reuter, 1983; 1985, cited in Paoli et al., 2009). Illegality constraints shape the modus operandi of criminal entrepreneurs, reduces the legitimacy of opiates and thus prevents the formation of large-scale enterprises (Paoli et al., 2009).

Lax enforcement is associated with states where governments are either weak or/and unwilling to strictly enforce opiates prohibition.

Entrepreneurs are usually unable to obtain complete immunity from enforcement in the long run and face varying risks of incarceration and asset seizure from either honest law enforcement agencies or potentially corrupt agents they have not bribed or threatened effectively. In these countries, opiates are formally illegal, but concrete enforcement depends on law enforcement agencies' strength and integrity, and on enterprises' corrupt connections. (Ibid.: 203)

In general, opiates production and trafficking are recognised as illegal in countries with lax enforcement. However, enforcement agents are partially autonomous of the constraints of illegality, at least in the short run (Ibid.).

In the third case, non-enforcement states support opiates production and trafficking, as either a stated or an unstated official policy. Opiates trade and trafficking are perceived as legitimate activities, even though the country might have entered into international agreements on opiates prohibition. So far, the non-enforcement countries are the rarest type (Ibid.).

After categorizing states, Paoli et al. (2009) assess the impact of political, legal and institutional factors that affect drug production and trafficking in a given country, arguing that the structure, size and composition of the opiate market as well as broader socio-political factors associated with opiates markets are affected by a government's enforcement effort. Essentially, not all governments apply narcotics prohibition legislation to the same degree and in the same way. Such differences might be conditioned on the availability of resources to be directed against drug producers and traffickers, perceived legitimacy of the drug trade, levels of corruption, and violence in a given country (Ibid.).

Overall, the organisation, operating methods and size of enterprises that produce and traffick opiates are important because these factors can influence the consequences of the drug trade within and beyond the market. For instance, large and visible enterprises with political power and social credibility might be capable of challenging governmental authority. Such traits depend on the strictness of national and international enforcement of legislation that prohibits opiates trafficking and production (Ibid.). However, when the power and influence of criminal organisations grow to the point that government leaders fear for their own survival, or that of the government they lead, these leaders might act to undermine the authority and organisation not only of drug entrepreneurs, but also of those who had been protecting them (Ibid.).

The extent of enforcement can affect not only the structure, but also the modus operandi of the opiate enterprises (Ibid.). If the state fails to enforce prohibition

strictly, then risks for traffickers and producers begin to fall. Incarceration and asset seizure risks, for example, can become negligible for well-connected dealers. The risk of being cheated by counterparts or corrupt law officers declines as well. It is also plausible that illegal enterprises that enjoy the protection of state officials can thereby also enjoy oligopolistic local market conditions, especially if they can guide law enforcement to less protected competitors. However, Paoli et al. (2009) also highlight the expectation that even in lax-enforcement countries, no enterprise can operate without risks in the long run. There is always a possibility that corrupt officials or agencies will be overruled by others. Risks may also arise as a result of insistence from more powerful nations or the international community in general (Ibid.).

By contrast, in strict-enforcement countries, traffickers and producers operate against state intuitions. The increased risk associated with illegal activities inclines businesses to be small, not vertically integrated and mainly dependent on pre-existing social relationships including family ties, bonds of friendship and locality. Factors that facilitate the development of efficient, large-scale enterprises in the legal economy are outweighed by the need to reduce visibility as a result of the threat posed by a strong government. By contrast, if the state is sufficiently strong *and* corrupt, it is possible that entrepreneurs who successfully purchase protection from state officials will be able to run large-scale operations (Ibid.).

The purpose of two previous sections was to present theoretical arguments related to the influence of state institutions on drug manufacturing and trafficking. In a nutshell, these theoretical arguments give the impression that primary importance is state strength, which is very much dependent on the condition of its institutions. However, the condition of institutions, as well as governmental positions, can be subjected to the influence from the outside. The latter will be discussed in the following section.

2.9 Geographic location and Geopolitics

As discussed above, according to Paoli et al. (2009) state policies related to opiates play a key role in determining how the countries engage in opiates production. However, in the case of drug trafficking, such policies have only a secondary role. Geographic proximity to consumers and producers together with the presence of demographic and commercial ties are of primary importance. Cultural ties to destination countries were also argued to be of utmost importance for the development of the drug trafficking flows (Paoli et al., 2009). In other words, it is possible that state policies can and perhaps should be affected by the relationships and conditions in the neighbouring countries. In relation to the discussion of drug trafficking, such conditions could include the demand for drugs in neighbouring states, the intensity of trade or any other type of commercial ties between countries,

and policies related to security and response to criminal acts, not to mention their own history of criminality (Thoumi, 2003).

For other authors, not only neighbouring states, but all states are somehow connected within the complex global web of security interdependence (Buzan, 1998). Because security threats travel most easily over short distances, insecurity is mostly associated with geographic proximity. Therefore, most states fear the threat imposed by their neighbours more than of distant powers, which can result in the emergence of regional security complexes shaped by the distribution of power and historical relationships between countries within a region (Ibid.). Thus, the effects on the international security factors, as well as crime and especially drug-related criminality in the region, seem to be analytically relevant.

Legitimate flows of trade, immigrants and transitory workers are believed to facilitate the illegal trade in opiates by providing cover, that is, illicit goods can be hidden and merged into legitimate trade flows. As a result, consuming and producing countries with strong migrant and commercial ties are more likely to end up involved in opiate trafficking (Paoli et al., 2009). Several authors have emphasised that boundaries between legal and illegal markets are becoming less and less clear and that these markets often are closely interlinked (Hall et al., 2017; Koenraadt, 2018; Siegel, 2008; van Uhm, 2016).

According to Paoli et al. (2009), after drug trafficking is supported by neighbouring producing or consuming countries, it becomes robust and much less likely to respond to domestic policies that target it. The most effective way to reduce trafficking in a given country or region is intervention against producers and consumption in neighbouring states or regions, and that trafficking interventions will have little effect unless there is a reduction in consumption and production ties (Paoli et al., 2009).

However, on some occasions, when the consuming countries happen to be Great Powers and when such a great power becomes concerned for its security, the response of this state can also have a significant effect on drug trafficking in other states (Thoumi, 2003). While scholars disagree as to which factors contribute to the characterisation of a state as a Great Power, a persuasive military advantage is usually a definitive feature (Levy, 1983). Paul Kennedy adds the importance of the economic wealth to Great Power status, since wealth is necessary to sustain the military resources needed to protect the wealth (Kennedy, 1988). In relation to this, the return of Russia's foreign policy to projecting and positioning of itself as a Great Power seems to be important. Historically, as Mankoff (2009) explains, Russia tended to use defensive buffers between itself and its rivals; Eastern Europe during the Cold War played this role. Moreover, while the rest of the world is

transitioning from the traditional balance-of-power, Russia keeps emphasising its ambition to remain Great Power, especially in its relations with the countries of the Commonwealth of Independent States, because of its extensive cultural and historical bonds to this region (Mankoff, 2009). Russia's paternalistic attitude is important for analysis since it influences Central Asian governments' understanding and response to drug trafficking as a recognised threat to security.

Even if security specialists sometimes misunderstand the internal dynamics of black markets, and therefore misconstrue drug trafficking as well, they contribute to defining drug trafficking as a security threat. Following Thoumi (2003), security threats in general have an effect on international relations and thus should be recognised, because international relations dynamics, especially in coalitions among states that can hardly be defined as equal, can affect the decision making of state politicians. The moralistic approach of a Great Power might lead it to pressure the international community to adopt repressive policies towards drugs. However, if the development of illegal industry is conditioned on institutional and value changes in a society characterised by weakened social and state controls, then such repressive policies might be less effective. Thus, the long-term solution of the drug problem is institutional and requires substantial changes in a society, more than just policy changes. Existing policies might play a role by neutralising or declining some negative effects of the drug problem, but unless there is a significant social change, very little can be accomplished (Thoumi, 2003).

Beyond the impact of Great Powers, the pressure of foreign forces can be applied not only to drugs, but also to the whole range of factors that can be related to other states' foreign policy interests. Thus arises another important theoretical factor: the role of transnational corporations in international security. Even though transnational corporations do not have military power, their economic power is enormous. According to Nye (2004), "thirty corporations each have annual sales greater than the gross national products of ninety countries... and their overseas production exceeds the total value of international trade" (Ibid.: 70). Therefore, Nye (2004) highlights multinational corporations can have a greater impact on one state's domestic policies than some other states have. It also means that understanding the increasingly complex coalitions of state and non-state actors is ever-more important to the understanding of security-related issues, since political leaders can use international organisations as a means of achieving their military, political and economic goals in the modern world, in which security issues are interlinked with trade and finance. Moreover, the protective role of military force of some countries over others is a relevant bargaining force in the economically interdependent modern world. However, and more importantly, transnational corporations can strongly influence how a state defines its national interests, and thus transnational investment creates new interests and complicates coalitions

in world politics (Ibid.: 72–74). Therefore, if there are any, then the business interest of transnational corporations in an indirect way can affect the political and economic climate in which drug trafficking entrepreneurs have to operate. Thus, it seems to be analytically important to identify if there is any, even indirect, transnational corporate influence on drug trafficking.

Similarly, international influence can affect the functioning of legal institutions, the efficiency of which in turn can affect the risks taken into consideration by drug entrepreneurs. Solomon (2018), for example, highlights the role of international influence in promoting law and legal institutions, suggesting that in addition to the tremendous effect of neighbouring Great Powers on drug trafficking, other international actors can also seek to influence a state's domestic policies, based on their perceptions of the local institutional problems such as corruption. MacFarlane (2003) engages in this debate by emphasising that when domestic or international economic actors are not confident that property disputes will be resolved impartially and believe that mechanisms are biased in favour of particular individuals, they cannot be sure that the investment is sure from seizure or manipulation. Similarly, when a taxation system is opaque, investors cannot predict their return on investment. On some occasions, private sector actors could condition economic assistance on a state's acceptance and implementation of an economic and legal agenda (MacFarlane, 2003). No doubt, corruption can be beneficial for drug trafficking. However, previous theoretical claims demonstrate that at the same time corruption can be harmful to the business interests of some powerful corporations. In theory, corporations can affect decision-making in states that already show such symptoms of weakness as increased amounts of trafficking and corruption. This means that the discussion of drug trafficking is much more than a discussion of the forms of drug-related corruption in a given state. Much more than that, state polices and institutions should be taken into consideration in understanding the drug trafficking in a given country; the position of foreign actors that are capable of affecting the decision-making of the political elite must be considered as well.

2.10 Conclusion

The purpose of this chapter has been to identify theoretical arguments that can shed light on the complex scenarios associated with drug-trafficking in Kazakhstan. These theoretical aspects will be used in a further analysis of drug trafficking and the context that surrounds it in Kazakhstan.

Most importantly, criminology studies are overwhelmingly of, by and for the West and, therefore, the direct use of theories should be used with caution due to significant differences between Western and Post-Soviet contexts. For the same reasons, theories discussing the influence of the Soviet Union and its legacies have

been discussed. In a nutshell, the argument presented in this dissertation places 'drug-related corruption' within the context of the existing political order, which is far more complex and goes far beyond the interests of individual leaders. Chapters six and seven will demonstrate how the peculiarities of the post-Soviet context have critically preconditioned the strictness of enforcement of the drug and anti-corruption legislation. The very same peculiarities have been able to create 'risk' factors on the drug markets. Besides, as stated in the Protection theory, a state is likely to engage in anti-organized crime activities when the 'taxation revenue' is at stakes. Here, the theory might contribute to an explanation of some outcomes of Kazakhstan's decision to rein in corrupt governmental officials and police officers, specifically, the reduction in 'foreign investment' revenues, as discussed in Chapter Six.

In other words, the present work looks favourably upon current conventional wisdom: the drug industry is comprised of smaller and more disorganised actors than earlier analyses had suggested. However, corruption can change that. Particularly, it can create favourable conditions for a deepened state-crime nexus. On the other hand, it has been demonstrated that arguments related to corruption should not be simplified. Both Corruption and drug trafficking are symptomatic, while the real reason is the institutional framework through which the state defines the conditions in which drug entrepreneurs will be operating. And given that a state indeed plays a central role in the development and establishment of drug manufacturing and trafficking, state reforms have to be analysed in order to see if, for example, the fight against corruption can alter the conditions in which drug entrepreneurs operating. The implications of these theoretical arguments are discussed in greater detail in Chapters Four, Six and Seven.

The role of a whole range of social relationships in the development, functioning of organised crime as well as drug trafficking, has been highlighted. After all, profits are important and yet the availability of certain relationships that could increase the functionality of drug enterprise seems to be of utmost importance. Empirical data confirming these theoretical expectations will be presented in Chapter Four. In particular, information management and following reducing the size of the drug enterprises will be described as the best risk-minimising strategies, and the strength of existing social relationships was a key determinant of success in the drug business as the 'relational capital' concepts presuppose. However, such relational capital, as it will be demonstrated in Chapter Four, is embedded into existing social relations of the drug entrepreneurs.

Nevertheless, increasing interconnections of the modern world do suggest that states by no means operate in isolation. Therefore, the theories from international relations have been borrowed in order to shed light on how the geopolitical situation

of drug trafficking in Central Asia might have been affected by actors more influential than local politicians. Empirical data on role and influence of the foreign actors on the drug trafficking will be presented in Chapter Five. In particular, geographic proximity of regional drug hubs, high demand from Russian drug markets as well as Russia's security power projection will be discussed as among the most important geopolitical influences on drug trafficking in Kazakhstan.

Chapter Three

Methodology

3.1 Methodology and Research Question

As mentioned, this research focuses on local Kazakhstani aspects of drug trafficking and fills in empirical gaps in criminology, corruption and security studies. In order to resolve these highly contentious issues, it is essential to answer the following central research question: what is the role of Kazakhstan in drug trafficking? In other words, the central aim of this study is to understand drug trafficking and corruption in Kazakhstan, and reactions to it. In order to do so, the following sub-questions will be asked.

1. Who trafficked drugs through Kazakhstani territory? How? Why?
2. What was the nature of trafficking networks, and how were these networks structured?
3. How did Kazakhstan's criminal justice system deal with drug trafficking?
4. What was the role of police corruption in drug trafficking in Kazakhstan? How did the government react to corruption?

In order to answer these questions, it was necessary to develop a research design that would facilitate the identification and gathering of information, while protecting the confidentiality of both respondents and the researcher. Because the local political climate in Kazakhstan at first seemed problematic, a clear focus on ethical issues, which are treated here in a separate section, became paramount.

Research questions have the potential to define what kind of data is to be collected as well as the contexts where such data is most likely to be found (Davies et al., 2011). The research questions above indicate the appropriateness of a focus on data related to actors involved in drug trafficking as well as the relationships between them, on structures of the networks they were creating, the ways they were utilising corruption and the government's position, and measures the government was taking against the drug trafficking. These questions enable the drawing of a nuanced picture that would reflect the ways the above-mentioned aspects were influencing each other. In other words, the broader context of drug trafficking seemed to be important, but not as important as details related more

directly to the actors themselves. In other words, my primary focus was on the actors and networks already defined by the Kazakhstani government as 'criminal'. The primary focus was on people already 'criminalised' in one way or another by the criminal justice system.

Conducting research in the northern part of Kazakhstan seemed to be appropriate because of its proximity to the Russian border. As will be reported in later chapters, "Kazakh law enforcement has identified three main exit points for opiate trafficking from Kazakhstan to the Russian Federation: Pavlodar, Petropavlovsk and Kostanay. Geographically, opiate trafficking through Pavlodar and Kostanay is directed to two Russian regional hubs, Novosibirsk and Yekaterinburg, respectively" (UNODC, 2018a, p. 88). On the other hand, research published while I was in the field confirmed that northern Kazakhstan was not a good place to go fishing for corrupt officials: Almaty and South Kazakhstan regions were the most corrupt regions in the country (Van Dijk et al., 2018). Thus, paradoxically corruption levels were the lowest in the regions which were the most important for drug smuggling to Russia. Therefore, interaction with the law enforcement officials and other related actors from the cities close to Russian-Kazakhstani border continued to be of utmost importance in order to collect data associated with drug trafficking in Kazakhstan.

My theoretical framework (Chapter Two) emphasises that, for a variety of reasons, quantitative data paints a skewed picture of the post-Soviet context. Some academic literature about post-Soviet law enforcement encourages researchers not to presume that statistical data produced by government authorities is accurate (McCarthy, 2015; Taylor, 2014). McCarthy (2015) describes the unrepresentativeness of the official statistics that have been produced by law enforcement agencies in Russia. Given that Kazakhstani legislation had the same base as the Russian one and had inherited the same tradition of top-down political influence over law enforcement agencies, I decided to give my preference to qualitative methods.

At the beginning of my fieldwork experience, I found a mass media report about an interagency forum at Ak Orda (the Kazakhstani President's House), in which the General Prosecutor ruthlessly criticized the ineffectiveness of law enforcement agencies. In brief, he accused the Interior Ministry of producing unrepresentative statistics and condemned its inability to effectively challenge and capture more developed and better organised illicit drug trade groups. Statistics that highlight arrests of street-level criminals, he argued, should be interpreted as a law-enforcement failure and not a law enforcement success. In this way, I learned that statistical data on organised crime in Kazakhstan is not only difficult to access, but is characterised by top government officials as misleading as well. It is impossible to engage with the questions I have posed without referring to statistical

information. However, when I do so, all statistical information will be carefully analysed and, where possible, double-checked. This example demonstrates that Kazakhstani law enforcement is susceptible to the whole range of potential biases. Therefore, clarification of how police officials understood drug trafficking and whom they perceived as main actors on the drug market is of utmost importance. The best way to gain this information is to interview these officials and analyse their responses. In other words, the questions of greatest interest can best be pursued by using a qualitative research method.

Hobbs and Antonopolous (2014) raise a related concern. In the context of a discussion about the challenges associated with collecting empirical data about the securitisation of 'organised crime', they argue that law enforcement bodies tend to devote more resources to the criminal conspiracies and hierarchical criminal organisations they imagine are behind drug trafficking (Hobbs and Antonopolous, 2014). Similarly, Sharpe (1999, quoted in Hobbs and Antopoulous, 2014, p. 103) emphasises that archival records, even in democratic countries, are themselves the product of a political process that favours the powerful. Thus, the data itself might deflect attention away from elite participation in organised crime and redirect it toward unprotected actors such as low-level bureaucrats and poor criminals (Ibid.).

Beyond supplementing existing knowledge, ethnographic studies of criminal groups can 'add a different reality' (Siegel, 2011, p. 23–24). In the words of Davies and Francis (2018, p. 103), "ethnography is an umbrella term for a methodology which incorporates a number of different approaches, including observation, autoethnography, and interviews."

Sandberg and Copes (2013) have demonstrated that studies based on ethnographic fieldwork of drug-related populations offer insights and understanding of people unavailable for the general public. Such studies, they observe, tend to be well written and read like exciting journalism or novels, despite their analytically rigorous use of formal interviews, personal observation and experiences. Therefore, an ethnographic approach is an ideal way to produce a multitude of data through interaction with different community members in different settings (Ibid.). The importance of the insights provided by ethnographic studies to the understanding of drug-related organised crime has been highlighted by Hobbs and Antopoulous (2014, p. 106), who refer to Adler's (1985) ethnographic study of upper level-drug dealers and Zaitch's (2002) work on Colombian participation in the cocaine trade in the Netherlands. Both of these scholars gained access to latent and difficult-to-access populations, and thus served as role models for the present researcher.

For all of these reasons, qualitative methods can provide a serious advantage to research on drug trafficking, which has been recognised as a serious challenge for the researchers.

3.2 Methods Used

I have used several qualitative methods to pursue my research questions, including *participant observation* as a police intern and witness of court hearings, *interviews* with lawyers, police officials, drug entrepreneurs and other relevant actors and *content analysis* of archival documents (trial transcripts, regulatory resolutions of the supreme court, court sentences) and mass media reports (on drug-related issues, including police corruption) and secondary sources. Interviewing police officials and collecting of official documents such as trial transcripts, case files and law enforcement databases on issues related to organised crime have been recommended as valuable sources of information (Hobbs and Antonopoulos, 2014, p. 98–99). Yet one must be sensitive that official data collected from and by law enforcement bodies is already filtered by them and adjusted according to their own goals and priorities, such as gaining a successful conviction. Therefore, the researcher must use her critical facilities as she interprets data from these sources (Ibid.). For this reason and several others, I subjected the data collected from official bodies to a variety of cross-methods and data triangulation.

Together, these methods enable both within- and cross-method triangulation. According to Jupp (2002), the use of several methods maximises the theoretical value of the research by revealing aspects that one method alone would miss. In addition to enabling the cross-checking of data, disparities that appear across a range of data sources can reveal nuances in the real picture, increases the validity of the data (Ibid: 72).

Figure 1. 1 Summary Table of Methods Used

Participant Observation as	Content Analysis of	Interviews with
a) police intern (4 months)	a) Archival documents	a) 32 Police Officials
b) witness of court hearings	b) Mass media reports	b) 12 Drug Entrepreneurs
c) Crossed Russian-Kazakhstani border on automobile transport and airplane		c) 12 Others (drug users, lawyers, customs police, police officials convicted for corruption, high ranking criminals etc)

3.2.1 Participant Observation

According to Jupp (2002) participant observation is a method of data collection while participating in the social world of those studied. It involves taking some role in the social group of interest, observing, reflecting on and interpreting actions

of individuals within the group (Jupp, 2002, p. 58). Participant observation is the observation of individuals in their natural settings, in order to understand more about them, their lives and their cultures (Davies and Francis, 2018). The method not only enables the researcher to describe specific acts, but also illuminates the social world of actors, their networks, daily experiences, feelings, expressions and dilemmas (Siegel, 2011).

As a participant observer, I attended a whole range of police activities from interviewing crime victims to arrests of organised crime leaders; parties, dinners and drinks with police officials and lawyers; and court hearings on criminal cases related to drug trafficking. I traveled frequently to Astana and Temirtau, in order to see the highway that allegedly was a key heroin transportation route, and crossed Russian-Kazakhstani border more than six times, to observe personally how the security check was working and to talk with bus drivers. These activities took place between February 2017 and April 2018.

From an ethnic standpoint, I can be considered an insider in the Kazakh community. I speak Russian fluently and Kazakh well, and, because of my personal and previous academic background (bachelor degree in law and master's degree in political science and international relations), I am well-introduced to the informal and formal cultures of the legal institutions that are tasked with operating against organised crime. For these reasons among others, I have an interest in questions related to both legal institutions and drug trafficking in Kazakhstan. During my two initial fieldwork tours, conducted in December–February 2016 and June–August 2017, I identified potential gatekeepers and interviewees, and sensitised myself to the political and ethical landscape on which my research would be conducted. I returned to Kazakhstan on 16 December 2018, and my fieldwork continued until my return to the Netherlands in April 2018.

In the first weeks of the fieldwork, I tried to identify people with the most significant experience in the field. At this time, I didn't conduct structured or even semi-structured interviews, but simply introduced myself to new people and participated in small talk that sometimes turned toward the subjects of organised crime, drug trafficking, and priority law enforcement tasks. On many occasions, people I met guided me to more reliable and authoritative sources of information. Sometimes the rumours, jokes and narratives they shared led me to the exact names and characteristics of authoritative criminal organizations and their members. Others suggested that I attend court hearings, which in the end were less relevant but nonetheless enabled me to initiate a conversation with the family members of accused traffickers while we waited for a hearing to begin.

I served a four-month internship at the Directorate against Organised Crime [further details are excluded for confidentiality reasons]. Maxfield and Babbie (2014: 204) argues that daily interactions with members of one's target community normally provide numerous opportunities for unstructured interviewing and asking clarifying questions. Therefore, I expected that the internship would enable me to build up a general understanding of both the opinions and the capacities of state officials to address drug trafficking.

In reality, even though I speak the same language and come from a similar background, I was sometimes treated as an outsider because I have spent a significant part of my life abroad. As an intern coming from a foreign university, I was excluded from some police activities. In line with the Kazakh legislation, full access and consequently analysis of criminal intelligence data would require a clearance that is only provided to full-time police officers. Therefore, formal responsibilities that could benefit my data gathering at first seemed to be rather limited.

Nevertheless, the internship turned out to be beneficial, because daily interaction with police officers provided me with numerous opportunities to discuss the data that I had already generated, deepened my understanding of the legal and institutional issues police officials were responsible for, and helped me to situate the data collected from interviews and official reports into broader context. Occasionally, I was taken by some detectives to the scenes of a crime or an arrest. Unfortunately, although the department was processing documents related to a transnational heroin trafficking case, it was more actively engaged in a case related to a human trafficking network. Therefore, although I overheard a lot about heroin trafficking and had many direct conversations on the subject, all the arrests I observed were of human traffickers. Once or twice, I was taken out for 'drinks with colleagues.' At these events, the officers seemed much more relaxed, discussed previous drug-related cases, and shared insights about their work and private lives; even so, they hardly ever forgot to emphasise that I am a foreign girl who doesn't really know anything about 'real life.' This was an opportunity for me, because it opened the door to my seeking wisdom about what the 'real life' is. Their explanations greatly enriched my understanding and sometimes became important pieces of data.

On many occasions, police officials associated me, 'a young person with romantic ideas about crime', with themselves at the beginning of their careers. Some of them initiated conversations about my future career options, believing that career promotion was my ulterior motive for engaging with them. As career promotion was a goal they could understand and support, many were quite willing to talk informally about the subjects of direct relevance to my research, notably the drug-related aspects of their work.

In brief, the internship provided me with an opportunity to understand how police officials (investigators and detectives) behaved as they investigated crimes related to drug trafficking as a form of organised crime. In this research, the influence of institutional pressures is particularly important because of the anti-corruption reforms that Kazakhstani law enforcement was going through and, in this sense, the internship has enabled me almost to 'feel' what it was like to experience those changes.

3.2.2 Interviews

Most interviewees were identified via personal contacts and snowball sampling. I also had a gatekeeper. Gatekeepers are defined as people who can control access to the primary or secondary sources of data, and therefore can have tremendous power over a researcher (Jupp, 2002, p. 134). I had one formal gatekeeper [identifying details are excluded for confidentiality reasons]. He often pointed me toward agencies, websites and people who might be able to help me collect data. Several times, he called such people himself and asked if I could contact them later, for research purposes. It is worth noting that I never felt that he was 'closing the gate' or manipulating which data I could gain access too. He knew that I had access to alternative information sources, because mass media sources were going crazy about corruption. His role was as gatekeeper, not research assistant; he hardly ever had time to help me with data gathering because he tended to be drained by bureaucratic demands. He usually apologised for 'remaining lost in documents' instead of keeping up a conversation. When I managed to carve out some of his time, he was genuinely helpful.

My initial priority was to focus on getting access to public institutions so that I could gain access to people who were professionally associated with drug-related issues, such as criminal defence lawyers, probation officers, and police detectives. Such professionals can have useful information about the research populations (Maxfield & Babbie 2014) I was interested in. Also, because of the nature of work with active criminals, many scholars have tried to approach incarcerated drug offenders (Reuter and Haaga, 1989; Decker and Townsend Chapman, 2008; Pearson and Hobbs, 2001 in Hobbs and Antopoulous, 2014, p. 108). Using this strategy, I interviewed two wholesale drug entrepreneurs before the prison administration changed its mind about providing access to the 'foreign student'.

I started to broaden my circle of contacts by talking with people I knew from the research I had done for my master's thesis and friends that were somehow related to the police, judiciary and penal institutions etc. Broadly speaking, this was the beginning of my snowballing sampling strategy. The snowballing sampling starts with the identification of a single person and asking this subject to point towards others who might be interested in sharing their insights with the researcher. It

is particularly helpful when the target population is difficult to locate (Maxfield and Babbie, 2014). The respondents identified through this strategy turned out to be relatively well-informed and quite generous in terms of information sharing.

The snowballing strategy can have certain limitations in the course of research on organised crime. It is possible that the resulting interviewees will be limited only to people already within the researcher's own network (Zhang and Chin, 2004, in Hobbs and Antopolous, 2014 p. 110). I was aware of this possibility, but over time I was introduced to people I had never met, which I interpret as an indication that I succeeded at reaching people outside of my own network. That is, I seem to have convinced the relevant gatekeepers that I and my project were worthy of their time and resources. As mentioned above, one of my techniques for building trust and confidence with an interviewee was to relinquish a considerable amount of control to them. This served my research purposes admirably, because almost everything they wished to mention had research value. Still, it is appropriate to sketch out my broad goals with each of my two broad groups of interviewees.

Interviews with law enforcement officials can provide detailed data on the structure and activities of the criminal world (Slade, 2013). However, the information they share can be affected by their personal opinions, experiences as well as institutional pressures they experience (Ibid.). Law enforcement officials not only discussed the criminal cases they or their colleagues had investigated, but also shared their opinions on matters that remained unpublished, such as connections between members they knew about but could not prove, restrictions the law imposed on them as well as the opportunities it provided, how the legal and institutional machinery was functioning, problems with institutional demands, and limitations of funding. Their complaints, concerns, suggestions and beliefs helped me to situate the data collected from interviews and official reports into a broader context. These interviews were helpful in answering questions about how criminal justice system was dealing with drug trafficking, what the role of corruption was, and what measures were being taken against it.

From the beginning, I knew that adding another group of respondents was necessary for within-method triangulation. Interviews with criminal elements, although much more difficult to arrange, turned out to provide rich details on structures, motivations, emotions and some operational details of the drug business, all of which were lacking in the official sources that focused on legally admissible facts that could a successful criminal prosecution. Moreover, police accounts alone lacked a sensitivity to the cultural meanings, economic pressures and social contexts that enveloped people involved in the drug business (Zaitch, 2002). As for interviews I conducted with drug entrepreneurs, this particular population was even more difficult to access and interview. In the literature, drug

traffickers are characterised as populations comparatively difficult to approach and therefore, the most appropriate sampling method for the active 'organised criminal' depends on the nature of their activities (Hobbs and Antopolous, 2014, p. 108).

Interestingly, the snowballing strategy also led me to people who presented themselves as customers of the drug dealers. I arranged interviews with them with great enthusiasm, because customers of organised criminals have been characterised as an important source of data on organised crime (Hobbs and Antopolous, 2014, p. 109). During these interviews, I was given precise information on recruitment and further promotion in the drug business, which led me to suspect that these people were not only consuming, but also dealing drugs. I sought my gatekeeper's advice, and he suggested that it is not unusual for a drug user to start dealing in drugs in order to sponsor his addiction, and that almost everyone who uses drugs eventually starts dealing [P32]. Keeping his suggestion in mind, after establishing an initial rapport and discussing some sensitive information, I asked these 'customers' if they have ever dealt drugs, too. In the end, all seven self-identified 'drug consumers' acknowledged that they had dealt in drugs 'at some point in their past' and therefore, interviews with them were categorised as interviews with drug dealers.

These informants seemed to be suspicious of me, at least at first. Later, however, they started asking questions about my background and what I was doing there. I was always honest with them: I was doing my PhD on drug trafficking in Kazakhstan and, therefore, decided to combine my research interests with the internship in a way that could help me to improve understanding of the topic and give me a chance to spend more time with my family in Kazakhstan. I thus emphasised that I was only an intern and not a full-time police employee, that I was an 'ethnic insider,' and that after the internship I was hoping to find some people who would agree to talk confidentially about anything related to my research question. After introducing my credentials in this way, most informants became more relaxed and agreed to arrange the interview; later on, one of these became the person who got my criminal interviewee snowballing moving.

Besides that, interviews with drug entrepreneurs enabled me to neutralise my own bias against the anti-corruption effort. I have to admit that I remained sceptical about the crime fighting value of the anti-corruption initiatives. However, after discussing with Kazakhstani drug entrepreneurs the recent changes in *modus operandi*, nostalgic attitude towards the old days when 'things were different' and their opinions about the recent changes in the criminal world, which are logically expected to take place, when the government is indeed serious about anti-corruption effort, and therefore causes significant change in the routines

of criminal worlds, I accepted that perhaps anti-corruption effort could be meaningful, at least in the short term, at least in the police effort against the drug business. Therefore, interviews with criminal elements not only provided me with a different perspective on the drug trafficking in Kazakhstan, but also deepened my understanding of the role of contextual factors and how they affected the actors involved in drug trafficking in Kazakhstan.

The interviews with this population were helpful in answering the questions related to the actors involved into drug trafficking, what their motivations were, how drug enterprises were structured in reality (by contrast to images presented in mass media and in official documents) and *modus operandi* of drug entrepreneurs.

In the end, my interview sample included 32 police officials (detectives, investigators and high-level police officials), 12 drug entrepreneurs (retail dealers, wholesale dealers and traffickers), 12 other related actors (drug users, police officials convicted of corruption, lawyers, customs police, high ranking criminals and the employee of restaurant that was something of a drug hub). With some respondents, several interviews were conducted. All interviews took place in northern Kazakhstan (except two interviews in Astana and one in Temirtau city), including three in cities close to Russian-Kazakhstani border. Further details are excluded for confidentiality reasons. Details of the interviews (date, category and type of respondent) are provided in the Appendix. On average, the interviews lasted between 30 and 90 minutes, depending on the respondent's interest. Most took place in formal sites such as police stations or the respondent's office, but some occurred in cafes, restaurants, hotel lounges, and even respondents' cars and private homes.

Reciprocity is a giving and taking in social interactions, which is a characteristic in qualitative research (Harrison et al., 2001). Reciprocity also means establishing rapport, safety, honouring and obligation in participant-researcher relationships (Ibid.). While arranging each interview, I invited my respondents to have lunch, coffee or a drink, depending on the time of day. Some people felt a little reluctant, so I clarified that I would be very happy to make the interview a more pleasant experience for them, and therefore I was willing to cover their time and transportation expenses. On some occasions, interviewees preferred to take small amounts of money instead of sharing a lunch with me. The amount of money given never exceeded 7 euros – the cost of a cup of coffee and a piece of cake in the local Costa Coffee. Monetary payoffs between researcher and respondent have been identified as almost the only way to gain access to members of deviant groups, and much of the research conducted on inner-inner-city drug use has relied on offers of pecuniary incentives to respondents (Hamid 1990; Johnson et al. 1975; Dunlap et al. (1990) in Adler and Adler, 2003, p, 162). On some occasions, male respondents

were uncomfortable about being 'taken out' by a female, and insisted on paying. As the goal, always, was to establish a rapport with the respondent, I avoided words and actions that might lead my respondents to question their masculinity.

3.2.3 Content Analysis: Archival Data, Mass media and Secondary Sources

The analysis presenter here includes archival materials from the Prosecutors' Office, the Courts and the Ministry of Internal Affairs. It is commonly known that each governmental organization keeps confidential records that are used for their internal operation (Maxfield and Babbie 2014).

I also gained access to other national archives related to drug trafficking, in order to enable cross-checking with other official data sources that, as discussed, are at susceptible to reflecting organisational priorities, resource allocation and the agency's political priorities (Kinzig, 2004, quoted in Hobbs and Antopoulous, 2014, p. 99). The archival materials of the Interior Ministry contained several documents that demonstrated not only pressures to improve police performance, but also descriptions and references to the drug-related situations in other regions. Analysis of national archive documents thus enabled me to see the broader context related to drug trafficking in Kazakhstan.

Early in my archival search, I was told that every document related to every criminal case that reaches the stage of court hearings is stored in the judiciary archives. Even though these archives were represented as the most transparent of all Kazakhstani legal archives, access to them was nonetheless limited. An online platform on the webpage of the Supreme Court of the Republic of Kazakhstan enables access to sentences and sometimes to digitalized transcripts of court hearings. Such digitalised aspects were very long and at times too detailed, because the prosecutors tended to examine every single detail in the courts. Nevertheless, witness testimonies proved to be valuable sources of information, once the unnecessary details (for my purposes, but apparently very important for the criminal protocols), were filtered. The court archives also contained a great variety documents related to criminal cases; as a collection, these documents can support a nuanced description of the exact mechanisms of the prosecution, as well as the relationship of criminals to each other and to specific criminal activities. From the Supreme Court's online database, I collected transcripts of court hearings and other legal documents. I searched on the following key words: 'drug smuggling' and 'drug distribution' (56 documents); 'criminal authority' (77 documents mostly related to the Russian Mafia); 'hierarchy in prisons' (10 documents). In addition, I came into possession of 11 comments on legal issues related to drug trafficking as well as prosecution of drug-related crimes; these were used for the further analysis of the legal system in Kazakhstan.

Unfortunately, a great number of criminal cases were classified and thus not available to me. I was unable to access official documents related to the most scandalous criminal cases on the drug trade, and had to collect information about them from public sources, which at times seemed far less reliable I expected the (access-denied) official ones to have been. In reality, many Kazakhstani investigative bodies employed certain 'sources and methods' to identify and gather crucial evidence to prosecute organised crime groups. To prevent people from learning how these bodies identify and gather evidence, the evidence itself is shielded from public view by the Law N-349-I about State Secrets of the Republic of Kazakhstan of 15 of March 1999. Besides that, the same legal act requires them to classify all identifying details of the undercover agents involved in an investigation. As a result of these legal norms, no criminal case involving such operations, agents or their details was available for public use.

As far as other sources are concerned, "[i]n proposing the collection of secondary data, it is important to be aware of issues relating to its reliability, accuracy and availability. Just because it is already collected does not mean that it will be accurate or reliable, or that it will be made available" (Davies et al., 2011: 23). Therefore, it was necessary to remain highly selective during analysis and triangulate data collected as well as the research methods used. Hence, I decided to use several methods to supplement knowledge gained from archival files related to drug trafficking, due to the low neutrality of data gleaned from these sources. For this reason, I obtained and analysed 'six sources of annual data about the region's drug trafficking situation by Central Asian Regional Information and Coordination Centre for Combating Illicit Trafficking of Narcotic Drugs, Psychotropic Substances and their Precursors (CARICS), 12 quarterly issues of NARCOPOST, a journal published by the Interior Ministry, the journal describes most drug-related issues that are relevant to the Ministry of Interior, and two reports published by UNODC Regional Office for Central Asia reposts. Besides that, I have integrated secondary academic analyses related to the geopolitical aspects of drug trafficking in Central Asia. These sources helped me to identify identifying the broader context and understand the role of Kazakhstan and its neighbours in drug trafficking.

Some additional information was taken from local mass media sources on a weekly basis. These sources provided the majority of my information related to the abuse of power by police and corruption within the ranks of police. It is worth noting, however, that court hearings on the most scandalous criminal cases were often open to the public, so the media was filled with reports about these cases. These often-sensationalist mass media reports included the names of criminals, crucial information on their activities and sometimes even their connections with particular criminal organisations. My analysis triangulates information contained in mass media reports and official legal documents, and thus provides the most comprehensive analytic summary to date of the general condition of drug trafficking in Kazakhstan.

3.3 Data Analysis

All interviews were conducted in Russian. Some interviews were recorded, but on other occasions the respondent preferred to discuss sensitive matters off-the-record. I personally transcribed recorded interviews that had been conducted in Russian me. As expected by Noaks and Wincup (2004), a researcher who transcribes her own work has the opportunity to enhance her familiarity with data and understand the nuances of the interview. The transcription process also provides an opportunity to reflect on emerging themes in data and can thus be seen as a part of the analytical process (Ibid.).

When respondents did not allow me to record, I either took notes during the interview or wrote extensively immediately afterward. Notes were also taken regularly during the internship, especially during events that I interpreted as uncommon, unusual or contradictory. Later on, I coded both field notes and interview transcripts.

The coding process entails the organisation of data, identifies conceptual categories according to the areas of thematic interest (Noaks and Wincup, 2004). This activity should not become a mechanical process of attaching labels, but rather treated by a researcher as messages received from data. Thus, the researcher should consider not only reports about particular events, but also the emotions, feelings, and meanings that are attached to them (Ibid.).

My coding was guided by *The Coding Manual for Qualitative Researchers* (Saldaña, 2013). According to Saldaña, "Structural coding applies a content-based or conceptual phrase to a segment of data that relates a specific research question to both a code and the categories relevant to the data corpus. Similarly coded segments are then collected together for more detailed coding and analysis" (Saldana, 2013: 267). For example, one emerging code was called 'changes in law'. This code emerged during the first coding stage. It was applied not only to interviews with police officials, but also to interviews with drug entrepreneurs. I suppose that while creating initial codes, I had not expected so many market participants to be mindful of – not to mention 'attentive' to – the 'changes in law'. Importantly, respondents have only correctly identified some specific legal changes, but also elaborated on the effects of such changes. They also often mentioned risk-reducing strategies developed and implemented by drug entrepreneurs as a response to newly introduced illegality constraints, as well as their evaluation of recently introduced legal reforms.

In this manner, the first round of coding yielded 167 specific topics that reflect the content of the interviews, court transcripts and field notes. For the second cycle, I chose pattern coding, which includes several stages: assembling codes, analysing their commonality, and assigning pattern codes that describe major themes,

patterns of actions, interrelationships or theoretical constructs. The instructions for second-cycle pattern coding also were taken from Saldana's (2013) coding manual. For practical reasons, coding was performed partly with Nvivo software and partly manually. Later on, emerging patterns were regrouped and used as a basis for the data chapters.

3.4 Validity and Reliability

The validity of the research data on organised crime is a widely discussed issue in academic literature. Hobbs and Antonopoulos (2014) argue that there can be no guarantees on accuracy either of information related to activities or of claimed links between actors. The participants can forget or exaggerate their experiences, or say what they believe the researcher is hoping to hear, both of which can compromise the objectivity of the researcher (Bourgois, 2003). Nevertheless, as Hobbs and Antonopoulos emphasise, reduced generalisability of ethnographic data on organised crime is compensated by the depth of the data collected.

Broadly speaking, validity is not a property of a particular method, but rather relates to assessing the ability of data of any kind to support the conclusions drawn by the scholar (Maxwell, 1992). According to Cho and Trent (2014), there is little consensus as to how qualitative research should be evaluated. Recently, however, traditional evaluation criteria such as internal validity, external validity, reliability and objectivity that were originally developed by the positivist school of research have been suggested for the assessment of qualitative data. For example, the concept of 'internal validity' should be broadened to include elements capable of recognising the importance of experiences within the study, the interpretation of participant experiences, prolonged engagement and representativeness of data as a whole. Similarly, 'external validity' should be compared to transferability through thick description to provide detailed contextual information to the reader (Cho and Trent, 2014). These forms of validation have been developed and pursued in this dissertation.

As for the reliability of a study, the research instrument is considered to be reliable when the results are consistent over time, and when the representation of the population under study is accurate and can be reproduced by another scholar who uses a similar methodology (Golafshani, 2003). Importantly, the credibility of quantitative research is also dependent on fact that the researcher herself is an instrument in the qualitative method (Ibid.).

Traingulation is a common method for improving the validity and reliability of a study. One triangulation method, the constructivist paradigm of qualitative research, views knowledge as socially constructed, values multiple realities, and therefore urges the collection of multiple forms and types of data (Golafshani,

2003). This research takes the constructivist philosophy seriously, so several methods have been used in order to compensate for the lack of individual perceptions, compare the content of data and verify the 'facts' mentioned by respondents (Ibid.).

I have used both data triangulation and methods triangulation. For the purpose of data triangulation, I collected data from a variety of respondents: police officials, drug entrepreneurs, drug users, police officials convicted for corruption, etc. The information collected from one group of respondents was cross-checked with information collected from another group. For example, claims made by police officials regarding intensity and seriousness of anti-corruption and anti-organized crime measures were cross-checked during interviews with drug entrepreneurs and drug users, and vice-versa. For example, drug entrepreneurs complained and compared recent measures taken against drug trafficking to Stalin's repression [DE2], [DE1]. On the other hand, drug users complained about decreased purity of heroin and the resulting shift to synthetic drugs [DE9].

As for methods triangulation, I have used several research methods: participant observation, content analysis of archival documents and mass media as well as interviews with a range of different informants. More particularly, data collected from court hearing observation was cross-checked in interviews as well as through content analysis of mass media and court data. Further, arguments related to institutional pressures experienced by police officials on the ground were not only based on data collected from interviews with police, but also observed by me while I participated as a police intern. As mentioned, my regular interactions with research participants provided many opportunities to double-check the reliability and relevance of the data sources that I had come across.

According to Cho and Trent (2014), objectivity in qualitative research should be measured by the researcher's understanding of her own preconceptions after the research. I have already mentioned that interviews with drug entrepreneurs helped me to identify my own scepticism towards anti-corruption measures. In fact, scholars doing research in authoritarian field tend to discover that not all state actors are bad, corrupt and repressive 'bad guys', and not all activists are less fortunate 'good guys' (Glasius et al., 2017: 8). Luckily, I realised the risk of becoming biased against the effect of anti-corruption measures in the early stages of the data collection, when I still had time for further data collection, cross-checking and triangulation.

Integrating myself into my research environment was not easy for me, possibly because I was a young female who chose to pursue scientific advancement instead of following traditional female role that almost dictated getting married shortly

after graduating from university. Almost on a daily basis I was asked, advised or urged to start thinking about the greater importance of family over career. Besides that, the last five years of my life, spent in more liberal environments, have led me almost to forget how intimidating the cultures of collective patrimonial societies can be for a female. On the other hand, such difficulties associated with the conflict of my personal choices and implicit demands of the societies I was operating in helped me to avoid the problems associated with 'going native'. The term going native, discussed by Jupp (2002), refers to the biases that can develop in a person who becomes overly involved in participant observation, and starts to take actions and statements for granted instead of examining them (Jupp, 2002, p. 60). In other words, I was regularly reminded that I was not 'native', and my resulting mindset enhances my value as a scholar.

Maxwell (1992) has defined generalisability of the study as the extent to which one can extend the account of a particular situation, population, to contexts other than those directly studied. Ideally, generalisability shows how a particular process, or even a theory developed in the study would lead to different results (Maxwell, 1992). The circumstances analysed in this research project are rather unique, and concepts used do not fit neatly into broad categorising factors such as non-democratic political regimes, context-specific attempts by a government to reduce corruption, and the effect of a specific geographic position on questions of interest. Therefore, I do not pretend to develop a new, generalisable theory.

However, nuanced details of the conclusions made in this study shed light on elements of conventional wisdom that seem to have been taken for granted and even had diplomatic consequences, will be discussed in Chapter Four. I expect that my new perspective on the extent and limits of corruption, the relationship between drug entrepreneurs, and the position of a given government towards them can be generalised to the situations in which both the agenda and the capacity of the state are stronger and different from those of the drug business. Thus, the explanations provided here might be of at least illustrative value to other cases where the state has an interest in addressing issues of drug trafficking and corruption, is capable of addressing them, and has an institutional structure that is funded from other legitimate sources in order to protect the national interests of the superior nature in a rather unrestricted way.

3.5 Ethical Considerations

For most scholars, the consideration of ethical and moral issues in research is treated as a *pro forma* exercise. For me, these issues powerfully influenced how I framed my research questions, how I defined the kinds of data I would seek to gather, and how I conducted myself in the field every day. My evaluation of data accessibility and selection of the most appropriate methodological framework

began with a basic analysis of the political climate in the country. Many INGOs had expressed concern about relatively severe human rights abuses in Kazakhstan, exceptional inaccessibility of researchers to the law enforcement and security services involved in the fight against organised crime, and widespread and deeply-rooted corruption that, in their view, had infected public institutions at every level (Human Rights Watch, 2019; Kenedy, 2019).

Kazakhstan's political regime has been characterised as a super-presidential authoritarian regime by many international organisations that monitor democratic change and advocate for human rights. 'Kazakhstan is rated Not Free in Freedom in the World 2016, Not Free in Freedom of the Press 2016, Not Free in Freedom on the Net 2015, and receives a democracy score of 6.61 on a scale of 1 to 7, with 7 as the worst possible score, in Nations in Transit 2016' (Freedom House 2016). One might even say that disregard of some human rights is formalised in the country's criminal code: citizens risk up to ten years of imprisonment if they criticise governmental agencies, the First President or his family members (Lillis 2016). I was aware that some respondents might be themselves at risk by collaborating with me, and I have taken extraordinary measures to minimize that risk.

Such a context inevitably has a cultural effect. Glasius (2017) explains that "the arbitrary behavior of the state brings about feelings of mistrust, powerlessness, and uncertainty in people which can affect their social relations, with each other and with us." (Ibid.: 9). My initial priority was to arrange for official access to public institutions, but many officials questioned my credentials; some even suspected me of involvement in espionage activities. Following this initial research tour, I returned to the UK and the Netherlands, as required by the DCGC, to continue my formal preparations for the PhD. However, on the field many informants expressed suspicions about the reason for my travels. Their fear that I was somehow affiliated with Scotland Yard, the CIA or some other security agency revealed itself in the form of questions, suspicious comments and jokes.

As a result, I became even more focused on the ethical aspects of my research and started searching for methodological approaches that would provide my respondents and me with a higher degree of safety. For the same reason, obtaining unofficial access to agencies or bribing officials were never options for me. Even though the investigative bodies of the counterintelligence department would discover, if they bothered to look, that I had no affiliation with foreign intelligence in any way, I knew that interference from these bodies could complicate my research, if not make it impossible. Therefore, I needed to identify a methodological approach through which I could gather the kinds of data that would enable me to address my research questions but, at the same time, first and foremost, that would protect the identities and interests of my respondents. To this end, I have

done my best to anonymise my respondents and have excluded all identifying details from the manuscript.

In the field, I made a conscious effort to specify my future research priorities as clearly as possible in communications with gatekeepers and potential interviewees. This is one form of depoliticizing (Glasius, 2017). Depoliticising not only increased confidence and trust on the part of the people I communicated with, but also enhanced the validity of the research, because it inhibited an exclusive focus on dramatic or spectacular issues and instead insists on the analysis of mundane (everyday) activities (Ibid.: 41). In my case, completely separating corruption from politics was nearly impossible. However, I never misrepresented my real research interest. As mentioned in the beginning of this chapter, the primary focus of this research was drug-trafficking. The role of drug-related corruption was important, but at the time it was already widely discussed issue in local mass media sources. Therefore, by contrast to my initial expectation, collecting data on the role of drug-related police corruption was easier than collecting data on drug trafficking networks and the modus operandi of drug entrepreneurs. Therefore, I eventually had to put more effort into collection of drug trafficking data. In a way, this focus, helped me to remain alert to routine drug-related issues (which were my core research interest from the very beginning), instead of sinking in the ocean of sensational mass media reports about all sorts of issues related to various forms of corruption, including police corruption.

It goes without saying that social scientists have a professional duty to protect the identities of their respondents (Glasius, 2017). Such a responsibility should be taken even more seriously when the research is taking place in politically high-risk environments. A researcher working in an authoritarian context must not publish results in a way that can somehow harm those people who remain in the field. The resulting 'data-trade off' is quite common, and silence is sometimes the only ethical choice because the risk that might be faced by respondent outweighs the benefits (Ibid.). I was well aware of these concerns and reminded my respondents repeatedly that 'doing no harm' is my number one priority. I repeatedly mentioned that I have no interest in information that might endanger them or anyone else, in any way.

This includes the way data provided by respondents is used in this dissertation. I have excluded all identifying information from the manuscript. However, when the professional responsibilities of a respondent provide crucial context, I have removed geographical references as well. I have indicated only that data was collected in three regions in Northern Kazakhstan, close to the Russian-Kazakhstani border. After all, as Glasius (2017) urges, the obligation of research transparency mainly requires researchers being transparent about practices they

used (such as the way they approach respondents, their personal biases, informed consent conversations with respondents, recording and treatment of material), rather than transparency in publishing identifying details of the respondents.

I have to admit that, in the beginning, I had some concerns that ethical limitations (which are discussed at the end of this chapter) would hinder my ability to gather enough data to engage meaningfully with my research questions, or to communicate data gathered in a way that would enable me to engage meaningfully with the scholarly community. There was a possibility that I would return from the field with no relevant data. I was willing to accept that risk, and I continue to place protection of my informants as a top priority.

In the end, as evidenced by this dissertation, this ethical priority did not prevent me from collecting rich data; indeed, this clearly communicated priority might have enhanced my ability to collect rich data, due to what Adler and Adler (2003, p. 161) call the 'casting one-off relationship'. They suggest that respondents have less fear when they believe their paths will never again cross with the researcher's. The ironic security of detachment creates anonymity and makes respondents more open (ibid.). Above all, I repeatedly emphasised that their interest and safety were more important for me than scientific advancement, and that they could stop the interview at any moment. In the end, it turned out to be the opposite. After they felt themselves to be in control of the interviews, people were willing to share details, trusted me more, and seemed to be much more comfortable.

Chapter Four

The Social Organisation of Drug Trafficking Actors and Structure of the Networks

4.1 Introduction

While academic debates regarding the structure of drug trafficking networks and the type of actors involved have sometimes been heated, a broad consensus agrees that the actions and inactions of traffickers, producers and consumers define the condition of the drug markets (Paoli et al., 2009). The purpose of this chapter is to clarify the most significant debates regarding the ethnic background of actors involved, the role of the Russian mafia, the structure of networks and their *modus operandi*. In a nutshell, this chapter will document the limited extent of involvement of specific ethnic or traditional criminal societies into drug trafficking in Kazakhstan. Further, it will show how these networks and organisations influenced the drug market (including the extent and the conditions that, in Kazakhstan, have affected their involvement) and what their *modus operandi* was.

Few scholars have specified actor types or *modus operandi*, although some have alleged the involvement of certain ethnic groups as well as traditional Russian criminal societies in Central Asian drug trafficking (Curtis, 2002; Nurgaliyev, 2014). Government reports indicate all arrested Tajik traffickers have been literate, and that most of their operations were run by professionals who had completed a probationary training period in ‘mafia clans of world narcotics systems’ (Curtis, 2002:26). However, claims of such a hierarchical global drug mafia are not supported by Paoli’s (2002) evidenced-based study, which demonstrates that smuggling of drugs to Russia from other CIS Republics is arranged (considerable amount of these drugs are smuggled throughout the 6500 km Russian–Kazakhstani border) by poor Tajik farmers and traders, rather than by powerful and experienced criminals. Nor are they supported by evidence presented throughout this dissertation. Thus, both the nature and relevance of a drug trafficking actor’s ethnic background has been a highly debated issue in the literature, which highlights the need for further research into both the specific ethnic composition of drug traffickers and the relevance of that ethnic composition to decisions made by enterprises involved in drug trafficking in Kazakhstan. It turns out that members of the Roma ethnic

group once dominated drug markets in Kazakhstan. However, their dominance was conditioned not on ethnicity per se, but on the relational capital available to them and their instrumental use of ethnicity.

As for the role of larger criminal societies in the drug business, it is important to remain sceptical towards the idea that traditional criminal organisations have been deeply involved in Kazakhstani drug trafficking. Some earlier scholars have similarly argued that larger criminal societies were not directly or profoundly involved in the drug trade (Reuter, 1983; Paoli, 2002). While all scholars agree that the transition from Soviet republic to independent state had a significant influence on the rise of organised crime in Kazakhstan, the nature and quality of that influence beg for more careful analysis. It is important to identify the extent of involvement or any other relationships between Kazakhstan's traditional criminal networks, such as the *Vory v zakone*, and drug trafficking networks in Kazakhstan. Empirical data regarding these questions, presented below, suggest that during the period under study, the role of the *Vory* in Kazakhstani drug markets was limited mostly to protection and arbitration services.

Some authors suggest that the trafficking of drugs from Kazakhstan to Russia was dominated by a disorganised hodgepodge of networks on both sides of the border (Paoli, 2002; Golunov, 2007). Empirical data regarding the structure and composition of drug markets is consistent with the theoretical expectations of Paoli et al., (2009), who suggest that producers in one country serve consumers in another via a small number of routes because supplying new regions is costly and therefore traffickers rely on relational capital. Making a new route would require establishing new connections or building new networks. Thus, neighbours may trade between themselves because transportation costs are lower (Ibid.). Similarly, most prominent drug entrepreneurs relied on the relational capital that enabled them to gain access to larger shipments of drugs. Such relational capital was embedded into a wide range of social relations of the drug entrepreneurs.

Also, it seems to be valuable to understand how drug enterprises were structured and why they emerged in the first place. Much of the analysis that follows is inspired by Peter Reuter's seminal work, *Disorganized Crime* (1983). It is a tribute to the power of his insight that a 40-year-old analysis of crime families in New York has so much to offer to a contemporary analysis of Kazakhstan. Empirical data suggest that, as in New York, Kazakhstani market structures are rather disorganised, trust is conditional, and entrepreneurs who trade in larger volumes restrict the amount of information available about them in order to reduce their risk of arrest. Among other risk-reducing strategies, recruiting retail dealers among selected drug users was mentioned.

4.2 Who isn't trafficking?

A very limited amount of information about drug dealers and traffickers has been identified in the literature.

The idea of highly organised and politically supported drug mafias operating in Central Asia and Russia is commonly raised in the literature, even though careful empirical work does not support theory-based claims about the existence of such networks. As De Danieli (2014) shows, no centralised drug mafia could be identified in Central Asia and the majority of operations were run by small- or medium-size groups in each state. He argues that only at later stages can drug mafias become more specialised and professional (De Danieli, 2014). Other studies highlight the vulnerability of vertically structured drug networks in general (Shirmer, 2010, in De Danieli, 2014). Therefore, it seems to be reasonable to consider different approaches to understanding the structure of the illegal markets.

Abdirov (1999) might point the way toward one such approach. He argues that drug trafficking and drug distribution follows the laws of the market and of the criminal world, and, due to uncertainties as to constraints on the market and changes in the criminal world, several different types of actors emerged as potentially effective and efficient actors in that environment (1999). Similarly, Golunov (2007) argues that the real factors facilitating drug trafficking across Russian–Kazakhstani border were the border regime, the involvement of the local population living in border areas, the specific border landscape and the volume of drugs being transported. Golunov also highlights the great complexity and variety of actors involved in drug trafficking across the Russian–Kazakhstani border (2007).

On the other hand, other authors emphasise the role of ethnic criminal groups and more famous criminal networks such as the *Vory v zakone* into the Central Asian drug trade. Each of these suggestions will be associated with empirical data in separate sections below.

A central finding of the present research is that people of many and varied backgrounds have been involved in drug trafficking and trade in Kazakhstan. These findings are largely new, as few scholars have addressed the question and the empirical data presented below seems to challenge the findings of the few who have. Nurgaliyev et al., (2014), for example, attribute a greater-than-appropriate role to the Russian mafia in the region, and the Thieves-in-Law in particular. Others have attributed a greater-than-appropriate role to ethnic communities (e.g. Curtis, 2002). With the exception of Central Asia's Roma communities, ethnic and clan affiliations turn out to have a rather small impact on one drug entrepreneur's decision to cooperate (or not) with another.

4.3 Vory v Zakone

As in Russia, the Kazakh criminal world has its origins in the Soviet times, when the Vory v Zakone emerged and began to dominate the criminal world inside and outside of prisons, and established a special code of conduct to which members were expected to adhere. Although the traditional Vory community was almost decimated in the beginning of 1950s, the heroes of criminal world, who chose death over betrayal of criminal ideals, inspired emergence of a new criminal fraternity in the 1980s (Varese, 1998: 531). The Vory v Zakone have managed to establish legal businesses after the collapse of the USSR, but they had to share the stage with younger organisations like *Sportmeny*, which was dominated by sportsmen and former soldiers (Volkov, 2016). This young generation of criminals refused to accept the Code and waged violent wars against the Vory v Zakone over the control of black markets (Gilinskiy & Kostyukovkiy, 2004; Siegel 2012; Varese 2001; Volkov, 2016). Today, these two groups constitute the core of the Russian mafia and dominate the criminal world not only in Kazakhstan, but throughout post-Soviet territory. The so-called *Smotryashiy*, the appointed representatives of Vory v Zakone, are reputed for their control over criminal society, promotion of criminal ideology and organisation of regular financial contributions to Vory v Zakone (Siegel and Turlubekova, 2019).

The role of the Vory v Zakone in Kazakhstan's drug market has been fundamentally misunderstood. Some have claimed that Vory v Zakone have been the main actors in the Kazakhstan drug business. Allegedly, they arrange delivery of heroin and marijuana to Russia, participate in negotiations with corrupt police and provide protection to lower-level drug dealers (Regnum, 2016). Deepening this argument, evidence presented by Nurgaliyev et al., (2014) suggests that the Vory v Zakone, together with other organised gangsters, controlled not only the prostitution and drug markets but also a significant part of gambling and export-import operations. All such operations were run with a single primary goal in mind: the maximisation of profits (Nurgaliyev et al., 2014).

According to Nurgaliyev et al., (2014) officials managed to stabilise the law enforcement situation in Kazakhstan: approximately 2500 members of various criminal organisations were arrested between 2004–2014. Leaders of such organisations faded away, as did the fear they created among the civilian population, at least in comparison to the first years of independence. However, there was still a certain degree of concern regarding foreign criminal independence. Such criminal fraternities had both military and criminal experience, and therefore were capable of influencing the criminal situation in border regions, or at least this is the story told by Nurgaliyev and others.

Vory v Zakone have played a role in Kazakhstan's drug markets. While there is some evidence that Thieves from Georgia sought a foothold in southern Kazakhstan, local Kazakh criminal gangs resisted them. This confrontation resulted in violent disputes in Almaty at the beginning of the 2000s (Kriminalitet, 2018). In this relation, Varese (2011: 177–178) explains that immigration of Mafia groups to new and booming markets might seem like an attractive option, but an impossible one due to the presence of local criminal protectors or corrupt state fragments. Thus, despite the expectation that traditional criminal societies would have a dominant role in the drug business, their role has been quite indirect and mainly expressed in the form of providing to arbitration and protection services.

When a dispute arises among competing drug entrepreneurs or among people at different stages in the supply chain, one or both parties might hire the Vory v Zakone, or their representatives, to resolve the issue. For example, conflicts might arise in regard to cheating among business partners or to general encroachments on territory, or if one entrepreneur recommended that another hire a particular person for a particular job and that person turned out to be untrustworthy, the Vory v Zakone might be called in to negotiate and enforce an appropriate punishment for the vouching entrepreneur. Or, if a shipment goes missing, the party that 'lost' it might hire the Vory v Zakone to verify independently that it had not in fact been resold. Finally, either together with or entirely separate from arbitration, one party might engage Vory v zakone to provide protection services against another party – including protection against another wing of the Vory v Zakone. Such protection also included support and protection from other prisoners in the highly likely event that the trafficker or dealer would eventually be imprisoned. One entrepreneur argued that it was possible to seek protection from different Vory v Zakone branches, and given that the Vory v Zakone respect the territories of each other [P17], the market in general was relatively peaceful.

Clearly, the Vory v Zakone, are known with a reputation of having a real capacity to impose their decisions, was a valuable resource for Kazakhstani drug entrepreneurs. And their reputation for muscle often made their agreements self-enforcing in the sense that once terms were agreed, no actual force was needed to compel each party to live up to its end of the deal. This arrangement mirrored the environment in Colombia, where the instrumental use of violence by drug entrepreneurs was a key business strategy that helped them to neutralise retaliation and push forward deals (Zaitch, 1999, p. 71). There was a small difference in Kazakhstan: drug entrepreneurs here had almost leased the status and reputation of the Vory v Zakone. As a police detective explained:

[A vor] gives his own avtoritet [Russian, informal, meaning a respectable reputation] to them. At some point, [in the future] at the strelka³ [meeting between criminals which can involve use of violence] when someone will lodge a complaint [pred'yavlyat in Russian] against him... Another Vor, for example, will protect [vpryagat'sya in Russian] him if a dialogue takes place. And even before lodging a complaint against him, he [the Vor] will be asked, 'do you have such a person in your circle...?' 'Yes, there is such a person in my circle. Your person nakosyachil [Russian, informal, meaning to do something wrong or inappropriately], I want to sprosit' [Russian, informal, to demand responsibility for something] from him. What do you say? [P7].

Moreover, one wholesale dealer has highlighted the importance of connections to Vor. He mentioned that he knew another wholesale dealer who was close to a Vor. That woman was expected to provide certain people with drugs for free or refuse to sell drugs to others, depending on what her Vor would say. And no one has ever dared to touch her because everyone knew she was with him. [DE11]. Some other drug entrepreneurs paid to Vory or smotryshiye because they knew that sooner or later, they would be imprisoned. Such payments were done in order to prepare for imprisonment, where they certainly would need the support of more authoritative criminals [P28]

The Vory v Zakone had such reputational resources to offer. On several occasions, when drug entrepreneurs were asked about the reliability of their protection, they explained that 'everyone just knew that no one should stick their noses there' [DE 10], 'unlike police, they don't need evidence ... they will find a way to sort it out' [DE3]', and 'there are no bodies, those who mess with them just disappear' [P13].

Reuter (1983:130) argues that a single drug entrepreneur's use of violence increases the likelihood of police actions against all market participants. Therefore, use of violence increases costs for all business enterprises in this market, because labour must then adopt more sophisticated security precautions (Ibid.).

Thus, the attention that can be attracted as a result of violent disputes between mafia members and perhaps the use of violence by drug traffickers and dealers can become a factor that increases the risk of arrest, and therefore is avoided by market participants. Detectives, however, offered a different explanation: drug markets were functioning peacefully because the demand for drugs is high [P5; P9]. There was no need for violence or intimidation because there were enough customers for all sellers in the market [P13; O4].

³ term introduced by Federico Varese. *Strelka* (lit. arrow) is a slang word which refers specifically to a meeting between different businessman where they settle situations of conflict with the help of violence. For more details see Varese (2001: 69). Also, Volkov (2016) defined *strelka* as a meeting between different violent entrepreneurs where they verify/discuss protection agreements of their clients.

Correspondingly, "high-risk markets such as heroin distribution were expected to be characterised by low competitive violence" (Reuter, 1983: 141). The relatively peaceful functioning of these drug markets was mentioned by eleven respondents. When I asked, informally, a senior detective how the police react to violent disputes between different Russian mafia members, he laughed slightly and replied,

*If they misbehave, we will pack [criminal slang for 'arrest'] all of them. No one will get into nuts and bolts and try to figure out who was responsible, who was involved and who was not. Every single f*cker of them will be escorted for a holiday of 10–15 years. Every single one ... and then they will have their 15 years to reconcile. No one f*cking cares, if they screw us, we will screw them. Their conflicts and disputes are taking place in public and we must react. Besides, the Directors don't want to risk their positions. So, they better fix their issues between themselves quietly.* [P13]

Thus, as expected by Zaitch (1999: 72), excessive use of violence can attract the attention of the authorities or seriously damage market performance by igniting an escalation.

Protection from the Vory v Zakone was important for the enforcement of contracts and the broader dynamics of the drug markets. One dealer explained that the confiscation of heroin by police during its transport is understandable, since everyone assumes such a risk to be involved. However, if suspicions are raised that a partner simply pretended the drug was lost or stolen, the Vory v Zakone or their representatives would be invited to serve as an arbitrator. The respondent suggested that sanctions for such cheating were particularly severe and that fear of the Vory v Zakone was stronger than the fear of the Kazakhstani police [DE11]. In another interview, a prison detective explained that fear of the Russian mafia was so strong because of their influence in prisons, which meant that while enjoying freedom, a given entrepreneur could escape payments to *Obshak* [a jointly managed criminal fund] or being sanctioned for misbehaving; while in prison, however, there was no opportunity to escape [P2].

The extent of the direct influence of the Vory v Zakone is difficult to measure because, as emphasised by a managing detective, 'they never make their hands dirty, they have people doing such things for them' [P13]. Eleven police officials expressed their belief that the Vory v Zakone control Kazakh drug markets, but several drug entrepreneurs were equally emphatic in their belief that the degree of influence of the Vory v Zakone depends on the strength of the police forces of a given city [P5]. For example, a majority of respondents claimed that, recently, times had changed [P32], especially in the northern region, had become predominantly Red ('red' cities are dominated by police; 'black' cities are dominated by criminals). Therefore, no smotrashiy had recently been observed by police [P28].

Many respondents characterised the drug business as a major source of income for the Vory v Zakone, along with gambling, prostitution and other businesses. This money was not generated from the drug trade itself, but rather from the contributions made by drug entrepreneurs for the protection and arbitration services.

Most importantly, protection provided by the Vory v Zakone enabled drug entrepreneurs to protect themselves against extortion from other criminals [P6] and to prepare themselves for imprisonment, which almost everyone expected to experience at some point [DE3]. Such protection cost approximately 1/10 of the entire value of the drugs traded [DE7]. While free and on the streets, drug entrepreneurs who enjoyed Vory v Zakone protection services were expected to provide drugs whenever their protectors asked [DE11]. Once imprisoned, more experienced and larger-volume drug entrepreneurs who were expected to arrange the supply of drugs to the prison [DE3]. Both money and drugs could be an acceptable form of payment, and those who refused to pay could expect to face an armed assault [P30].

One trafficker described how he was building up a relationship with the Vory v Zakone by sending '*grev*' (a contribution) to the '*obshak*' (criminal fund of the Russian mafia) [DE7]. He also referred to the '*help*' he could get from his authoritative friends, in the sense that once he made a payment to an *obshak*, he would not be expected to arrange financial transactions to other Mafia members before continuing his business operations. This appears to be consistent with Reuter's observations regarding New York:

arbitration services appear to be available to many participants in illegal markets ... Any participant who can establish a substantial business relationship, a series of repeated business transactions involving something other than the purchase of final goods and services, with someone else who is a Mafioso or a -subscriber" himself will be able to gain access. (1983: 167)

Importantly, services both protection and a sort of consultancy service. One trafficker mentioned that he attended '*shodka*' with '*smotryashiy for drugs in the southern region*' where the *smotryashiy* exercised veto power over the trade in hard drugs. The command included the recommendation to stay away from trade in hard drugs, because for the trade in hard drugs would mean inevitable imprisonment. The *smotryashiy* also prohibited using of mobile phones for business-related discussions because of high possibility of interception by police. In the same interview, he referred to his friends with reputations as '*authorities*' in drug distributing circles to whom he was '*generously*' giving drugs over and above the negotiated protection payment [DE7].

However, not every market participant sought protection from the Vory v Zakone. On several occasions, I heard that drug entrepreneurs were instead using the protection services provided by corrupt police. One imprisoned wholesale dealer replied to my question about Vory attempts to establish control over her business '*No! There was no such thing! Here those [police officials imprisoned for corruption as a result of her testimony] employees tried to establish control*' [DE2]. Her business partner [DE1] also referred to the protection payments she had made to police officials, rather than to members of large criminal groups. This partnership lasted for several years and was described by other respondents as a textbook example of drug-related police corruption. And yet, protection from corrupt police did not guarantee complete impunity (see also Paoli et al., 2009), since I met both drug entrepreneurs while they were serving prison terms.

Findings presented above go hand-in-hand with those reported in much of the academic literature. Paoli (2002) challenges the idea that largest Russian criminal organisations dominated the drug trade in Russia itself, arguing instead that the concept of drug criminality was poorly defined in Russian legislation and the popular idea of the domination by large-scale, structured, drug-distributing organisations found no statistical support. More precisely, enrichment opportunities provided by the transition to the market economy increased the appeal of a parallel transition to the import and export of legitimate goods and services. Although younger members of these societies occasionally were involved in drugs, the drug trade was still considered to be a dirty business and far less attractive than other, semi-legal, sources of income (Paoli, 2002). I observed similar configurations in Kazakhstani drug markets. Similar drug legislation, similar post-Soviet legacies, and a similar transition to a more open-market flush with cash from trade in natural resources (see Chapter Four) all offered Kazakhstan's own established criminal organizations opportunities that were both safer and more lucrative than direct involvement in drug trafficking.

4.4 Drug Entrepreneurs: Ethnicity vs Relational Capital

Another major argument in the literature has emphasised the dominance of various ethnic groups in Kazakhstan's drug markets. However, empirical data suggests that another factor – relational capital – was more important.

Nurgaliyev (2014) is prominent among the scholars who over-emphasise the role of ethnically based social relations in Kazakhstan drug trafficking. He argues that ethnic criminal groups monopolised weapons, drugs and counterfeit currency markets as they created creating financial enterprises that invested money earned criminal activities. These organisations then laundered money from the drug trade and weapons distribution, and also embezzled Russian government funds that had been intended for development activities in Chechnya. Other studies suggest that

law enforcement agencies placed an “excessive emphasis ... on the supposed ethnic homogeneity and drug specialisation of trafficking groups” (Paoli and Reuter, 2008: 20).

Research presented here supports the existence of an ethnic bias by law enforcement officers and challenges Curtis’ (2002) claim that trade in narcotics was mostly arranged by Chechen guerrilla forces and traditional criminal organisations in Central Asia, which Curtis says dominated the market at the time and provided the foundation on which other ethnic criminal networks built their own significant drug trafficking activities in Central Asia, filling the vacuum left as Russian criminal organisations opted to pursue other opportunities.

While Curtis’ argument makes logical sense, it does not seem to match the Kazakstani experience. A detective expressed deep scepticism about the role of Chechens in Kazakhstan. ‘... *but I have never heard of Chechen traffickers. It’s ... I mean, there are rumours about Chechens, but there is no one who had even caught up a Chechen.*’ [P5] Besides that, Paoli (2001) questions the reliability of FSB (Federalnaya Sluzhba Bezopasnost - Federal Security Service) reports that members of Georgian, Dagestani, and Armenia ethnic diasporas dominated drug markets, while Kazakhs, Uzbek, Kyrgyz and Chinese ethnic groups were less represented in Russian drug markets. More importantly, while acknowledging that everyone can identify with one or more ethnicity, she probes the relevance of ethnicity to the organisation of the drug trade. That is, Paoli did not identify a meaningful relationship between Tajik dealers and large criminal organisations. The dealers she interviewed traded heroin to make their ends meet. In many cases, they were poor farmers and traders, rather than powerful and experienced criminals (Paoli, 2002), and the dominance of certain ethnic groups was found to depend more on the broader context and police biases, and was very often affected by the country’s colonial past (Paoli and Reuter, 2008).

Such a bias could be related to a phenomenon known as the ‘ethnicity trap.’ The ethnicity trap means that organised crime sometimes can be explained by the ethnic background of its members, and not by the criminal nature of such activity itself (Albanese, 2004). Such a narrow focus creates stereotypes against certain ethnic groups and ignores the multi-ethnic composition of groups involved in organised crime. Therefore, awareness of ethnic composition tends to be far less helpful for the understanding of organised crime than some analysts believe (Ibid.).

A majority of my respondents were convinced that Central Asian Romas dominated the drug markets in Kazakhstan. The academic literature explains that ‘Gypsies’ is an umbrella term that refers to a diverse collection of nomadic communities, all of

whose ancestors migrated from the Indian subcontinent. These communities are called Gypsies in Russia, Central Asia and the Caucasus (Atakhanov & Asankhanov, 2002), while the more politically correct form is Roma. These groups are ethnically unrelated to the American and European Romas, even though they are similar in their experience of marginalisation and exclusion (Marushiakova & Popov, 2016).

Many respondents claimed that ‘*they have it in their blood*’ [P6], ‘*historically Gypsies never done anything except theft and drugs*’ [P9], ‘*they have such culture*’ [P29]. However, along the same lines, the same respondents offered other, more probable explanations, such as ‘*they trust each other more, gypsies never betray each other or the corrupt police who protected them.*’ [P20] ‘*They move a lot and they commute between different gypsy kins, and therefore know who sells where and can gain access to bigger weight.*’ [DE11]

However, one elite criminal made clear that a drug enterprise based purely on ethnic grounds was a rare occasion in Kazakhstan. In fact, the only criminal enterprises described as ‘ethnic’ were those run by Romas, but even in this case, Romas would get involved as a result of an absence of legitimate sources of income [O3]. A senior police detective offered another interesting insight: ‘*For example, Romas ... they have a nomadic lifestyle, and this lifestyle presupposed being today in one place and then tomorrow in another. This is it. It’s nothing more than that.*’ [36] In this statement, he emphasises the functionality of the lifestyle of the Central Asian Roma that could in theory allow them to develop more connections, which could be transformed into business opportunities. Connections to other Roma families in other countries could provide business opportunities and bridge the structural holes of the cross-border heroin trade. Regular interactions between different kinship groups, which could be an important source of geographically dispersed relational capital, which in turn could provide access to more suppliers, more retail dealers, and thus a greater ability to transit larger shipments. Relational capital built on kin has another advantage: greater reliability of the ‘*drug business partners*’. When asked about trafficking volumes greater than one kilogram, an investigator stated that ‘*larger ones are mostly Roma. In general, the main source of income for Romas is drugs. I wouldn’t say that they have anything else*’ [P16]. It is possible that the combination of community relational capital and the individual reputations of reliable drug business partners has conditioned the growth of Roma drug enterprises.

Interviewees claimed Roma involvement in both trafficking and retail drug dealing. As described by one senior investigator, ‘*there was a period ... from 2005 until around 2012, when the Roma people were the majority, I mean among those who traded on a larger scale. And not only larger doses of 5 gr, 10 gr, but sometimes we could find 200–300 gr or even 1 kg of heroin*’ [P12]. The dominance of Roma drug entrepreneurs seems to have ended when the anti-corruption campaign was initiated. This suggests that

Roma business relationships had been facilitated by corrupt police officials, but it is noteworthy that two detectives separately observed that no Roma entrepreneur has ever testified against the police officials who were charged with providing protection to them. The role of corrupt police will be discussed in Chapter Eight.

The only ethnic descriptor mentioned by detectives and dealers was 'Roma'. All other actors in the drug trade were described in terms of other forms of social organization and control. Part of this was provided externally, for example by hiring the Vory to keep people in line. Another part was provided by relational capital.

Loyalty to one's drug business partners eventually transforms into a reputation that can give a loyal person a competitive advantage. According to Reuter (1983), there is no way to obtain reliable verification about reputation from a third party. Therefore, potential creditors are forced to rely on the representations of the borrowers about the past performance of their enterprise and ability to pay their debt (Reuter, 1983: 120). The same kind of evaluations were common in Kazakhstan. As one high-ranking criminal explained, *'When a person communicating with another person, he is estimating how much he could trust him, how far he could go and do some criminal [business]... He is measuring a person as his potential/future business partner. But while estimating, he is making his judgement based not only on his psychological qualities, but also based on the contacts and opportunities [potential business partner has]'* [O3].

People with a bad reputation are at risk of finding themselves in a very uncomfortable position. As one drug entrepreneur explained, *'Take me, for example. I live here. I inject my whole life. I was stealing and doing some other things, yeah? But people who live here, they know who I am and if there is a situation taking place where... well... I was noticed in a criminal situation where I would have, for example, betrayed someone. Said that there was another person with me [voice tone changed] no one will ever deal with me. no one. it's just such a circle... This is serious. Drug business is a serious business. One can get [very long] imprisonment term for that. And [therefore] they are very selective while watching people, even among drug users. [They watch] whom they could take with them, someone who will never betray. Because if he betrays everyone will get huge [imprisonment] terms.'* [DE11] In Kazakhstani drug markets, reputations circulated and were double-checked by all potential market collaborators. This process will be analysed in greater detail in a separate section.

Several of my interviewees described relational capital as crucial to the success of non-ethnically based drug enterprises. Emphasis was also placed on the ability of each member to do his or her job professionally and discreetly. As a senior police detective put it, *'it's more about man's sense of himself, more about opportunities of each*

person ... It doesn't really matter if you are Russian, Kazakh, Chechen, Roma. If you have certain exits, certain acquaintances somewhere, you can be anyone – Russian, Kazakh, Roma, anyone. [P19]

Another senior detective shared this opinion, while emphasising the quality of such relationships:

the degree of acquaintance ... especially the degree of acquaintance of a given person, if he lives in the specific region, yes ... if he has specific interest areas, and he ... how to say, has never left his home town, then ... unlike the constantly moving person ... a person who lived for example in southern regions, and then moved to the northern region and then to other Asian countries. Naturally, he will have more acquaintances, and that's how it works. [P25]

Such statements suggest the primacy of a dealer's personal network over his ethnicity. Such prioritisation was mentioned by a dealer who argued that Romas and Chechens were indeed dealing in drugs, but also *'any person [referring to any ethnic group] can come to the dealer and start trading. I mean, those who can gain access to the larger dealers ...'* [DE9]. The role of relational capital and individual reputations will be further described in a separate section.

In conversation with police detective, when the interview turned towards the discussion of the role of 'clans' in drug enterprises and the extent to which the strength of relationships of friends and relatives could somehow facilitate the development of the drug enterprises, it was argued that

R: *I would not call myself an advanced professional [in comparison to the scholars who support 'clan' theories], I have only worked in criminal intelligence most of my career and almost four years I have worked specifically on the producing of criminal intelligence against drug business and the only thing I can tell you now ... This is wrong!*

Zh: *Wrong?*

R: *That's not the case, not the case. Here ... Most importantly, when such money is involved, the conversation turns in a very different way. Here, what kind of person is involved, how much money is at stake ...*

Zh: *And family ties?*

R: *No! Of course not ... This kind of thing like family ties doesn't really matter. I mean it's not a barrier when certain decisions are made.* [P30]

The result of the nationwide survey conducted by Sharipova et al. (2019) in Kazakhstan demonstrated that although beliefs and biases about clan and tribal identity are still present, only insignificant amount of population (2,2%) experienced feelings of solidarity with members of the same tribe, and this percentage is higher among the group with low-income levels. Even more importantly, as Sharipova et al. (2019, p. 16) report, the importance of tribal identity varies by region: the importance of tribal identity was absent in the central part of Kazakhstan, lower than average in the northern (1,8%) and eastern (0,4%) parts of the country (0,4%), and above average in the south (3,9%) and west (3,2%). Therefore, the importance of clan and tribe identities turns out to be insignificant for Kazakhstani society. Moreover, it is expected that sub-ethnic identities will continue to decline as a result of increasing urbanisation and capitalist development (Ibid.). Thus, it is not unreasonable to suggest that the general trend of decline in the importance of family ties in Kazakhstan is also observed in the country's drug business.

Thus, it is possible to suggest the primacy of financial interests and individual reputations over the networks of family and kinship. One trafficker also suggested that the drug business has no ethnic preferences.

Everyone deals. At least, in Chu. Everyone is dealing to a certain extent. They just do it reticently, during the night. Almost everyone does it, until they get on their feet and enter a legal business. If necessary, some of them will travel together with bags through Kazakhstan up until the Russian border. [DE7]

Thus, again, emphasis was placed on financial profits that could be generated from the drug trade.

4.5 Who is trafficking drugs, and why?

Now that it is established that major organised criminal organisations and ethnically based networks operated at the fringes of Kazakhstan's drug trade, the focus may shift to the social attributes of those who are in the centre. One way to address this question is by delving into the question of what motivates individuals to become involved in the drug trade.

4.5.1 Financial Incentives

According to Paoli et al. the drug-related situations in neighbouring states can inform the understanding of drug trafficking in a given state (2009). For example, given the drug-related situation in Kyrgyzstan, Kazakhstani dealers with connections to Kyrgyz traffickers were at a tremendous competitive advantage, even within Kazakhstani drug markets.

In Kyrgystan's Tyup region, as Botoeva (2014) demonstrates, a cash deficit in the agricultural sector and the wider economy led many residents to become involved in hashish production. Sales from wild-growth cannabis were used not only to develop the cash economy, but also became a form of informal credit as a result of economic problems that began in the late 1990s. Thus, many farmers shifted the meaning of hashish production from an illicit activity to a culturally justifiable type of economic activity (Botoeva, 2014).

Also, the drug trade became an important source of income for corrupt politicians and criminal groups in Kyrgyzstan where links to organized crime can be traced all the way up to members of parliament and other high-level Kyrgyz politicians (Kupatatze, 2014). Due to the lack of other resources, drug money eventually corrupted both the criminal underworld and the formal political system in Kyrgyzstan, where "a variety of actors, including criminal groups and police officials, cooperate or compete in the drugs market and their relative share increases or decreases depending on the power balance in the political sphere." (Ibid.: 1183) By contrast, in resource-rich Kazakhstan, the drug trade had a smaller political impact in comparison to the rest of Central Asia (Ibid.)

All interviewed wholesale dealers mentioned the importance of having a connection to people from Kyrgyzstan. Some provided examples that showed how access to such relational capital was crucial for the growth of their enterprises, others discussed banks that approved huge and quite suspicious transfers to Kyrgyzstan, and many others shared dreams about meeting people from there and establishing relationships that would allow them to buy bigger shipments.

In Kazakhstan, the drug-related situation seems to have been slightly less corrupt, but also closely related to the financial opportunities provided by the illicit drug business. As one senior detective emphasised, 'everything is connected on economic interests, financial interests in particular' [P25].

Another detective highlighted the differences in institutional, social and political factors in Kazakhstan, compared with Afghanistan and Colombia:

I mean, in general we don't have such tendencies to [the development of a large-scale drug business] to do that. I understand, where is the poppy, heroin, cultivated? In Afghanistan! They did it all the way through, they also cultivate, for the whole time they did it. In these areas, I agree, such a question can be appropriate, but when it comes to us ... well, for us, the need arose, some sort of entrepreneurs smelled the flavour of money and started to develop it. They filled the vacuum in the market. [P13]

This statement demonstrates the importance of the differences of the institutional structures and, more importantly, it highlights the primacy of the financial interests of the individual drug traffickers. Thoumi (2003) argues that the condition of institutions tends to have a larger role in developing the drug industry in a given state; profits are generally of secondary importance, but might contribute to an explanation for why individuals are get involved into the drug trade. The role of the legal and institutional framework in Kazakhstan is analysed in Chapter Four.

Several interviewees emphasised financial gains. A heroin smuggler stated that each person who participated – from the beginning, when the drug crossed the border, or at any of the following stages of the drug trafficking operation – *‘will gain cyclopean benefit ... I don’t know, but people make fortunes almost overnight’* [DE3]. Indeed, many believed that drug trafficking was a very profitable business.

One heroin smuggler agreed that financial benefits are even higher if a drug entrepreneur manages to cross a border with the drug shipment. While recent improvements in the quality of border control have made the business riskier, one senior detective acknowledged that *‘one must be acutely aware of the fact that no matter how many barriers we create, there will always be interest to cross the border [with drugs]. Maybe he will come from this side, or maybe from the other. They will create as many refined ways as necessary. There will always be interest.’* [P25]

4.5.2 Ensuring Loyalty?

Financial interest surely is a rational explanation for getting involved in drug trafficking, but it is not the only one. As Reuter states, “while money and fear are the dominant strategic variables for ensuring loyal performance, it is also worth considering the effort to create positive non-economic ties with employees. The recruitment of relatives as employees was one such effort; the enterprise and the family merge as units commanding loyalty.” (1983: 116) Respondents noted that non-economic ties were not limited to personal relationships; other configurations that condition employee loyalty of employees were mentioned. Among these, interviewees emphasised the popularity of recruiting immediate family members as retail heroin dealers, and even as smugglers. Roma family members sometimes were compelled to provide a special service: younger family members reportedly *‘confessed’* in order to side-track more serious criminal investigations against older family members [P11], [P17].

Others, however, have argued that *‘under no circumstance should family be involved’* [DE9], and some individuals have built their whole business without family assistance, relying instead on other types of semi-economic relationships with employees that enabled the entrepreneur to manage their personal risk. Thus, the role of family ties in Kazakh drug enterprises turned out to be far lower than

‘clan’ supporters expected to see. This finding mirrors the scepticism expressed by Damián Zaitch (1999; 2002a). According to him the exploitation of personal contacts, kinship-related or not, is of utmost importance in the drug business (Zaitch, 2002a). In Colombia, for example, the key characteristic of such arrangements was *‘instrumentality ... The organizations do not have any fixed labour, organizational or hierarchical division around kinship. Who owns the “family business” is just a matter of skills, luck or other variables ... Many relatives might not be involved at all, and close friends might be, as it is often the case, more important than blood-related people’* (Zaitch, 1999: 75).

One final category of employees deserves special mention: heroin addicts. One retail heroin dealer described the employment agreement he made with a wholesaler:

She told me, “Take it [a dose of heroin], it’s yours. You can use it. But we have a request ...” It’s not that they forced me, they asked me. Let’s help each other? I asked her how. Well, we will call some people, interested people ... well, I mean, making calls, you will have a phone, people will call you, you will sell [heroin] to them, but you will bring all money to us, but you will never be “sick”, we will provide you [with a dose] every morning. And besides, for each 10 gr sold, you will get 1 gr for yourself. I mean, we will inject you every morning, and you can do whatever you want with the grams that you earn. [DE11]

Once such agreements are in place, the retail dealers become the primary focus of police officials, who in turn are interested in meeting statistical requirements and hardly ever push investigations into the activities of wholesale dealers or traffickers. It is one sort of protection measure utilised by wholesale dealers in order to restrict the information available to them, because retail dealers are more attractive as police targets as a result of numerous face-to-face contacts with the drug users. According to Reuter (1983: 126), “final customers are a significant threat to the illegal entrepreneur. They are many in number, have small loyalty to the enterprise, and take few precautions against police surveillance. The customer is the starting point for most investigations against illegal enterprises, and entrepreneurs must structure dealings with them carefully.”

As one wholesale dealer explained:

I have been saying this so many times already and to you I will tell the same, among those drug addicts imprisoned for article 259 [illicit distribution of drugs], they don’t trade in drugs, they don’t trade at all. They got watched because, well ... Suppose, I came to get drugs, but I don’t have exit [access to the dealers]. You have access ... but I don’t. We both are drug addicts, so you are coming to me and saying “[...] we

are friends, buy some [drugs] for me too, okay? So I come and buy for you and for me, they make a video recording, and then imprison me for the drug distribution, for me selling drugs to you. And later on, they catch you on something and then ask you to [video] record me on something, when I will be giving drugs to you, that's how [both of us] got imprisoned for ten years. [DE2]

Retail dealers often are able to offer new sales opportunities: their networks of retail friends. In fact, “the illegal enterprise has very limited means of advertising ... The customer's loyalty is to the agent with whom he deals” (Reuter, 1983: 127). In such arrangements, a retail dealer transforms the people he uses drugs with into his customers.

Similarly, as one heroin dealer explained, drug users sometimes make these arrangements in order to reduce their own consumption costs. Buying larger portions that can be divided among the users is cheaper. However, the reality is that by buying such larger portion for himself and all of his friends, a given drug user is risking arrest for ‘organized heroin distribution’ [DE1; DE2]. In other words, on occasions when drug users try to reduce their consumption costs, they are technically meeting all the legal requirements to be classified, arrested, convicted and imprisoned as drug dealers.

But on the other hand, even on occasions when police wish to get to a wholesaler through retail dealers, collecting legally admissible evidence was difficult, because the wholesaler's use of a decentralised retail team restricted the amount of information any single drug user has about the wholesaler, which reduced the wholesaler's risk of arrest. Such a process is described by Reuter, who goes on to observe that “the loyalty of the supplier is uncertain, since he may be able to obtain relief from police interventions by providing police the names of a few of his customers” (1983: 118). In other words, even when law enforcement catches up with a wholesaler, they have to consider what will look best on their annual evaluation schema: a single wholesaler, or an army of retailers. As will be shown in Chapter Seven, wholesale dealers cooperated with corrupt police in order to tip the scale against their own retailers.

In this vicious circle, drug addicts face the greatest risk. When imprisoned – and a majority of drug addicts sooner or later end up in prison [DE7] – they come into contact with many other retailers, as well as some wholesale dealers and traffickers. Knowledge gained from these interactions can make them more effective dealers in the future. Since they have almost no legal opportunity to provide for themselves once they are released from prison [DE1], they often return to the environment they know [DE2] and transform their freshly gained knowledge and networks into business opportunities.

Therefore, retail dealers were mainly recruited because of their extended contacts to drug users, and were chosen depending on their individual performance such as the ability to conceal information [P8] and degree of drug addiction (in a sense that people with strong addiction were not chosen because of the risk that they were unreliable) [P26], and might also be tested by wholesale dealers in order to verify that they were not in possession of information about people higher up in the chain of command [P8].

In other parts of the world, the use of couriers as protection buffers has been shown to be an important survival strategy for wholesalers. Such couriers were meant to be placed on the front lines; they were paid with some sort of ‘flexi-wage’ and were easily replaced when targeted by law enforcement (Zaitch, 2002a: 526).

It is worth noting that retail dealers were not really that dependant on a specific wholesale dealer. Their main interest was in the regular supply of drugs for personal use, as well as a certain degree of prestige because many perceived dealing as some kind of promotion [DE4; DE8; DE11] or respect that the addict earns by becoming a ‘runner’ among other drug users [DE11; DE9; DE3]. And yet they faced a higher risk of punishment, via either imprisonment or sanctions from criminal overlords. As Reuter suggests, “cheating ... may be even more serious in the heroin business, where salaried agents of high-level dealers must be entrusted with high-value shipments unless the dealer is willing to risk exposure to very serious legal penalties” (1983: 147). Three respondents mentioned that the only sanction that could be used against unfaithful retail dealers or customers would be spreading the word that these people are working for police and under no circumstances should be trusted, which means subjecting them to informal condemnation by their environment and therefore lack of access to drug dealers.

In any case, the degree of dependency is of secondary importance here because, dependent or not, the retail dealer is the primary police target. Individual retail dealers rarely express willingness to testify against wholesalers, for reasons that are conditioned on the institutional aspects of the Kazakhstani criminal justice system, as discussed in Chapters Four and Seven.

4.8 Structure of Drug Distribution Networks

Golunov (2007) argues that drug trafficking can involve anything from individuals who sell drugs directly to consumers, to small groups like families and teams of friends, to major criminal groups or associations. Smaller and less-organized enterprises seem to be more convenient for the trafficking of drugs across Kazakhstani borders. As emphasised by Reuter, “In illegal markets, the ideology and practice of police is to rank participants in terms of their significance in the trade. A less significant figure (an agent, employee, or customer of another)

will generally be able to retain freedom by effectively informing against more significant figures. This is well understood by all participants in the market” (1983: 114–115).

Paoli (2001) reports that law enforcement sources insisted that more extensive networks of drug traffickers blackmailed Tajik dealers and forced them to smuggle heroin into Russia, but her own empirical evidence suggests the presence of police bias: in reality, such smuggling organisations were usually composed of 5–10 people and were neither centrally organized nor exclusive. A relatively small amount of smuggled heroin and structure of organisations that included less than 3–4 levels of such networks confirmed that drug distributing networks were very different from stereotypical images presented by Russian law enforcement officials. Moreover, Paoli (2001) demonstrates that, apart from members of other ethnic groups, a significant number of ethnic Russians were involved in the drug trade, inasmuch as drug trafficking and distribution became a reliable source of income for the impoverished population in many Russian regions.

Paoli (2001) emphasises that drug distributing networks have always been flexible, and that individuals could be included or excluded depending on the current needs of the business and the intensity of law enforcement activities against them. Friendship and kinship bonds served only as a protection measure from law enforcement. Therefore, the Russian drug market fitted more the conventional view on the ‘disorganised’ structure of black markets (Paoli, 2001).

Similar configurations of drug enterprises have been identified in Kazakhstan drug markets and will be discussed below.

Curtis (2002) claims that in Central Asia, the majority of drug trafficking operations were fragmented and lacked organisational control. Abdirov (1999) also emphasises that even though the majority of drug-related crimes in Kazakhstan were committed by groups, the composition of these groups took various forms.

In most cases, the description of the composition of the drug markets is reminiscent of Reuter’s theory of disorganised crime (1983), which suggests that multiple economic incentives exist for illegal markets to be populated by localized and small, enterprises. Such enterprises tended to operate in a single product market (Reuter, 1983). In Kazakhstan, drug markets are even more disorganised than Reuter’s general description suggests. As one senior detective told me, at every stage of the process, a given dealer buys drugs first and only then starts searching for potential customers.

Those who have opportunities, they do business ... It doesn't really matter, he [trafficker] later starts searching for exits, to whom he could sell it. Thus, in the beginning, I don't think there are any signs of organised nature, because you are just buying from someone and searching for someone else to sell it to. You don't really know a person, your task is simply to sell the item; what sort of organized nature is here? Ideally, this all might come in the future. I mean, you can also see and trace this whole chain, from Kostanai for example, and trace how it was transported to Kostanay, from Karaganda, and then first from Almaty, and before it, there was some consignment too. If you look this way, indeed there are routes, there are movements, and it seems very organized, yeah? However, the one who brought [the heroin package] it to northern Kazakhstan, he might not even know people who brought it to other regions before him, he might not know people who sold it, and who will sell it later. Again, his task is very simple: arrange the transit for himself and later find how to get rid of it. [P13]

Paoli (2002) also notes similarities in the structures of Kazakh and Russian drug markets. Both were dominated by small groups of individuals with who had no previous criminal experience and who participated in the drug business simply to make their ends met. The cohesion and strength of such drug-dealing groups should not be overestimated; the majority of such ‘networks’ had only a single buyer-seller relationship. Even if long-term relationships were established on some occasions, they never developed into centralised and exclusive criminal societies (Paoli, 2002).

A large drug trafficker, whose most recent arrest was for the smuggling of 160 kg of marijuana, replied to a question about relationships among traffickers, wholesale dealers and retail dealers: ‘I have never been concerned about smaller dealers’ [DE7]. This reinforces the impression that relationships are not strong. At times, it seemed that they connected only with a single purpose: to exchange drugs for money [DE1; DE2; DE12]. No dependence on each other, no supervision or control from higher levels. Once a wholesale dealer has received payment, their interest in the customer plummeted [DE3].

An established and trustworthy reputation is of utmost importance in the drug business [DE1; DE7; P13]. Indeed, a verifiable reputation can be described as a prerequisite for an initial conversation between a larger entrepreneur and a new associate. Access to larger dealers is highly restricted [P28]. Some respondents mentioned that it takes years to develop the kind of strong bond that is required before a conversation about becoming a partner could be initiated [DE7; P22; P21]. Even if the retail dealers would testify against them, legally proving the cooperation between a retail dealer and a wholesale dealer would be difficult. Hence, the lesser the control and connection between actors, the lesser the risk of arrest. So, there

is no need for strict control over smaller dealers; what really matters is if they have a possibility to verify the credibility of a potential partner.

The moment such connections develop a hierarchical structure, they immediately increase the length of the potential prison sentence. Therefore, remaining distant from retail dealers is crucial for survival. As Reuter explains, one must control the flows of information about illegal activities in order to reduce the risk of seizure and arrest. Therefore, each participant has to structure his activities – especially those including other people – in a way that minimises the chances for exposure. This affects both who is approached regarding a business transaction and how the transaction is structured (Reuter, 1983: 144).

When it comes to heroin distribution, a particularly wide range of relationships between wholesale and retail dealers has been observed. One wholesale heroin dealer who was active for approximately 15 years recruited and paid commissions to the retail dealers who were dependent on her, since she also provided them with heroin. One investigator mentioned that this dealer was arrested because her retail dealers agreed to cooperate with the police and testified against her [20]. Thus, it is possible that the crucial difference between successful and unsuccessful wholesale dealers was their capacity to minimise or at least control the information flows available about them. For this reason, they had an incentive to keep the business small. The growth of the enterprise meant increasing the portions of the drug sold, rather than increasing the number of customers. In a situation when they really need an extra labour force, they also monitored the behaviour of potential retail dealers and, when satisfied with their reliability, initiated discussion about cooperation.

The effectiveness of the above-mentioned strategy can be heard in the laments of one detective:

In any case, when it comes to large [dealers], there are such in each region. Such wholesale dealers are known both to the police and the criminal circles, but reaching such a wholesale dealer is always very difficult ... because everything is based on trust always, and every person selects those, who will never betray him. A wholesale dealer will never display himself anywhere. I mean, at least he will try to do so. And perhaps people think that ... those the very same police officials, that he does it ... yeah? But, in order to convict him of drug trafficking ... well, he has special people ... Loosely speaking, each wholesale dealer has 6–7–8 other [retail] dealers who are directly interacting with the drug addicts. And the wholesale one, he doesn't detect himself. He comes, delivers the drugs to the destination points and then this is it. You sort of know that he does it. You have the criminal intelligence, you hear the rumours, even more specific information, but reaching him is very-very-very difficult. We had

*several huge criminal cases, scandalous cases, and we knew that people were trading for 10–15 years, but f**king no one could reach them. [P23]*

Similarly, another detective emphasised that creating intermediate chains between wholesale dealers and drug users was crucial for survival, because such intermediates could serve as a protective buffer against the police. In such circumstances, traffickers and dealers alike were protected from frequent interactions with drug users and therefore from the criminal intelligence collected against them [P25].

Such intermediate chains, however, were selected carefully, because drug users could jeopardise such cooperation if they concluded that it was not beneficial.

What kind of friendship can it be?! If he is just pulling money from me? Especially after I have paid him a good amount of money and in the end don't really have anything? Throwing away money every day? I will have no friendly relationship with him! I will rather go to my friends from the [police] department haha, and send him somewhere far away. [DE4]

The quote is taken from an interview with a police informant. Such people present among the highest risks to both retail and wholesale dealers. In order to protect themselves from potential informants, wholesale dealers rely on intermediates and recruit retail dealers from among regular drug users, as one detective describes:

R: *It's sort of an internship.*

Zh: *so during this internship, they don't inform them for whom they are working?*

R: *no, they never tell such things. They think that they work for a person who said a word for them, because if they, well, they don't often leak the information about the larger [traffickers], because larger [drug entrepreneurs], well ... there is bigger money involved. [P8]*

Another quote similarly demonstrates the importance of restricting information about traffickers.

R: *In general, in the wholesale [drug] trade, those who work, they want to give it away as soon as possible. I mean, giving away in a sense like getting rid of a headache. The higher the weight, the less the probability that you will be subjected to criminal responsibility ...*

Zh: *How come?*

R: *Because when you sell a tomato to 25 people, all 25 people know about it. And here when you sell 25 tomatoes to one person, only one person knows about it. Thus, the higher the weight, the fewer people know about it. This is it. You give away 25 tomatoes to that person, and no one else knows. Then that person, sells these 25 tomatoes to 5 people, that's how 5 people already know about it.*

Zh: *Oh, yeah! That's how it works!*

R: *Yeah, these five sell to more people, and then 50 people know already. For example, only one person knows about you, and then about that one, five people know. And then those people sell to ten more, next ten sell to twenty more people. I mean the fewer people who know, the ...*

Zh: *The risk is lower?*

R: *Yes. Those who sell bigger shipments, they face a lesser risk that they will be arrested.*

Zh: *That's why only smaller dealers mostly get arrested?*

R: *Yeah, because they are most ... Well, the higher the trade, the more difficult it is to ... Well, fewer people know about it. [P13]*

Thus, it can be suggested that drug entrepreneurs tended to be more interested in creating enterprises in a way that minimised information flows about them, and that drug markets in Kazakhstan were of a more disorganised nature.

4.9 How are drugs trafficked? Reflections on modus operandi

As mentioned in Chapter Three, legitimate trade is a convenient cover for the trafficking of both heroin and marijuana.

One heroin dealer mentioned that drugs were transported all the way through Kazakhstan and close to the Russian border before the process of arranging to get the drugs into Russia is initiated [24]. So, legitimate businesspeople in the Kostanay region, including border villages such as Keneral and Toguzak, were often called upon to arrange transportation of heroin through Russian–Kazakhstani border at the customs point called Kairak. Arranging transportation to and through less-popular customs controls was even easier. Regular business trips served as a decent explanation to cross the border with a less detailed security check. *‘if they pass the border daily to sell vodka, for example, who will properly check them every day?’ [DE4]*

As a trafficker explained to me, traders from Kyrgyzstan regularly arrange the transport of fruits to Kazakhstan. Just like at the border with Russia, the regularity of such business trips allowed them to develop connections with potential customers for the bricks of heroin they hid among fruits and vegetables [DE5], [DE3]. In a way, this is one of the ways relational capital is developed by both traffickers and wholesale dealers. *‘Keep in mind, they bring stuff [from Kyrgyzstan] not for one year, they actually come every year. They know people, people who will buy drugs from them too. They already know who will get that bag. Thus, they arrange it themselves, by using “fruits trade” as a cover’ [DE3].*

According to one police detective, both marijuana and heroin were found in the cargos of watermelons and apples. In one case, criminal intelligence available to the police connected Tajik traffickers to Roma wholesale dealers [P6].

On another occasion, a trafficker suggested that the best traffickers are long-distance truckers, be they either well-paid or drug-addicted. *‘These are long-distance truckers, for example those who use drugs or those who were well-paid, they can also arrange the transportation, they will meet him in the end [at the destination point]. It's all arranged along the way. No one will stupidly traffic kilograms of heroin [without some sort of cover, like legitimate goods]. Because it's just dumb ...’ [DE3]* He also emphasised the importance of choosing the huge long-distance container trucks for heroin transportation, because light-duty cars and trucks were more likely to be subjected to customs control for reasons associated with both corruption and relational capital. Long-distance truckers developed relationships that include offering customs officers incentives to wave them across the border. Drivers of cars and light-duty trucks, on the other hand, were more likely to face delays and demands for extortion from the same customs officials. None of these factors came into play, of course, at border crossings where customs officials were not corrupt.

In sum, trading in legitimate commodities allowed traffickers to bridge the structural gaps and eventually develop the relational capital needed to trade drugs in other countries. Thus, it could be argued that relational capital was embedded into the professional relationships of traffickers in Kazakhstan.

4.10 Risk Management: From controlling information flows to bribing police officials

In this section, several ways drug entrepreneurs were using to protect themselves will be discussed. As argued by Reuter (1983: 129), “illegal entrepreneurs control the level of their exposure to law enforcement by controlling the number of subordinates with whom they must deal directly.”

High risk and uncertainty associated with heroin and marijuana markets in

Kazakhstan seemed to be conditioned on severe punishment as a result of holding an official governmental position. All large-scale trade in drugs faced the same criminal punishment, with no distinction based on the exact type of drug. The precise amounts required for possession of a drug to be described as 'small', 'medium', 'large' or 'extra-large' is discussed in Chapter Seven, but it is worth noting here is that 'extra-large' can be quite small: for heroin, any portion of more than 1 gram, including the weight of all additional substances, is described, prosecuted and sentenced as 'extra-large'.

Therefore, it can be suggested that retail drug dealing was riskier in Kazakhstan than in other countries, because the sanctions of criminal law did not really differentiate according to the volume of drugs distributed. A dealer or trafficker could expect at least 10–15 years of imprisonment for possession of an 'extra-large' dose [P16]. The risk was quite high, because police started information-gathering by threatening to arrest drug users for heroin distribution. Prospects for such a punishment were quite realistic because drug addicts tend to buy drugs in groups in order to share the costs for heroin [P11]. In reality, these 'criminal groups' were just groups of cooperating drug users trying to reduce their consumption costs. [DE8; DE1; DE2]. In a sense, such a discount was reasonable to make, because it shifted the focus of law enforcement from the professional dealer to the representative of drug users, since they were meeting all the legal requirements to be defined as a 'large size drug distributing leader', especially in a circumstance when police were burdened with the need to document a certain number of investigations, arrests and convictions. In the end, Golunov's (2007) description matches the situation in Kazakhstan a decade later: "only small dealers and consumers are detained and convicted in the majority of criminal cases. Arrests of ordinary couriers do not pose a serious threat to the narco business, as replacing these couriers is not difficult" (Ibid.:341).

As for traffickers, because they expected to arrange only a few huge transactions, they faced less risk, at least in comparison to retail drug dealers who had to expose themselves to wider circles of drug users, possibly including police informants [P13]. Despite their relatively lower risks, even traffickers placed a high priority on protecting themselves from arrest, and many determined that the best way to protect themselves was to rely on relational capital. Creating an environment where both the reputations and the networks of potential collaborators could be confirmed created a sort of protective buffer against police involvement [P22]. In fact, in order to reduce uncertainty, data shows that they indeed relied on social networks including ethnic, kinship, imprisonment and friendship groups. One trafficker started his business with shipments of marijuana. As his business grew, he was able both to establish his own reputation and to develop contacts and relationships that facilitated further trade, leading eventually to an introduction to another circle of traffickers who were also involved in the heroin trade [DE7].

As one detective explained:

Predominantly, they [Kyrgyz, Tajik and Uzbek traffickers] just bring drugs here, but don't distribute themselves. They bring it from those countries, and they give it to their trusted people, get the whole amount of money and then come back. They never give themselves away. And those [trusted people] already deal themselves here. [P5]

It seems that by 'trusted people', the detective was referring to the relational capital of traffickers.

When it comes to the way participants perceive trust, many respondents had difficulty understanding my questions. In their view, trust was neither present nor relevant [DE1]. It was more of taking calculated risk in order to proceed with the operation. In other words, there was no better alternative, so they took risks and relied on existing relationships, reputation, and vouching for accomplices in order to reduce the probability of arrest.

As stated by Reuter, drug entrepreneurs involved in the heroin trade in 1970s New York had good reason to fear law enforcement. Heroin conviction led to heavy penalties and confiscation of valuable goods. When the probability of a successful defense was low, the prices charged by defense lawyers grew; in addition, there was always a risk of exposure to corrupt police as well. For all of these reasons, drug entrepreneurs dealing in heroin tend to minimize the number of people they include in their business routines (Reuter, 1983: 140).

In Kazakhstan, restricting information about their activities was common for a whole range of actors involved, be it trafficker, wholesale or retail dealer. It allowed them to reduce uncertainty and the probability of arrest. Thus, for many actors working with their immediate circle of friends, family and kinship were important for reducing the uncertainty associated with the drug business in Kazakhstan. Personal contacts turn out to have been important for customers, too. In order to conceal their activities, retail dealers sold drugs only to addicts whose reputations could be double-checked. Drugs were not sold to unknown people, because each new customer might be a police informant [P21; P28; DE4]. Police normally started information-gathering from the community of drug users, so every new customer was viewed as a potential threat of arrest for the prospective dealer [P7; P32].

Information leaks dramatically increased the probability of arrest. Once a dealer started to operate with higher volumes of drugs, uncertainty pushed them to rely on personal reputations [P19], including second-hand reputations, that is, trustworthy criminals vouched for newcomers [DE7]. Under this vouching

procedure, the recommending person shared responsibility for the accuracy of his appraisal of the newcomer [P19]. Dealers were willing to engage with newcomers only after those who vouched for them not only presented the newcomer as a reliable dealer [P6, P28], but also demonstrated their own willingness to share personally the costs associated with a failed operation [P13]. Thus, restricting information about wholesale trade means more safety for wholesale dealers and traffickers. Because they interacted only with people who would buy one or just a few large shipments, the number of customers as well as probability of information leaks were lower, in comparison to retail dealers who interact with a great number of addicts on a daily basis [P20].

As for the importance of corruption in the drug business, Reuter (1983: 123) argues that police corruption is a determinant of the propensity to monopolize black markets. Indeed, a public agency that can create a monopoly franchise by taking legal measures against everyone except selected entrepreneurs can maximise its corrupt profits. Reuter continues, however, writing that the complex structure of modern law enforcement systems can have a different effect. In particular, corruption of law enforcement can lead to even more decentralised market structures, in comparison to the situation of random enforcement or no corruption (Ibid.).

Returning to Kazakhstan, seeking protection from corrupt police was an efficient strategy, at least until a few years before President Nazarbayev's anti-corruption policy began to be implemented. Data from a wholesale dealer's trial supports this claim. Her intercepted phone calls demonstrate that she threatened regular police officials. Her business was flourishing and the way drugs were distributed signalled that she perceived no desperate need for reducing her probability of arrest. Drugs and money were exchanged in face-to-face transactions (Criminal Case № 1-1 / 2014, Kostanay). Thus, drug dealers imagined that protection from corrupt police could be a useful part of a long-term risk-reducing strategy. Then, the broader political environment changed.

The central feature of that broader environment was a new imperative to root out corruption. As intended, corrupt police officials were caught in the campaign's net, but the measures had another effect as well: this wholesale dealer and others like her were found guilty not only of drug offenses, but also of bribing state officials. Her sentence was thus more severe than it would have been if she had been arrested prior to the launch of the anti-corruption measures; it was also more severe than the sentences imposed on the corrupt police officials who had facilitated her trading activities. Consequently, it is reasonable to conclude that on some occasions, bribing state officials actually increased both the risk of arrest and the severity of criminal punishment, instead of reducing them.

Besides that, both corrupt and non-corrupt police came to be characterised as sources of risk for arrest. In exchange for protection, corrupt police could extort both large and small dealers, either financially or by demanding that in exchange for being allowed to remain in business, one dealer give up customers or other dealers. Further, the terms of these deals were never certain; it was hard to predict when or why a corrupt officer would revise a demand [DE2].

Corrupt police can be characterised as unreliable business associates, for several reasons. First, they themselves became targets of the agencies that began to fight corruption [O8]. Second, in the long term, such protection increased risks, because if the corrupt officer was arrested, dealers and traffickers were likely to be taken down with them – and not only for the trade in drugs, but also for bribing state officials [P4; O6]. Third, there was absolutely no guarantee that the corrupt police would not sacrifice them in order to divert suspicion from themselves [O9] or to meet their statistical requirements as they peacefully continued to extort other dealers.

On the other hand, it is possible that dealers were not as dependent on the protection of corrupt police as Reuter suggests. A heroin dealer who was asked about the role of corruption replied that it was not really that relevant because imprisonment in the end turns out to be beneficial for the dealers. Many respondents emphasised the role of contacts and agreements that were created during imprisonment [P22; DE7; DE12]. While in prison, a dealer can broaden his network:

Zh: How do people gain access to large dealers?

R: ... Anyways, prison helps a lot. Someone gets released after 3 years, somebody else maybe released after 4, and then they get in touch with each other. But how they access [each other] again, Romas [for example], they have family bonds, they communicate [with each other] ... Brothers-sisters etc, somewhere in Russia, for example. You know, it's like a chain. You call someone right now, then someone else is called and that's how they reach them. Even those addicts, just say to him – pass through [the border] and if he succeeds, he will have some portion. After, they will arrange the rest themselves ... They communicate with each other, northern and southern Romas, and that's between them, I mean ... They only benefit from imprisonment. Instead, once they are released, they already have more channels, and that's how it starts on a higher level. [DE12]

Reuter also suggests that prison can be an important source of professional contact, and that in prison the high status of a particular criminal can send reliability signals to prisoners from other regions (1983: 158).

The enterprise-growing opportunities acquired in prison were observed in another interview with a trafficker:

R: *You see, I have such opportunities because ... when I ended up in camp [prison], the one who was with drug addiction treatment, where we were collected from the whole Kazakhstan, in order to share our best practices hahaha. We developed new relationships, contacts, etc and then when I was around 25, I had such levels of influence in my hands that—*

Zh: *What kind? What could you do?*

R: *I could call any city and say I need this and that, bring it here, and they also called me and asked where they can exchange it for car, or arrange a different sort of barter.*
[DE7]

Thus, it can be suggested that building new relationships with people who eventually became business partners can be a key professional development opportunity. This opportunity becomes available through access to environments where such social networks are embedded. In other words, arrest and subsequent imprisonment end up providing future business opportunities and improved access to relational capital and, thereby, brighter business prospects, which for some drug entrepreneurs – as claimed in the quote above – reduces the importance of protection provided by corrupt police.

4.11 Measuring Relational Capital

When I was conducting interviews, I learned that actors by no means operated in isolation. Everyone who was directly or indirectly related to the trade in narcotics understood that they were continually observed by others in this world. Drug users, drug dealers, police detectives and security service officials somehow knew or heard about each other, and exchanged information about others. This is consistent with Reuter's report of the 'impression from discussions with police and participants is that each participant has a strong awareness of the reputation of numerous others, and that relevant information is rapidly disseminated' (1983: 153).

Thus, perhaps because of the importance of relational capital, this mysterious world turned out to be quite small; only, a limited number of participants could enter business, either by being vouched for by others, by developing their own reputation, or through personal knowledge of their immediate circles. Obtaining such contacts was a prerequisite for entering the business. As Paoli et al. (2009: 45) write: "in the opiates industry, the need for relational capital poses a potential barrier to entry for traffickers, and the cost of trafficking including basic transportation costs, and as in production, the risks of seizure or arrest

and punishment may differ across routes." My interviewees also suggested that the search for potential accomplices is related to the quality and quantity of pre-existing relationships. In this relation, Van de Bunt et al. (2014) have argued that organized crime has a habit of interacting with its social environment and that organized crime and social environment are intertwined at both micro- and macro-levels. Moreover, social environments provide fertile grounds for crime groups to commit and conceal crimes (Van de Bunt et al., 2014).

Although many drug entrepreneurs came to regret their choice to rely on interventions of third persons and recommendations by other people (Zaitch, 1999), Kazakhstani drug entrepreneurs were willing to take such a risk, albeit with some precautions and conditions. In fact, many respondents emphasised the importance of a one-person overlap, that is, a single person who could introduce interested parties to each other. The possibility of financial benefits increased the intensity with which potential entrepreneurs searched for such a person.

The entrance into the drug business starts with the evaluation of the available relational capital of a given person. As one detective explained,

in the very beginning, a person who has certain connections, someone who has a relative working as a train conductor, or someone else who can arrange transportation through the border with no serious [risk of] consequences for himself, with some sort of opportunities ... such people transport drugs for themselves first, that's how it starts. [P19]

A senior detective described it in this way:

How do you find people who can sneak drugs through the border? – acquaintances, acquaintances, acquaintances. You just get introduced to the person, ... the person has some financial difficulties or doesn't have regular sources of income. Naturally, they offer good money, for such actions. For the transportation, I mean. And then the person agrees. [P25]

A heroin dealer said that, in order to start trading in wholesale amounts, one would not need anything except a connection to people trading in larger amounts [P30]. For example, as one wholesale dealer described her entrance into higher-volume trade, 'I came to her only after Lila [name changed] told me that I could buy wholesale from her' [DE2]. In other words, 'Lila' vouched for my respondent.

Developing such connections and building up a trustworthy reputation as a reliable potential partner is another step that would let you gain access to the privileged circles where larger shipments and bigger money circulate. But these circles

were by no means directly related to circles closer to the street-level; they were composed of dealers who traded in higher volumes of drugs, rather than of those who herded retail dealers. Such a difference seems crucial because it suggests that markets were rather disorganised and that relationships between actors were weak, trust was conditional, and all sought to benefit from opportunities that might be provided by people with better connections and more established reputations – but not at the cost of creating dependent relationships.

A heroin dealer highlighted the importance of finding a connection to particular people:

Zh: *what is necessary to gain access to the larger dealers?*

R: *Nothing really. You don't have to have anything special, except having an acquaintance who has an "exit" [vyhod in Russian, informal word for the access to the dealer] to the weigh [ves in Russian, informal word meaning big shipment of heroin] and this is it.* [DE9]

When asked about the role of the ethnic component in drug enterprises, one detective suggested that ethnicity could indeed be convenient for the cooperation, since the connections among representatives of the same ethnic groups enable one not only to gain access to the necessary people, but also to circulate information. Relational capital generated from the instrumental use of ethnicity might provide a competitive advantage in illegal transactions (Van de Bunt, Siegel and Zaitch, 2014). A police detective made precisely this point, with reference to Roma drug traffickers.

I wouldn't say that everything is based on ethnicity ... when it comes to ethnic [drug enterprises], then these are Roma we are talking about ... There are Roma people in each city ... They communicate with one another. They have something here and there, this and that ... Moreover, in our country, we are a multinational country, therefore we have diasporas. For example, if there is a person with a criminal disposition in the diaspora, then he will be searching for people that he will need. Again, he will use this "ethnicity thing" to develop the contact, or the kinship for example ... [P9]

Thus, it is possible that relational capital can be embedded into the existing social network of a given drug entrepreneur. Another detective also highlighted the importance of relationships that are first bounded by ethnicity or family ties, but later refined and limited to selected individuals from within these groups. As one detective described, such relationships enable the kinds of transactions that otherwise might be considered too risky.

Naturally, there are indeed family ties among them [speaking of Roma dealers], but not only this. Some sort of relatives, but more like "our people", you know? In general, they are naive like children. I mean, they really trust each other. They can even give the product [referring to heroin] to each other, with no money or first they can give money and pick up the product later. In this sense, in terms of liabilities, it's serious there. No one signs any papers, there are no contracts, but ... they keep their promises. [P20]

Clearly, existing relationships were important for liability management in heroin trafficking and distribution, and trust was a part of the solution. But trust is a broad concept, and its meaning can be contextually dependent. Thus, the analysis demands a look into details of what exactly respondents meant by trust, and how these forms of trust were built and measured.

Several respondents claimed that really is no trust in the Kazakhstani drug business [DE1; DE2; P30; P27]. And yet, the evaluation of individual reputation in order to reduce the uncertainty of business seems to come very close to an evaluation of trustworthiness, as the following quotes show. First, the explanation of a detective from the UBN:

There is a special prison word, who will give maza for them, which means who will be responsible for them. Indeed-indeed, even there will be the only deal, and when the item [shipment of heroin] will be given, at this moment the police officers might show up. After all, no one wants to be imprisoned, or the other way around, it's a huge financial loss. Thus, people must intercede for somebody, yeah, the trusted people, in case tomorrow ... well, this is the criminal world, if something happens tomorrow, the one who was interceding, will be held accountable. [P30]

Thus, instead of trust in a broader sense, drug entrepreneurs relied on the evaluation of reputations of actors involved in the drug business. One wholesale dealer reflected on the early stages of her career:

R: *We don't trust anyone. We were just buying and then selling. This is it.*

Zh: *I meant ... in order to come and buy drug [larger portion of heroin] from her, there must be a certain degree of trust.*

R: *Well, I have heard about her [speaking of the person from whom she bought wholesale], that she was dealing for many years, and therefore I was not afraid of coming to her. I never thought that she would rat me out or something.* [DE1]

On this occasion, the reputation of the wholesale dealer was measured by the respondent to be adequate for a professional relationship to be initiated.

Drug entrepreneurs deal not only with the potential severity of the punishment, but also with the rest of the complexity, such as corrupt police – especially in their role as extortionists rather than providers of protection – payments to *obshak* and information leaks from their customers. Thus, relying on the references from trusted people seems to be important for risk reduction. Reuter argues that there are two elements of reputation, both of which vary between markets. The first element is the importance that others will expect ‘honourable’ behaviour. The second element is the ease or difficulty of disseminating harmful information (Reuter, 1983: 152). Both elements are considered by individuals who are searching for new business partners.

In such circumstances, imprisonment provides access to people with better human skills, contacts and connections, especially connections to the people who can be a guarantor of the reliability of potential partners. Therefore, prison time gives people an opportunity to transform the above-mentioned into profits generated from future drug trafficking. The following quote demonstrates this proposition.

R: *In the criminal world they got introduced to in prison, they communicated there. Even during the interrogation they don't tell us, "we met there," they are just saying "we found each other through friends in common. I have found and acquaintance who advised me to call and then" ... not every person needs to possess criminal authority in order to call and arrange large shipments of heroin.*

Zh: *In other words, they need to be interceded by someone?*

R: *Yes, exactly! The intercession that this person, he will come and he is a tried and tested man, that is to say he can be relied on, that he is not a frontman, and only then will he be given large shipments.* [P18]

It must be emphasised that imprisonment is not a prerequisite for entering large-scale trafficking, but rather an environment where each can observe the behaviour of others, evaluate trustworthiness, and bridge the structural holes between the large-scale dealer and the final consumer. The following quote supports this claim.

Well, each year, we work on 2–3 groups and convict them of a criminal offence. All of them have criminal records. On average, for example, [the group has] ten people, 7 of them with criminal records, were in prison together, they say in their jargon that they sit together ... They share the parcels they got while there, sit together, eat together etc. And then after release, they do business together. [P23]

One managing detective also mentioned the importance of larger relational capital to the professional growth of drug entrepreneurs. Critically, in order to buy larger shipments of 10 kg of heroin or even larger, a given dealer was expected not only collect in advance the money for such transaction, but also to develop and communicate an adequate professional reputation, which is later converted into access to a wider network of potential business partners:

You start with nothing, and then go and go, grow and grow, and then you reach 10 kg and consequently you have a position, you have money, you have it all. But again, how is the deal arranged? When you are large [a wholesale dealer], people know you already, right? You can find certain people, whom you don't know yourself and accordingly you inquire something about him, he inquires something about you, then you like characteristics of each other and then someone hurls you together. Or well, they can be some other ways, but you meet in person and then discuss the shipment of 100 kg, for example. [P13]

4.12 Conclusion

The upshot of all this is that the importance of ethnicity for drug trafficking actors in Central Asia is lower than most scholars and many law enforcement officers have suggested. More particularly, it is known that the dominance of certain ethnic groups in Kazakhstani drug markets was conditioned not only on the connection to the production and transportation countries available to ethnic communities, but also to all other market participants. Even if Central Asian Roma dominated Kazakhstan's drug markets, such dominance was conditioned on the competitive advantage derived from the relational capital available to them.

As with Central Asian Roma, drug entrepreneurs who could utilise the relational capital they developed during their own imprisonment could also increase the volume of trade and start participating in the cross-border drug trade, regardless of ethnic background. Thus, relational capital plays a huge role, and it is embedded in the social environments of drug entrepreneurs. In fact, taking advantage of the flows of legitimate trade has enabled traffickers from other Central Asian to build up a relational capital in Kazakhstan, which confirms that relational capital can be embedded into the professional lives of potential and acting drug entrepreneurs.

Traditional criminal societies have only a limited role in the drug trafficking in Kazakhstan, mostly in the form of arbitration and protection services. The arbitration services were characterised as of particular importance because of the high risk of cheating associated with drug trafficking.

Other risk-reducing strategies include structuring enterprises in a way that minimises the amount of information about entrepreneurs. For that purpose, retail dealers were chosen who not only possessed a network of potential customers, but also would themselves (rather than the wholesales) become police targets. The wholesale dealer reduced the amount of information known about him by limiting his overall number of interactions, especially in comparison with the number of interactions required of a retail dealer. Also, drug entrepreneurs evaluated the reputations of potential future partners before initiating a collaboration with them. In the absence of references or vouching from other trusted people, not only would cooperation be impossible, but even information about drug enterprises would be concealed. The main goal was the minimisation of information flows about the enterprise and the creation of an intermediate circle to serve as a protective buffer from the police. Such strategies are associated with the disorganised structures of black markets.

Chapter Five

The Geopolitics of Drug Trafficking

5.1 Introduction

This chapter focuses on the influence of macro factors associated with drug trafficking in Central Asia: Kazakhstan's geographic position in the region, the condition of Russian and Kazakhstan drug markets, and the role of international factors. Such a focus leads not only to an answer about Kazakhstan's role in heroin and marijuana trafficking, but also to a demonstration that the broader context related to drug trafficking, partly conditioned on macro factors, has had a significant influence on internal Kazakhstani drug markets.

Svante Cornell (2005: 580) has argued that the amount of heroin trafficked through Central Asia increased dramatically in the early 2000s, estimating that approximately 160 tons of heroin produced in northern Afghanistan was trafficked through the region. Marijuana grew naturally and then was cultivated in the region on a large scale (Cornell, 2005). His documentation demonstrates the critical role Central Asian states play in satisfying the demand for drugs in Central Asian and Russian drug markets. Paoli et al. (2009) have similarly characterised the Russian drug market as one of the biggest in the world. Thus, Kazakhstan is located in the heart of the major heroin and marijuana trafficking routes from Afghanistan, through Central Asia and eventually to Russia.

Nevertheless, transnational drug flows hardly ever remain the same. While opiate markets seem to be responsive to law enforcement measures, trafficking and production can adapt and develop new patterns over time (Paoli et al., 2009). Galeotti (2004) argues that the global underworld is continuously evolving and adapting to technological, political, economic, internal and enforcement drivers, and the Central Asian Drug Action Program (2018) reports a significant decrease of drug trafficking through the Northern Route and an increase in trafficking on the Balkan and southern routes in recent years (Yusopov et al., 2018).

This chapter will show how Kazakhstan's geographic position influences the flow of heroin and marijuana through its territory, how this international flow affects local drug markets, and the international community's response to drug trafficking.



Figure 5.1 Political Map of Kazakhstan

Source: <https://www.nationsonline.org/oneworld/map/kazakhstan-political-map.htm>.

A recent trend in criminology emphasises the value of analyzing organised crime in its situational context (Zhang and Pinede, 2008; Bezlov and Gounev, 2008). Analysis of the local situation, including the relationship and interactions between people and goods, and between offenders and victims, can add depth to the understanding of the origins and development of organised crime (Siegel and Nelen, 2008). As Siegel and Nelen (2008: 1) explain, the “nature and volume of organised crime as well as its containment depend on the social, economic and cultural context in which organised crime develops and becomes manifest.” Among other factors shaping organised crime, Albanese (2004) identifies the local history of criminality, the degree of economic development, geographic position, the political climate, and national and ethnic customs and beliefs as potential drivers and shapers of criminal culture. Therefore, he urges that attention should be paid not only to the broader Central Asian context but also to details, relationships and interactions associated with drug trafficking within Kazakhstan.

One example of broader contextual factors is the economic situation in the region. Drug traffickers took advantage of economic policies that were meant to strengthen existing trade agreements to facilitate legitimate trade in Central Asia, including visa-free travel between the Commonwealth of Independent States (CIS) and Central Asian Economic Union (Behera, 2013). Easy travel helps to

explain why 50 per cent of drug traffickers arrested in Kazakhstan were citizens of post-Soviet countries in 1998 (Behera, 2013). Curtis (2002) argues that legitimate routes for cargo trade in fruits and vegetables from Tajikistan to Siberia provided many opportunities for drug trafficking, and he documents an increase in drug trafficking by train, air and truck through Central Asia and into Russia in early 2000. According to CADAP data, fruits and vegetables continue to be the main products coming into Russia from other Central Asian states and China. Drug traffickers have lots of opportunities to conceal drugs in the trade flows, and high-volume cargo transport remains the most sustainable way to move drugs (Yusopov et al., 2018).

Respondents also mentioned extensive trade between the Central Asian States and Russia among the main factors that facilitate drug trafficking in Kazakhstan. ‘More than three thousand trucks can pass [through a check-point] during a day’ [P20]. As a result of a significant amount of legitimate cargo crossing the border, effective inspection is difficult for law enforcement. A senior detective explained that the huge volume of goods, rather than corruption, was the main reason for drug trafficking:

We share a border with the Russian Federation, that is why ... I cannot say that law enforcement agencies there are directly involved in everything ... in this very thing ... in trafficking, I mean, ... No! Because I think it is impossible! All the cars that cross the border, how would you check what is hidden inside each of them? ... you need to understand how it works there ... Imagine, 50 tons of eggplants ... two thousand boxes of vegetables etc. are passing there daily ... Well, it is unrealistic, it is actually unreal ... and, again ... this is not related to the involvement of law enforcement agencies in trafficking. [P30]

These words suggest that drug trafficking in Kazakhstan is a much more complex issue than the one captured by images of corrupt police officers trafficking drugs to Russia.⁴ Traffickers can take advantage of trade agreements that were meant to improve economic conditions in the region.

The US Bureau of International Narcotics and Law Enforcement Affairs agrees with the explanations related to the exploitation of legitimate trade routes by traffickers. Its 2016 report argues that the establishment of the Eurasian Customs Union and further lifting of border controls between Kyrgyzstan and Kazakhstan have reduced barriers to drug trafficking in the region.

⁴ Corruption of Law Enforcement was argued to be one of the main underlying reasons for the drug trafficking in Kazakhstan. The role of Corruption as well as the ways Kazakhstani government was dealing with it will be discussed in Chapter Six.

Similarly, Paoli (2002) suggests that drug smugglers have exploited former Soviet transportation routes in order to import drugs from former Soviet Central Asian republics into Russia. Thus, we can see that Kazakhstan, by having the critical geographic position in the region, not only enjoyed the benefits associated with regional trade, but also became an unwitting participant in the flow of illicit drugs from the rest of Central Asia into Russia.

5.2 The Northern Route and its Influence

An analysis of the existing literature indicates that very little is known about underlying reasons for drug trafficking in Kazakhstan, except its importance as a key transit country for the trafficking of Afghan heroin to Russia (Kairzhanov, 2008; Mohaparta, 2007). Some scholars have highlighted the importance of Kazakhstan's specific geographic position for the transportation of drugs (Behera, 2013; Curtis, 2002; Paoli, 2002). According to Behera (2013), four out of the world's six main drug trafficking routes in 2001 passed through Central Asia and, due to weak economies and inefficient law enforcement, Kazakhstan, Kyrgyzstan and Tajikistan became major markets for narcotics. As Curtis (2002) explains, heroin was often packed for shipment in the Tajik cities of Khujand, Chkalovsk and Ural-Tube. Later on, these shipments were delivered to Osh, Jalaband and



Figure 5. zMain Opiate Trafficking Routes in Kazakhstan.

Dotted lines indicate drug routes
Source: Source: United Nations Office on Drugs and Crime: 86 (June, 2018).
Afghan Opiate Trafficking along the Northern Route, Vienna, Austria

Batken in northern Kyrgyzstan, and to Kostanay and Pavlodar in Kazakhstan, to be further trafficked to Russia. Thus, Central Asia served as a bridge between Afghanistani suppliers and consumers in Russia, Ukraine and Europe (Curtis, 2002).

Mohaparta (2007) argues that Kazakhstan was mostly used by Central Asian traffickers to deliver drugs to Russia. According to Paoli (2002) the smuggling of drugs from CIS countries was facilitated by the lack of effective control along Kazakhstan's 6500 km border with Russia. Thus, Kazakhstan plays an essential role in the trafficking of Afghan heroin as well as home-grown cannabis to Russia. A senior detective of the Anti-Narcotics Department argued that '[b]roadly speaking, Kazakhstan is a key transit country. As a result of a very long border ... Kazakhstan connects Russian drug markets with the dealers from other Central Asian states that have access to Afghanistan' [P19].

If we consider the peculiarity of the Russian–Kazakhstani border, the importance of Kazakhstan for heroin and marijuana smuggling indeed seems extraordinary.

The 7,591 km-long Kazakh-Russian border has 46 official border crossings for vehicles, 23 railway border crossings, 1 river crossing and 5 simple border crossings for local populations. With steppes and semi-deserts and few natural obstacles, the nature of this border makes it attractive for smugglers. Rivers along the border divide the two countries over a stretch of only 150 km and mountainous terrain covers the north-east of the border area, making cross-border communication more difficult than elsewhere along the border. However, in general, its geographical features make the border suitable for easy transit and it is crossed by multiple railways, roads, highways and dirt tracks. (UNODC 2018a: 87)

Mukhamedzhanov (2017) found that half of the drugs smuggled through Kazakhstani territory in 2016 passed through two border regions: Zhambyl (on the Kazakhstani–Kyrgyzstani border) and Kostanay (on the Kazakhstani–Russian border). This finding is consistent with that of the UN World Drug Report (2018), which concludes that opiate trafficking into Russia in 2016 was carried out mainly along the Northern Route through the Central Asian states of Tajikistan, Kazakhstan and Azerbaijan. In this regard, a senior investigator stated:

Even though each trafficker has his routes, these days, Kazakhstan is mostly affected by the Northern Route, which starts in Afghanistan, goes through Tajikistan and then to either Kyrgyzstan or Uzbekistan. To Kazakhstan, heroin is delivered from both Kyrgyzstan and Uzbekistan. Once heroin crosses the southern border of Kazakhstan, it is trafficked to central Kazakhstan. Then, from central Kazakhstan drugs are shipped to northern Kazakhstan in order to be finally delivered to Russia. [P13]

The vice-director of the UBN in the southern Kazakhstan region has reported that heroin trafficking routes into Kazakhstan have recently changed as a result of improved law enforcement activities. More drugs are passing through the Caspian Sea into Iran and the Caucasus region. According to them, law enforcement liquidated flows of heroin from Uzbekistan between 2014–2017 (Talibzhanov et al., 2017).

Thus, it is important not to underestimate the adaptability of drug traffickers. As one respondent characterised the drug trafficking, *‘It’s like a beast with three heads. You cut one head and then two new ones rise in its place. As long as there are people who want to get high, the flows will continue’* [P26]. In fact, shortly after Kazakhstani law enforcement increased activities against flows of heroin coming from Uzbekistan, media reported on a growing volume coming from Kyrgyzstan instead (Radio Free Europe, 2013; Kuchukov, 2016).

Many respondents characterised Kyrgyzstan as a primary provider of Afghan heroin to Kazakhstan, and at Radio Free Europe (2013) Osh city was described as a regional drug capital where heroin is shipped across Kazakhstani territory and into Russia (Radio Free Europe, 2013). Thus, the geographic proximity of this Kyrgyz drug capital enables Kazakhstani dealers to gain access to larger shipments of heroin via the “poorly guarded Kyrgyzstan–Kazakhstan border [that] could be crossed by train, car (with the help of inhabitants) and even foot” (Golunov and McDermott, 2005: 42). Clearly, inefficient border control and cooperation with the local population facilitates heroin trafficking through the Kyrgyz–Kazakh border.

Even more, personal connections with Kyrgyz drug dealers were characterised as of utmost importance by respondents. Several Kazakhstani dealers became significant actors on Kazakhstani drug markets mainly as a result of intensive cooperation with their Kyrgyz partners.⁵ A respondent highlighted the importance of connections with Kyrgyz traffickers:

She worked with the Kyrgyzs, I mean, our third one [referring to another member of the group]. Then, there are also Manaevskye [name of a large-scale heroin trafficking network], now they are arrested too ... They also sent money to Kyrgyzstan. They also worked with the Kyrgyzs ... Even in the past, everyone was saying that they pull drugs from there. [DE2]

This quote demonstrates that Kazakhstani dealers went to Kyrgyzstan to arrange heroin trafficking. The way traffickers develop connections with Kyrgyz wholesale dealers was discussed in Chapter Three.

⁵ Four interviewees made statements to this effect.



Figure 5.3 Location of Heroin seizures around the Perm-Yekaterinburg hub, 2011–2015
Source: United Nations Office on Drugs and Crime: 95 (June, 2018). *Afghan Opiate Trafficking along the Northern Route*, Vienna, Austria

5.3 Trafficking Through Kazakhstan and into Russia

The 2018 CADAP report identifies three main routes of heroin trafficking that pass through Kazakhstani territory. The main route starts in Bishkek (Kyrgyzstan), goes through the border crossing point in Kordai (Kazakhstan) and eventually reaches Almaty. Then, it goes through Georgiyevka to Ayagus, passes to Ust'-Kamenogorsk city and finally reaches Russia. The second route starts in Bishkek and goes through Almaty and then further goes up through cities Saryshagan, Balkhash, Karaganda, Astana, Kokshetau and Petropavlovsk and then ends in Russia. The third route starts Bishkek as well, but it goes west to Taraz and then passes through Shymkent, Kyzylorda, Aktyube and Uralsk cities before ending in Russia (Yusopov et al., 2018).

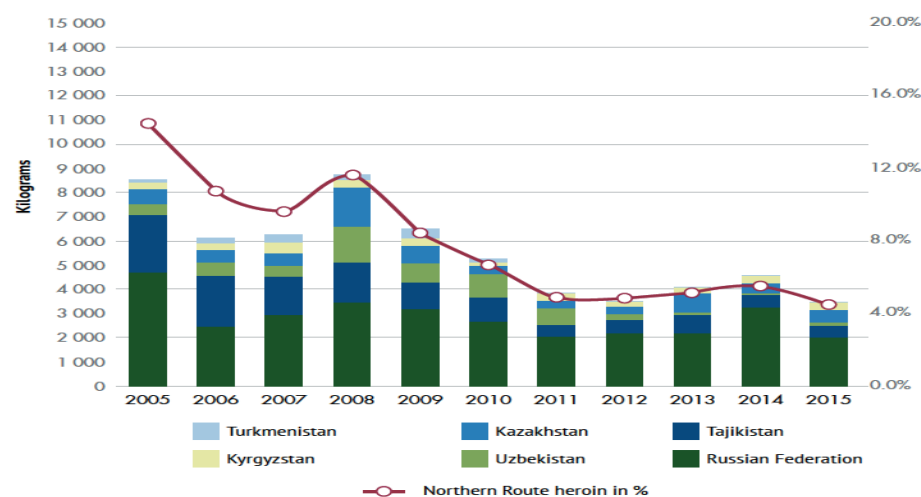


Figure 5.4 Heroin seizures in northern route countries as a proportion of global heroin seizures (kilograms), 2005-2015

Source: United Nations Office on Drugs and Crime: 39 (June, 2018). Afghan heroin trafficking along the Northern Route, Vienna, Austria

During the transshipment process, large shipments of heroin are divided into smaller portions when they reach specific cities on their way to the main distribution markets in Kazakhstan and Russia. According to one trafficker, transloading and division of heroin into smaller portions take place in several Kazakhstani cities along the main transportation routes toward Russia, including Shymkent, Almaty, Karaganda and Kostanay [DE7]. In Almaty and Bishek, two cities that were characterised as important drug hubs, traffickers reportedly repack and selling drugs to each other, sometimes in exchange for other goods, before moving the drugs on to Russia (Townsend, 2006 and Berdikieva 2009 cited in De Danieli, 2015). At each of these points, drugs were divided into smaller shipments (Curtis, 2002). Dividing heroin into smaller shipments gives traffickers a chance for more convenient transportation and reduces the risk of arrest. Thus, these staging posts are logistically and strategically important for drug traffickers [P13]. One respondent described parts of the staging process:

As for the rest, Kostanay city, for example, is called a transshipment base because it stands on the border with Russia ... You can do a lot of things there ... Well, the southern machine [the car which has been registered to an address in one of the southern regions. One can identify the region by first letter or last numbers in the car registration numbers] will not pass through the border. Let's say that you will need new numbers [car registration numbers] from some kind of the nearest village ... and also to make a car inconspicuous so that it could pass [the

border] more or less easy ... and, of course, I will have to make new hiding places to stash the drugs ... I think they pay more attention to the southern car numbers. [DE7]

According to a CADAP report (2018: 66), “the main starting point for drug dealers on the Uzbek–Kazakh border is the city of Shymkent, which is considered a strategic hub for drug trafficking” (Yusopov et al., 2018). However, one respondent [DE7] emphasised the importance of Kostanay, which is only 300 km from Chelyabinsk, a regional hub in southern Russia. Another respondent, a police officer, discussed the strategic importance of Temirtau:

There is a city called Temirtau, in Karaganda. It is the main staging post. Today, the largest transit to the territory of Kazakhstan is associated with Karaganda region. Generally, if in the whole Kazakhstan 100 kg is seized, 90 of them will be seized in Karaganda ... Sometimes, there was a direct supply from Afghanistan to Karaganda! So, first, drugs are coming to Karaganda, and then maybe, from there, they are sent to the south ... I mean, first, they deliver to the centre and then distribute to the rest of the country. [P23]

In relation to this, the UNODC suggested in 2018 that drugs smuggled through the Russian–Kazakhstani border are meant to be delivered to more distant parts of Russia. The Ural Federal Region (the region next to Kazakhstani border) has a population of 15 million, which is approximately 10 per cent of the population of the Russian Federation. However, the drugs’ quantities smuggled from northern Kazakhstan seem to be larger than local demand in this area, thus it is possible that a significant portion of the opiates entering this region was then shipped to Moscow and other areas in the European part of the Russia (UNODC, 2018 a: 94).

Thus, we can see that geographic proximity to the highly profitable Russian heroin market was among the main factors facilitating opioids trafficking through Kazakhstan. Indeed, Paoli (2002) suggests that Kazakhstan was the primary supplier of opiates and cannabis to Russia. In order to demonstrate how geographic proximity to Russia affects drug trafficking in Kazakhstan, the analysis of demand from Russian drug markets will be presented.

Paoli et al. (2009) identify the Russian drug market as the largest to be served by Central Asian traffickers. Moreover, drug consumption in Russia and Central Asia account for a significant portion of total Afghan production. Golunov (2007) estimates that 30 per cent of drugs that enter Kazakhstan remain there, while the remaining 70 per cent continue to Russia and destination points in Europe, but there is reason to be critical about these figures, as will be discussed below.

The Russian drug market expanded massively after the USSR's collapse. The rapid growth of drug use has its roots in the Soviet Era. After the collapse of the USSR, Youth turned to drugs in order to escape difficult life conditions such as marginalisation, unemployment and broken dreams (Paoli, 2002; Kairzhanov, 2008). In late 1990s Russia, heroin use became widespread among youth from all social classes and ethnic groups. Since then, heroin seizures continued to increase and reached 984 kg in 2000 (Paoli, 2002). However, UNODC (2018) reports while the amount of opium seized in Russia fluctuated significantly between 2002–2015, the general trend has been a decline. The volume seized in 2015 was one-third of that seized in 2005. It is worth noting that there are several seizures concentration areas such as border areas with Kazakhstan and Caucasus, in and around Moscow, St. Petersburg and other big cities in the European part of Russia. Therefore, one can conclude that despite the recent decline in the aggregate amount of trafficking through the Northern Route, Kazakhstani territory remains the main transit country for the heroin supply to the Russian Federation (UNODC, 2018).

5.4 Fulfilling Demand for Cannabis

In addition to heroin, trade in cannabis is substantial. For centuries, the use of cannabis has been culturally integrated in Central Asia as well as southern and far-eastern Russia. Cannabis continues to be the most popular drug in Russia (Paoli, 2002). In response to high cannabis demand, huge crops of naturally growing marijuana began to be harvested, especially in the Chu Valley, which is situated between Bishkek and Almaty and extends across northern Kyrgyzstan and southern Kazakhstan (Curtis, 2002; Golunov, 2007; Mohaparta, 2002). Wild-growth fields of high-quality marijuana were exported throughout the former Soviet territories as well as to Russia itself (Kuchukov, 2016; Sharibzhanov, 2011; Unipath, 2013). Approximately 138,000 hectares of wild-growing cannabis in the Chu Valley has the potential to produce 100,000 metric tons of marijuana or approximately 3,500 MT of hashish (USDS, 2017: 198). Much of this was exported to Russia.

Low cannabis prices (US\$0.3–0.4 per gram) and favourable natural conditions facilitated high-volume marijuana smuggling through the Russian–Kazakhstani border (Golunov, 2007; Paoli, 2001). Several respondents agreed that the majority of marijuana comes from Chu Valley as a result of its reasonably high quality and lower price.⁶ One detective estimated that 80 per cent of cannabinoids on Russian drug markets are trafficked through Kazakhstan. [P18]

As for marijuana trafficking within Kazakhstan, Minister of Internal Affairs Kalmukhambet Kasymov regularly referred in his interviews to the complicated drug-related situation in Kyzylorda, and Zhambyl, both in southern Kazakhstan

⁶ Seven respondents made this point during interviews

(Sputnik, 2017). Recent arrests of criminal networks revealed that hundreds of kilograms of hashish and marijuana were regularly delivered to Astana from the Zhambyl region (Talibzhanov et al., 2017). Similarly, Kazakhstani media suggested that the domestic drug situation was profoundly affected by the significant amount of cannabis produced in southern Kazakhstan, some distributed locally and some trafficked to Russia (Talibzhanov et al., 2017). A report from the US Bureau of International Narcotics and Law Enforcement Affairs (2017) deduces an increasing cannabis consumption in Kazakhstan by pointing to a growth of problems associated with cannabis cultivation and trafficking that corresponds with an increase in domestic demand.

Every year, pickers from Kazakhstan, Kyrgyzstan and Tajikistan arrive for harvesting season in order to fill bags with marijuana, while other links in the criminal organisational chain arrange transportation (Tengri News, 2011).

In response, Kazakhstan's Ministry of Internal Affairs (MIA) holds an annual operation, *Koknar*, that aims to shut down marijuana trafficking channels from the Chu Valley. The harvesting season operation involves maximal forces and facilities, special-purpose MIA units and advanced equipment such as off-road vehicles and helicopters (Yusopev et al., 2018). However, the director of the National Anti-Narcotics Bureau, General Kusetov, stated that despite the increased governmental effort, the 'narco-mafia' had developed counter-strategies against these regular raids. They started to cultivate Indian marijuana in greenhouses in neighbouring regions like Zhambyl, south Kazakhstan, Karaganda and Aktyubinsk, and Kyzylorda (Kuchukov, 2016; Yusopev et al., 2018). According to CADAP, this strain of cannabis grows naturally in climate conditions similar to the Chu Valley's and contains a high concentration of TGC. In 2015, 154 plantations of 18 hectares were found. The total weight of confiscated marijuana was 161 tons, including 32 tons that were ready to use (Yusopev et al., 2018).

High demand for heroin and marijuana in Russian drug markets is one of the main factors behind drug trafficking in Kazakhstan, and the Chu Valley is one of the main reasons for Kazakhstan's status as a major drug supplier country. Consequently, the Chu Valley and its potential to satisfy the marijuana demand of the entire Central Asian region and Russia has significantly influenced drug trafficking within Kazakhstan as well.

5.5 Drug Markets in Kazakhstan

One measure of increased public concern about the effect of Afghan heroin trafficking in Kazakhstan is the attention to the topic of Afghanistan–Russia trafficking by mass media sources (e.g., Unipath, 2013; Sputnik, 2017; Radio Free Europe, 2013; Talibzhanov et al., 2017). From the time of Kazakhstan independence,

the significant volume of drugs passing from the rest of Central Asia to Russia started to affect the domestic drug-related situation (Abdirov, 1999). According to one respondent, *‘Inevitably, some drugs remain here, in Kazakhstan. At the end of the day, we are also affected by flows of heroin and marijuana in many ways. Actually, it’s one of the main police priorities’* [P19]. Another investigator emphasised the dominance of heroin abuse in crime. *‘Imagine an average investigator working on ten criminal cases. Eight of them will be heroin-related’* [P12].

UN Drug Report (2018) reports a decline in heroin use in Uzbekistan, Kyrgyzstan and Kazakhstan, as well as a decrease in heroin seizures. Nevertheless, drug trafficking and drug abuse are considered to be the main threats to national security and remain a priority area (Yusopev et al., 2018).

However, in some circumstances, drug use is not understood to be ‘criminal’. Rather, it is cultural or even medicinal. According to one investigator [P11], people living closer to the southern regions and in Kyrgyzstan and Uzbekistan perceive cannabinoids as medicines. This tolerant attitude is partly related to the cultural tradition of poppy tea consumption in Central Asia, and cannaboid drugs are commonly used for medical purposes in southern Kazakhstan.

and in general, in the south [it] is marijuana. Because there ... the southern part of Kazakhstan, Uzbekistan, in general, they contend that marijuana smoking is more of a medical ... [it] has medicinal value. They do not consider it for drugs ... [P11]

Do you know Koknar? The “poppy tea” is a drink which is produced with the use of drugs. It was used in Central Asia from ancient times by seniors and was characterised as medicine for stomach related issues. I strongly doubt that grannies were drinking it to get high. [P10]

Perceptions about cannabis use and trade were quite neutral, at least in comparison to heroin. For example, majority of respondents have characterised heroin use very negatively: *‘dig into this once and there is no way back’* [P5], *‘our people are dying this way’* [P13], and people with heroin addiction *‘don’t have any principles’* [P16], or *‘lose their human nature’* [P4], *‘would sell or kill their own parents’* [P15]. At the same time, marijuana use was not characterised as negatively as heroin, respondents were saying that *‘youth smoking [weed] does not commit such [grave] crimes* [DE1], and that *‘there are adequate drug users, they normally use marijuana’* [49] and some even suggested the possibility cannabis decriminalisation [DE1; DE2].

Table 5. 5 Structure of Drugs Seized in 2012-2017

Total weight (in kg)						
Name of drug	2012	2013	2014	2015	2016	2017
Cannabis plants	28,075	27,100	25,938	35,128	35,557	39,563
Other Cannabis	227.7	209.2	257.7	311.4	432.5	792.6
Heroin	306.7	753.9	392.3	464.4	196.6	146.9
Opium	189.2	3.1	49	8.9	98.1	117.6
Poppy straw	30.3	2.5	8	18.7	399.5	2.5
Other	0.5	1.4	0.1	8.9	5.6	12.8

Source: Yusopov et al., 2018: 67

Kazakhstani marijuana is much cheaper, of better quality and more easily available in comparison to Russian drug markets. More particularly, it was argued that *‘... speed is definitely from Russia, and from us most likely it’s only weed ... only marijuana can go there. This ... I heard, because it is more expensive there* [marijuana on Russian drug markets], *and more difficult to find it.’* [DE9]. Favourable climate conditions were mentioned as the main reason for the high concentration of TGC in the drug. By contrast, marijuana that is widely grown in northern Kazakhstan is of a lower quality as it contains a low amount of TGC [P28].

5.6 Price Variations

There is a connection between a drug’s price and its use. The prices reported below are inconsistent, and many potential sources of variation will be discussed in the following chapters. A 69 per cent decrease in drug seizures in Central Asia between 2010–2016, from 2.6 tons to 803 kg, was followed by a six-fold increase in the retail price of heroin (CADAP, 2018). One respondent noted that *‘The price had increased dramatically when I only started [the respondent mentioned that he had used heroin for approximately 10 years. The interview was conducted in March 2018], I could buy one dose for 500 tenge, these days it is 3000’* [DE4]. At the same time, respondents suggested that the price of marijuana has remained more or less constant in the last five years.

As shown in Table 5.1, in 2012, the average retail price for one gram of heroin was 7375 tenge, while the wholesale price for one kilogram was 3,343,750 tenge. Hashish was sold for 1102 tenge (retail price per gram) and 434,333 tenge (wholesale price per kilogram). Finally, the wholesale price for one kilogram of marijuana was 107,937 tenge, and its retail price was 365 tenge per gram (Yusopev et al., 2018).

Table 5. 6 Wholesale (per kilogram) and retail (per gram) prices for narcotic substances in the Republic of Kazakhstan in 2012

	Heroin		Marijuana		Hashish	
	wholesale	retail	wholesale	retail	wholesale	retail
Average	3343750	7375	107937.5	365	434333.3	1102
Median	2275000	4500	60000	350	300000	1000
Trend	1500000	4000	150000	500	300000	1000
Min	1350000	35000	17000	50	45000	480
Max	14000000	35000	400000	850	1500000	3000

Source: Yusopov et al., 2018: 18

My respondents usually referred not only to price variation, but also to the profitability of trade in different volumes. One respondent stated that *One kg of marijuana once bought as one shipment of one kg costs 45,000 tenge; while each kg contains 24 glasses, each glass could be sold for 5000 tenge; and each glass contains 7–8 matchboxes, each box is sold for 1000 tenge. In a matchbox you have let's say 2–3 grams of weed. This quite a lot of money, isn't it?* [14].

However, others argued that trade in marijuana was less profitable. *'I mean, you can make average money, more than average actually, but not a lot'* [DE7].

Trade in hashish was characterised as much more profitable, especially for people who could manage to smuggle it to Russia or even Europe. Moreover, difficulties associated with hashish production were offset by more convenient transportation. When I asked a respondent if he had ever come into contact with dealers, he responded:

yes, I came. We bought hashish. Well there is also its own technology. The same sort of thing, people there ... But there is a special preparation. Simply, it is not like weed. With weed you dry it, put in bags and that's all. This one [hashish] ... it is cooked, prepared. The same way, they pack it in kilograms, half kilograms also, and then traffic it. You see, it's not as marijuana, [hashish] is smaller. Well, for example, a kilogram, it looks ... well ... as the block of cigarettes, you can place it in your bosom ... and then in the train, in the bus, in the car ... It is unimportant. If there are no dogs who will smell, and nobody to search thoroughly, then it is possible to carry it freely across Kazakhstan ... To Russia, too ... [DE3]

As this respondent explains, hashish is difficult to produce, but these difficulties are compensated by the reduced risk involved in transporting smaller quantities of the relatively high-value product. Domestically, it was sold in 3gr – 5gr portions called *Shaiba* (hockey puck) for 7000 tenge on average. [O11]

As for heroin consumption, a respondent [DE11] mentioned that abuse of hard drugs is higher in northern areas than in southern regions. In the Kostanay region, heroin is normally sold in of 0.33-gram portions, called *Check*, for approximately 3,000–4,000 tenge.⁷ *'One kilogram of heroin costs 12,000,000 tenge'* [P7].

Recently, heroin started to decline in popularity as a result of a significant decline in quality: *'You buy it and it has almost no heroin. Just a waste of money, a real waste ...!'* [DE9]. Others pointed to increased police activity as a reason for heroin's decline. Nevertheless, this drug remains popular among the older generation of drug users.

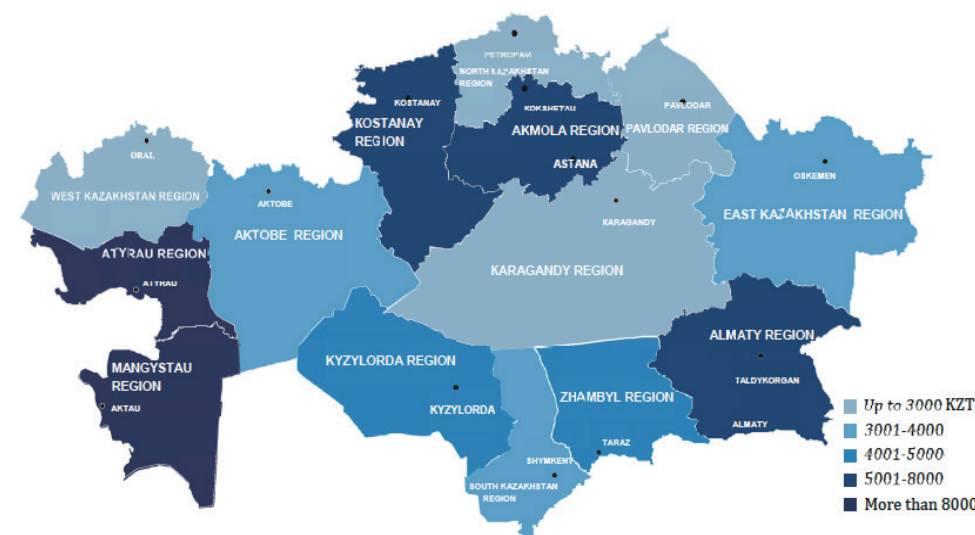


Figure 5. 7 Retail Prices for 1 gram of Heroin in the regions of RK, 2012 based on the data from Ministry
Source: Yusopov et al., 2018: 69

In summary, it can be suggested that geographic proximity and demand of Russian and domestic drug markets, as well as the presence of wild-growth marijuana fields of the Chu Valley, provide significant incentives for drug trafficking in Kazakhstan. Equally important, the highly complex Central Asian political context influences drug trafficking in profound ways. Geographic proximity to Russia as well as the strategic interests of other foreign actors in the region might have affected the way Central Asian governments perceived and responded to drug trafficking within their borders.

⁷ repeatedly stated in many interviews.

5.7 International Political Context

Outside forces as well as internal processes influence the extent and form of drug trafficking in Kazakhstan. Drug trafficking in Kazakhstan is no exception. In many ways, it has been affected by the interaction and interests of major political and international actors such as the UN, SCO, CIS, EU, Russia and the USA.

One such interest is terrorism, and drug trafficking in Central Asia has been strongly associated with terrorism. According to Jackson (2006), international organisations were focusing on 'new security threats' as well as terrorism and trafficking of arms and narcotics in the region, partly because the post 9/11 geopolitical context promised funding increases for combating 'new security threats' such as 'global terrorism', which allegedly was interlinked with drug-trafficking. According to Jackson, when international and regional organisations such as UN, OSCE, EU, IOM, SCO used 'global terrorism rhetoric' to explain the need for their actions in Central Asia and secure more funding from donors, Central Asia with its weak economies, dramatic socio-political changes, human rights abuses and high unemployment rates, all believed to be potential incubators of terrorism, Central Asia attracted the attention of international organisations as "an exporter of global security threats" (Jackson, 2006: 39).

5.7.1 Acceptance of Foreign Aid

Jackson (2006) explains the interest of local political actors in addressing local security threats at the same time central Asian countries were establishing their new, post-Soviet identities. Identifying external threats is a necessary part of the nation-building process, and secure borders are needed for the establishment of territory and legitimacy. Central Asian political leaders agreed to cooperate with international organisations to promote these goals, but still resisted cooperating with each other because of different perceptions towards security issues. For example, by 2005 Kyrgyzstan and Kazakhstan have recognised human trafficking as part of a larger security threat, while other Central Asian governments did not believe that it was a major threat to their national security. Countering narcotics was a perfect match for all of the above-mentioned actors and their goals (Jackson, 2006). However, according to Jackson, even though Central Asian states accepted foreign funding for security-building, they were apprehensive and reluctant to involve international organisations in their internal affairs, because "Central Asian leaders ... perceive the international community as being hypocritical, because Central Asia is merely a transit and not source region. There has been comparatively little concern demonstrated by either international organisations or Central Asian states about how the drug trade has led to an array of health and societal problems" (Jackson, 2006: 305).

Latypov (2009) states that over time, interactions between foreign actors regarding united action against transnational drug trafficking become even more complicated. He documents ways that politicians took advantage of 9/11 foreign policy priorities such as the war on terrorism. Drug trafficking was perceived as the primary source of income for terroristic organisations. Given that UN funding in 2008 was based on volunteer contributions, only security-related programmes find a 'sufficient' number of donors (Latypov, 2009). Hence, drug prevention programmes were mostly focused on manufacturing, rather than prevention and treatment. Only eleven per cent of the United Nations Office on Drugs and Crime (UNODC) budget in Central Asia was allocated for prevention measures, and the remaining 88 per cent went to the fight against organised crime, terrorism and corruption (Behera, 2013). In this way, law enforcement and security services became major recipients of international anti-drug funding, while non-military assistance was 'insufficient' (De Danieli, 2014; Jackson, 2005).

Jackson (2005) similarly explains that military assistance in combating trafficking activities has only limited effect and borders can never be totally secured, and De Danieli (2014) catalogues drug demand reduction programmes and legislative reform initiatives that were carried out. But despite the creation of western-style narcotics control agencies in Tajikistan and Kyrgyzstan, and despite the provision of vehicles, uniforms, equipment and training to law enforcement agencies, De Danieli found no evidence of tangible results in terms reduction of narcotics flow through the region.

Latypov (2009) argues that despite significant domestic investment and some international support, police effectiveness remained a big issue in Central Asia. The US sponsored law enforcement modernisation in five Central Asian States by providing them with new equipment and training. Further, the Paris Pact initiative discussed the drug trafficking issue in Central Asia and the ways international cooperation could reduce it. Central Asian republics reflected expectations of the international community and introduced a wide range of programmes against drug-trafficking. However, these programmes were not characterised as effective (Latypov, 2009).

More particularly, according to Latypov (2009) the widely discussed relationship of drug trafficking to terrorism as well as the goal of preventing drug flows from reaching 'destination countries' opened a wide range of programmes and implementing organisations to foreign funding. Even so, a small yet influential group of corrupt police officials sought, with some success, to undermine the implementation of drug-related policies. Particularly, the repressive drug-related policies were aimed against drug users, "shifting the focus of drug enforcement from users to traffickers would be disadvantageous for a small but arguably

powerful minority of corrupt police, who themselves might be involved in the drug business and other crimes” (Latypov, 2009: 388).

The point for the moment is that a wide variety of foreign and local Central Asian political actors proposed a similarly wide variety of approaches to this non-traditional security challenge, both the process and the results were, at best, inefficient as a result of different political ideologies and value systems. These differences will be discussed in the following section.

5.7.2 *Great Power Rivalry*

Scholars of drug trafficking in Central Asia often discuss the role of international organisations and the regional political context.

Cornell (2005) highlights that foreign financial assistance to Central Asian states was given primarily by the United States and indicated a lack of international commitment to eradicate drug trafficking in Central Asia. A certain degree of scepticism regarding the motives of international actors is also expressed by Jackson (2005), who argues that the USA, Russia, China, UN and EU packed drug trafficking and terrorism together, although there are only indirect and minimal links between the two (Jackson 2006). Some believed that a combination of increased border controls, new anti-narcotics legislation and improved law enforcement training could effectively address both sets of problems, hence programmes designed to improve governance, promote human rights and enhance democratisation received far less generous funding (Jackson, 2005).

This was a mistake; a better solution would not concentrate on the transnational sides of trafficking and terrorism, but rather focus not the development of these phenomena. As Jackson (2005) explains, beyond drawing international attention to the Central Asian region, these policies did not achieve much because borders could never be made totally secure, and providing of equipment to allegedly corrupt law enforcement was perceived as a contentious solution. Therefore, more empirical information about drug trafficking as a significant security threat in the region as well as focus on the underlying conditions of these activities was needed (Jackson, 2005). Later, Jackson argued that such a ‘securitisation’ framework applied by International Organisations was too vague to be meaningfully applied in Central Asia. Thus, Central Asian political leaders perceived international organisations as hypocritical because they did not focus on the effects of narcotics on Central Asia itself, but mainly perceived them as transit countries (Jackson, 2006).

Weitz (2006) suggests that security in Central Asia was not only important for local political players, but also was a primary foreign policy interest for China, Russia and the USA. All of them were highly influential global political actors with

incentives to compete for military advantage, alliances with locals and reducing terrorism and drug trafficking in Central Asia. However, cooperation in an environment of mutual distrust significantly influenced the behaviour of local political actors (Weitz, 2006). Thus, according to Behera, international counter-narcotics programmes in Central Asia resembled the political rivalry between the USA and Russia, and the UNODC and NATO were transformed into ‘platforms of power projection’ (Behera, 2013: 248). Cornell and Spector (2002) state that US policy at the time was mostly ad hoc, and lacked a deep understanding of the local problems and the complexity of the Central Asian region in general. As for Russian foreign policy interests, Weitz (2006) suggests that the Russian government was mainly interested in keeping their southern border safe from both Islamic extremism and narcotics. Moreover, the presence of US troops and even military bases in Kyrgyzstan and Tajikistan was intimidating for Russia. As a response, the Russian government raised concerns among Central Asian political leaders and created the impression that the USA intended to undermine regime stability in the region. In the author’s view, the USA genuinely intended to minimise conflicts, alleviate poverty, end human rights abuses and encourage foreign investment in the region (Weitz, 2006).

Drug trafficking remains a highly important geopolitical issue for Russian foreign policy interests. Although Russia and the USA have managed to cooperate since 2001, a few years ago narcotics policies became a significant area of disagreement between them (Ramani, 2017). Thus, after Donald Trump refused to describe drug trafficking as a security issue in a speech focusing on South Asia strategy, Russian policymakers accused the US of having ‘double-standards’ in order to internationally discredit the activities of American troops in Afghanistan (Ramani, 2017).

Further, Ramani (2007) emphasises, Russian foreign policy anti-narcotics efforts in Afghanistan are connected with their main strategic interests. By contrasting Russian hard anti-drug position to the less aggressive American approach, Russian policy makers sought to discredit American military activities in Afghanistan in front of international and domestic audiences. Besides that, crackdowns on drug traffickers strengthened cooperation with Central Asian countries and legitimised Moscow’s hegemonic projection of power in the region, both of which were important Russian objectives (Ramani, 2017).

The first objective, exemplified by Russia’s anti-drug trafficking cooperation with Tajikistan, is legitimising Moscow’s hegemonic projection of power in Central Asia ... The second objective ... is providing a foundation for closer security cooperation with CIS republics lying outside the Collective Security Treaty Organization (CSTO). By creating a regional coalition against drug

trafficking, Moscow gives the CSTO a vital sense of common purpose and increases the credibility of Lavrov's December 4 call for enhanced cooperation between the CSTO and NATO on drug enforcement (Ramani, 2017).

Such an interplay of global powers had problematic effects on the implementation of solutions based on cooperation between local and international political actors against drug trafficking in Central Asia because, as mentioned, regional security organisations believed that they could solve 'new' security problems on their own (Jackson, 2006). Yet it might be possible to describe the drug trafficking problem as transnational, and perhaps its solution must be transnational as well (Behera, 2013).

Mohaparta (2007) highlighted a certain degree of international cooperation on security issues common to Central Asian countries: both the Shanghai Cooperation Organization (SCO) and the Central Asian Cooperation Organization can serve this function. However, the author seems to overestimate the effectiveness of such macro-political factors on the activities of drug markets and drug dealing networks in these countries. Weitz (2006) is more sceptical towards the SCO, arguing that regardless of its effectiveness, the SCO became the most influential security organisation in the region but launched mostly small-scale cooperation initiatives against narcotics, environmental threats and terrorism. Similarly, Jackson (2006) expresses concern about the effectiveness of regional organisations. For him, their policies have been problematic because the Commonwealth of Independent States (CIS) and SCO did not deny the dangers of terrorism and narcotics trafficking, but believed that they could solve them without the cooperation of the broader international community. Even though drug trafficking threatened the stability of CIS countries, comparatively little political will and many pressing issues, including financial issues, did not prevent the recognition of it along with terrorism as a significant threat. A shared understanding of drug trafficking as a security threat had not been achieved (Jackson, 2006). Therefore, I believe it is important to understand how Kazakhstan approached drug trafficking within its own borders and how international factors shaped this approach.

Not everyone shared the scepticism regarding the effectiveness of international actors in Central Asia. Ceccarelli (2007) encourages foreign actors, and the EU in particular, to intervene in these countries and use both law enforcement and clan-based systems to undermine the threat that drug trafficking placed on security within the EU. However, it is possible that approaches to reining in the drug trade in Central Asia could have been affected by the Western bias against non-democratic countries and post 9/11 terrorism paranoia.

According to Greenfield and Paoli (2012), it is worth noting that security approaches to drug-related risk evaluation should be treated with caution. Relying too much on expert opinion leaves open the door for 'professional bias.' Therefore, they recommend using other sources to evaluate such opinions. Moreover, drug-related responses or policies lacking understanding of the underlying causes and risks would be inefficient and might also produce new risks and thus worsen the situation (Greenfield & Paoli, 2012).

Some have argued that the structure of drug markets, even in non-democratic countries such as Russia, is disorganised (Paoli, 2001; Paoli, 2002). Russia was also affected by the collapse of the USSR and had experienced all the consequences that followed it, but Paoli found no evidence of a state-criminal nexus. In other words, the intertwinement of 'clans' with criminal enterprises in Central Asia might also be a product of certain expectations to identify some 'exotic' reasons conditioning the complicated security situation in the non-democratic world. Following the principles of the theory of social embeddedness of organized crime (see Chapter Three), it is equally possible that the 'clans' might be nothing more than symbols of the groups.

Finally, Jackson (2006) argues that drug trafficking is difficult to fight in the Global Democratic North, let alone in impoverished, transitioning Central Asian states. Moreover, the chosen strategies – military actions, and providing law enforcement with training and equipment – were inefficient because they did not address the underlying complexity of trafficking (Jackson, 2006). Thus, it is important to achieve a greater understanding of drug trafficking in Kazakhstan. In order to avoid the potential influence of the range of biases, new empirical research should be conducted.

5.8 Conclusion

The purpose of this chapter was to describe and analyse the role of Kazakhstan in drug trafficking. As demonstrated, the fight against drug trafficking through Central Asia has been affected not only by local political and economic factors, but also by the external factors such as the intentions of international and foreign actors. And Kazakhstan's key geographic position played an important role in the trafficking of heroin and marijuana trafficking.

Three main heroin trafficking routes pass through Kazakhstan, and all three of them use Kyrgyz cities of Bishkek and Osh as transshipment bases. The further transshipment in Kazakhstan takes place in order to repack drugs or exchange for some goods. Later on, drugs are meant to be delivered to northern cities of Kazakhstan in order to arrange final transfer to Russia. Thus, we can see that the suggestion of Paoli et al. (2009), regarding the importance of major producing and consuming countries, is of utmost importance.

No doubt, certain aspects of Kazakhstan's social, political and economic situation could have affected drug trafficking. Corruption, legal trade routes as well as specific economic and political circumstances were suggested to play a significant role and created favourable conditions for drug trafficking. Besides that, many authors assumed the presence of active cooperation between local political elites and drug traffickers, but hardly ever provided any reliable data to support such claims. Others have emphasised that international organisations and Great Powers such as the USA and Russia have tried to contribute to the solution of the drug trafficking issue, but they could not ignore their political interests, intentions and limitations. Therefore, it was essential to evaluate broader contextual factors that might have also influenced drug trafficking in Kazakhstan.

Recently, the volume of drugs trafficked across the Northern Route has declined. However, the local drug situation still affects Kazakhstan. Thus, drug abuse and drug trafficked were recognized as national security threats. Drugs were mostly trafficked across the legitimate trade routes, and Kazakhstan's the key geographic position has been taken advantage of by traffickers. Thus, Kazakhstan resembles a bridge connecting from regional drug capitals with Russian markets and while passing into that direction, some drugs were left in Kazakhstan too. Besides that, wild marijuana harvested in the Chu Valley is a key reason for a complicated drug-related situation in southern Kazakhstan, since it can potentially satisfy Kazakhstani and Russian demand for marijuana.

The discussion of the drug trade in Central Asia was heavily influenced by the strategic battle for political influence in Central Asia between the USA and Russia. Post-9/11 fear of terrorism, as well as ideological misunderstanding and therefore underlying reasons for drug trafficking and its internal dynamics were overlooked. There is no denying that drug trafficking can be affected by politics. However, it is equally important to remember that trafficking is not an entirely political phenomenon that is conditioned on formal or informal political institutions of the Central Asian states. A much more important question to ask is the way local drug situations such as the one in Kazakhstan reflect or interact with outside forces. Is there any de facto interaction and, if so, how do such pressures affect local institutions and actors involved or fighting drug trafficking in Kazakhstan?

Even though we cannot ignore the influence of such powerful outside forces, far greater attention should be paid to the behaviour of local actors as well as to the dynamics of the local drug-related situation in Kazakhstan. The interplay between various micro-factors that influence actors involved in drug trade might provide us with a more detailed explanation of drug trafficking and improve our understanding of the underlying reasons behind it. Therefore, in the next chapter will address the effect of anti-corruption measures on drug markets in Kazakhstan.

Chapter Six

Pushed against the Wall: The effect of Anti-Corruption Strategy on Drug-related corruption.

6.1 Introduction

This chapter will address the forms and types of drug-related corruption in heroin and marijuana trafficking through Kazakhstan. In addition to discussing relationships among drug dealers and corrupt police officials, claims related to clan-based relationships between drug entrepreneurs and corrupt police (Cecarelli, 2007; Curtis, 2002) will be challenged by presenting empirical data suggesting that these relationships were not based on family ties; rather, they have been embedded into the professional lives of police officials. Further, the informal institutional practices of the Kazakhstani criminal justice system seem to have created incentives for corruption among police officials.

Beginning in 2015, the Interior Ministry and especially the police departments under their oversight perceived their activities to have become increasingly restricted by the National Security Committee and the Agency of the Republic of Kazakhstan for Civil Service Affairs and Anti-Corruption (described below as the Anti-Corruption Agency). This is because the latter organisations were charged with implementing Kazakhstan's anti-corruption strategy and, in this context, investigated the most scandalous cases of police corruption.

In addition to legislation associated with the anti-corruption strategy, a new Criminal and Criminal Procedural Code demonstrated political commitment, at the highest levels, to dramatically reduce corruption in Kazakhstan. Even though the reforms aimed toward a broader transformation than just the law enforcement system, corrupt officials involved in the drug trade became a focus of the newly created institutions. Therefore, it is possible that Kazakhstan is trying to move toward a practice of strict opiates enforcement.

6.2 Corruption: What kind of corruption is that?

The corruption of law enforcement in Central Asia, and Kazakhstan in particular, has been the subject of heated academic debate (Cecarelli 2007; Cornell, 2006; Nurgaliyev et al., 2015). It is possible that corrupt and ineffective Kazakhstani border controls contributed significantly to the expansion of drug trafficking in Kazakhstan. However, the extent and quality of corruption remain unclear: was it limited to certain regions or did Kazakhstan's entire law enforcement system contribute to drug trafficking, or was it some combination of the two? A focus on the role of regional drug-related corruption in drug trafficking through Kazakhstan might identify the importance of connections to local officials, if these exist. Also, how, specifically, did corrupt police and other law enforcement officials facilitate drug trafficking?

A dominant argument among scholars of drug trafficking in Central Asia is that *clans* use their *social capital* to develop relationships with state actors, a result of which is a *state-crime nexus* that facilitates drug trafficking in the region. In this regard, Cecarelli (2007) examines the relationship between organised crime and the democratisation process in Central Asia. She argues that the interests of leading tribal families, high levels of corruption, and economic struggles create a fertile ground for smuggling, trafficking and other transnational criminal activities in this region. Specifically, she defines clans as informal organisations limited by some unwritten rules and connected through ties of kinship and friendship. As a result of great economic uncertainty, Cecarelli argues, clans became more efficient than state institutions in serving the interests of clan members.

Presuming that clans were close to the criminal organisations, and therefore to the state as well, Cecarelli claims that criminal organisations in Central Asia infiltrated state institutions through violence and corruption. In exchange for bribes, such infiltrated state institutions were expected to actively facilitate criminal enterprises. As for the role of clans in drug trafficking, transnational criminal organisations moved part of their operations from Afghanistan to Osh (Kyrgyzstan), Shymkent (Kazakhstan) and Samarkand (Uzbekistan) cities (Ibid.). This movement is said to have made sense because relevant clans had close ties with transnational criminal organisations and could generate more resources for clan members when local aspects of trafficking were controlled locally. Local criminal organisations and drug mafias, on the other hand, played only a minor role in drug trafficking (Ceccarelli, 2007).

As interesting as this theory and its implications might be, careful empirical research suggests variation in the types of relationships developed between organized crime and corrupt law enforcement officials in Central Asian states. De Danieli (2014) found only limited evidence that drug mafias shaped political

realities in any of the Central Asian states. Mafia presence was stronger in the poorer countries of Kyrgyzstan and Tajikistan, while Uzbek and Kyrgyz clan connections seem to have characterised trafficking operations in the Ferghana Valley. Kazakhstan, due to its more developed economy, attracted drug mafia interest mostly as an investment destination, and Kazakh clan networks were more autonomous from the government than elsewhere in the region, due to complicated geography, an advanced economy with other powerful actors, and the nature of organised crime itself (De Danieli, 2014).

It is possible that in much of the world, clans can be deeply involved in drug trafficking, but this is less true in Kazakhstan, because of its more developed economy. As mentioned, a trivial 2,2 per cent of Kazakhstan's population reports that tribal identity is important (Sharipova 2019). Instead, linguistic unity is reported to be more important, especially among the ethnically Russian population (14,5%) living in Kazakhstan's northern regions. Moreover, the majority of the population values the country's multicultural society (Sharipova, 2019: 16). Beyond Sharipova's survey, my own data challenge Ceccarelli's claims, which leads me to doubt the relevance of her framework to the understanding of drug trafficking in all of Central Asia. None of my respondents referred to any specific name of a clan operating on drug markets in Kazakhstan. Moreover, a majority of respondents asked for additional explanations about what I meant by 'clans'; many had difficulties understanding the difference between traditional tribal Kazakh identity (which had only symbolic meaning, according to twenty informal conversations; and no-one really associated it with a sense of identity) and the definition of clans. After I clarified my question further by asking about the role of family bonds in drug trafficking, the answers were mostly related to the instrumental use of kinship among Romas, as discussed in greater detail in Chapter Five.

As for the family bonds between corrupt police officials and drug entrepreneurs, a police officer who worked with members of the famous, so-called Police Mafia in Kostanay (the period of work is excluded for confidentiality reasons) described those relationships as highly pragmatic and based on business interests. This respondent had never come across family- or kinship-based relationships between corrupt police and drug entrepreneurs.

Zh: *I wonder if the corrupt officials and drug entrepreneurs were related by family ties? Or maybe if the police official turns out to be a relative of a criminal element, would it cause any consequences?*

R: *I don't know, to be honest. I have never heard of such occasions.*

Zh: Does this mean that there is no relationship based on family ties?

R: No, I doubt it. Substantially, it's ... Well if we take the connection between a drug entrepreneur and the police officer who is fighting it, well ... In those cases, all the signs were that in order to deal [in drugs] one had to pay And pay to whom? To those [police officials from the UBN] ... And those [police officials from UBN] in turn closed their eyes and fed themselves on it. That was it, and in general they come across each other through work. [P23]

As we can see, the respondent emphasises the professional activities of police officials that became a fertile ground for corrupt deals rather than kinship bonds with drug entrepreneurs. In reality, however, family connections to criminals even if simply present and not actually taken advantage of, harmed police officials. As explained by a police official:

Family bonds between criminals and police? Well, it can happen, especially among Kazakhs, because family bonds are extensive, how far people are called relatives? For seven generations, right? ... Before recruitment to police ... well ... [very doubtful tone, shaking head] ... It can happen to people who, for example, were already working in the police and then somebody distant got married and then somebody will put his foot in his month – listen, his half cousin is a criminal, he is leaking [information] to him! And this is it! While, as a point of a fact, it did not happen ... If a policeman was sitting with the criminal at the same table, it does not mean that he will discuss something with him [criminal relative] ... Even if policemen have not crossed basic norms of morality and honour, if you were sitting in such company, no one cares ... especially if it was documented ... dark spot ... this is it ... and in the end you will become the black ship, the family disgrace ... and it happens very often, if you are a regular person, no one will check into details, the [law enforcement] system will chew you out and this is it. There will be a new policeman, of which there are crowds standing ... there will be a new one and will be working instead of you ... [P19]

Four other detectives also emphasised that if family relationships between criminals and police officials were discovered, those police officials might be asked to resign, or risk being fired [P7; P9]. For example,

Actually, some people were getting fired if their siblings or cousins turn out to have a criminal record [apparently the criminal record emerged while this police official was in service and after the initial recruitment]. Sometimes management is trying to understand them, and therefore they are asking such people to resign or retire ... That way they will have at least a chance to find a job outside of police. [follow-up talk after a formal interview with P12]

Two others expressed genuine surprise by the question and explained that the preliminary security check identifies connections, if any, of an applicant's immediate family members to the known criminal population [P12;O9], and that applicants with such connections are rejected [P14]. Still, they have heard of occasions when police members' careers had been compromised as a result of extended family connections with criminals (in one case, for a certain period of time, the officer was not allowed to be promoted and was refused consideration for bonuses) even though these police officials had not communicated with those distant family members since they had been teenagers [P10]. Also, while assisting the managing detective during the internship, I helped to draft a speech he was to give to the Special Operation Forces. As one of the employees explained to me, the key message of the speech was that the Directorate against Organized Crime is authorised to monitor all personal connections and, if such networks are identified, those Special Operation Forces members would be fired; nobody would 'look into details'. This employee added that Special Operation Forces were the most vulnerable because many of them were trained in the same sports clubs as known criminals, and therefore might have developed friendships with them [P19].

These findings suggest that clan relations might not be the main driving force behind the interactions between police and criminals in Kazakhstan and, as such, seems to be a major contribution to the criminological literature, but this does not indicate that corruption was absent. It could mean that corruption was based on the pragmatic interests of both actors.

This contention is supported by previous research, which documents the existence of drug-related corruption, mostly in outlying regions. Drug traffickers developed connections with local border guards and customs officers who eluded the oversight of higher-ranking officials (De Danieli, 2014; Golunov, 2007). Similarly, according to Curtis (2002) on the other side of the border, the Russian 'police mafia' was identified as one of the main actors in narcotics trafficking, together with corrupt members of the Russian military, its Federal Security Service, and private security services, all of which took advantage of their positions of authority to extort both legitimate businesspeople and black marketeers such as drug traffickers. Curtis (2002) claims that systems of corruption were similar in Chechnya, Armenia, Georgia, Tajikistan and Kazakhstan, and corrupt collaboration with the narcotics trade was significant source of income for officials in all of these countries. According to Gilinskiy (2005), corruption of Russian officials is almost a tradition, and exists in all social institutions and mechanisms within the political regime.

Perhaps seeking to shift the blame, Russian Information agency IA Rex (a mass media source) emphasised that Afghan heroin deliveries from Tajikistan, Kyrgyzstan and Kazakhstan to Russia were facilitated by the involvement of

local and foreign law enforcement officials. Corrupt officers allegedly provided criminal organisations with protection and other services (Serenko, 2016). Police corruption also affected the local drug trade in Russia itself. Paoli (2002) identifies Russian police patrols that established the practice of extortion from drug dealers and users, who were expected to pay bribes in exchange for being allowed to sell or buy undisturbed. However, she suggests that this practice was an exception instead of the rule (Ibid.).

Similarly, corrupt law enforcement officers and customs officials contributed significantly to the development of organised crime in Kazakhstan (Nurgaliyev, 2014). For example, each car passing the Kazakh–Chinese border was expected to pay \$100, while cargo drivers were expected to pay bribes of \$500–1000 to customs, and tax police (Ibid.). Their motive was poverty: the average monthly salary of public sector officials in Central Asian countries, excluding oil-rich Kazakhstan, ranged from around \$35 in Tajikistan to about \$96 in Kyrgyzstan (Najibullah 2007). In return for bribes, impoverished officers were willing to look the other way while the traffickers crossed the border (Cornell, 2005). Moreover, smuggling of drugs across the 6500 km border between Russia and Kazakhstan became less difficult as a result of lack of efficient border controls at newly established borders, which were taken advantage from by drug traffickers who bypassed official checkpoints and crossed border in the steppe (Paoli, 2002).

Clearly, police corruption became a significant challenge for Kazakhstan and Russia due to many factors inherited from the Soviet Union. The theoretical framework related to the influence of Soviet legacies on post-Soviet law enforcement, elaborated in Chapter Two, provides a foundation for arguments that explain the similarity of Russian and Kazakhstani modes of corruption of law enforcement, that is, the influence of Soviet legacies on post-Independence Kazakhstan, which is the subject to which we now turn.

Communist legacies have been shown to weigh heavily on law enforcement on post-communist countries (Shelley, 1999, quoted in Taylor, 2014). Such legacies can affect ‘how individuals think and behave, including limits imposed by the inertia of past practices and institutions’ (Bayley, 1985 in Taylor, 2014: 134). Moreover,

Informal institutions and practices have proven to be more resistant to change than formal organizational structures, and arguably more consequential ... The death of the planned economy did not mean the death of planned policing; the advent of private property and the market radically changed the extent to which cops work for themselves, even if it did not change the fact that service remains a low priority ... Cops, checklists, and prosecutors are shaped not just by past, but also by general pressures

faced by law enforcement officials everywhere, and by a broader social and institutional environment that is a complicated mix of old and new. (Taylor, 2014: 149)

Such a broader context could have imposed a significant constraint not only on the types of relationships between corrupt police and drug entrepreneurs, but also on the way drug-related corruption has been addressed in Kazakhstan.

Among such inherited legacies, Taylor (2014) mentions the high centralisation of the Ministry of Internal Affairs (MVD) and the broad mandate of the Soviet Prokuratura, the government bureau concerned with ensuring administrative legality. Both of these have experienced significant reforms in Russia and, as in Kazakhstan, the MVD continues to go through weighty reforms despite maintaining a highly centralised structure. In addition to these institutions, Taylor mentions two Soviet legacies that seem to be particularly relevant to the state response to drug-related corruption in Kazakhstan: “the primacy of serving the state and political demands in law enforcement activity, as opposed to service to the citizenry”, and “a goal-oriented approach to policing, both in terms of party-diktat and in terms of plan-like performance targets set by the party and the police leadership” (Taylor, 2014: 138).

These hints seem to be worthy of deeper examination in light of the empirical data presented in the following sections. The combination of legacies seems to have conditioned the anti-corruption measures against drug-related corruption in Kazakhstan. Paoli et al (2009) observe that the extent of enforcement of drug-related legislation by a given state can affect not only the structure, but also the modus operandi of the opiate enterprises, as the risks associated with an ostensibly illegal activity correlate directly with the intensity of enforcement. Well-connected dealers, for example, might face negligible risks of incarceration and asset seizure (Paoli et al., 2009). The risk of being cheated by counterparts or corrupt law enforcement declines as well. Illegal enterprises that enjoy the protection of state officials might also, thereby, come to enjoy oligopolistic local market conditions, especially if they are able to point law enforcement toward less-protected competitors. However, even in lax-enforcement countries, no enterprise can operate without risks in the long run. There is always a possibility that corrupt officials or agencies will be overruled by other officials or agencies (Paoli et al., 2009) Thus, the effects of recent changes in Kazakhstan's political environment are particularly relevant, because expressing the political will to eradicate corruption sent a ‘commanding signal’ to the KNB to go against corrupt police and, to an extent, symbolized a change in Kazakhstan's broader political climate. Most importantly, while the presence of systemic police corruption certainly would imply that Kazakhstan was a lax enforcement country, these widely publicized and

well-financed and systematic anti-corruption efforts suggest that Kazakhstan is moving in the direction of strict enforcement.

Respondents within the police services often themselves raised the issue of the 'real' price of anti-corruption measures, and they seemed to very honest and critical of of past and present corruption within their ranks. The issue of costs and difficulties associated with anti-corruption measures definitely deserves further consideration. After all, when the process of 'normalization of deviance' takes place, a toxic mindset emerges (Vaughan, 1996). The presence of this mindset would suggests that certain organisational problems have been normalised and accepted, over time (Ibid.). Perhaps, in relation to the normalisation of aggressive anti-corruption measures, predictions by police officials about the future climate of corruption were pessimistic: many people were sceptical about the effectiveness of anti-corruption measures, even after they personally had been subjected to procedures during which all property in their personal and other family members' possession was evaluated.

A certain degree of scepticism (mainly related to the imaginary personal interest of main actors advocating/executing anti-corruption measures) was expected by Varese (2000), and was associated with the introduction of anti-corruption measures in a country with a history of pervasive corruption. Thus, some respondents expressed the hope that, at some point, external pressures would disappear and the police would regain some of its power. At the same time, these respondents expressed obvious symptoms of paranoia about being framed for corruption. For example, interviews with confidential informants were held in the presence of a colleagues, in order to have witness who could testify that there was no extortion from their side and that the human rights of the offenders were respected. Many respondents contemplated broken friendships and the lost careers of former 'fellows' as the consequences of unreasonable harshness by the Prosecution Office, higher-level police officials and other institutional bodies that were tasked with implementing the anti-corruption policies. Indeed, other officials were swaggering about their career achievements, how difficult it was to regain the trust of the population and how much effort it took for them to operate and protect their reputation as well moral superiority, in comparison with the many others who had proved not to be immune to *'the seduction of bribery'*. In any case, a great variety of experiences, information and opinions have been collected from the interviews with police officials, and will be presented systematically and discussed.

6.3 Modus operandi of corrupt police

The modus operandi of corrupt police networks can shed light on important dynamics of drug trafficking in Kazakhstan. For example, according to Paoli et al. (2009), corruption was the main reason why government officials turned a blind

eye to opiate entrepreneurs, and traffickers sought out corrupt, high-level law enforcement officials who might be willing to provide active support in the form of protection. Such support, however, was not provided equally. Well-connected producers and traffickers developed a competitive advantage in the market for as long as those connections lasted. However, even strong ties with state officials did not guarantee complete security. There was always a chance that the corrupt officials or agencies would be overruled by other officials and agencies. Domestic attitudes toward corruption might also be influenced by pressures brought to bear by the international community or more powerful nations. Therefore, even in countries with lax enforcement, opiate entrepreneurs never operate entirely like legal entrepreneurs (Paoli et al., 2009). As a result, it seems logical to suggest that corrupt police did not operate in isolation, and their involvement in the drug trade could have been affected by broader social and institutional contexts.

This contention is supported by Golunov (2007), who argues that to reduce risk, drug traffickers tried to establish connections with officials from border troops and customs structures. Such officials were expected to help them avoid punishment or even return confiscated drugs (Ibid.). Similarly, Sharibzhanov (2011) relates the miraculous capacity for survival of drug trafficking networks to the exceptionally high levels of drug-related corruption in Central Asia. He refers to people who could make local law enforcement officials keep their eyes shut during the harvesting season ... by sharing with them money earned from its sale'. Both statements emphasise the role of local officials who misuse their official positions for personal benefit. This is an important emphasis, since the extent of corruption can affect the operational risks and costs of the drug enterprises.

However, there were restricting factors on corruption, such as the risk of severe punishment, the possibility to make illicit money in less risky activities (the facilitation of consumer goods smuggling, for example) and informal rules that condemn the drug trade (Golunov, 2007). The arguments above highlight the importance of verifying Golunov's claims. Do informal rules condemning the drug trade, in fact, influence the behaviour of police officials? There is good reason to be sceptical. One detective explained that it is highly unlikely that the corrupt activities of one officer will be known to his colleagues. He has also described the measures that can be taken when corruption is suspected.

There are indeed cases of corruption, no need to deny. However, no one has mercy upon them, no one sorrows for them, and that's how they should be treated, in my personal opinion at least. Especially these days, the President has increased salary of [police] employees, and every year it continues to increase a certain percentage, in

order to prevent corruption. They also want to use the Georgian model,⁸ but there is no need to fire people; no point, really. Right now, we are about to pass a Performance Assessment, it's arranged every three years, in order to evaluate the skills and knowledge of police officials, and there is ... well, if you are a crooked one, it seems fair to say that they will find an excuse to fire you, with no chance to be readmitted. [P10]

Also, another detective explained why drug-related corruption in particular was a sensitive matter that fellow police officers strongly criticised: *"In general, anything that's related to drugs, even drug-related corruption-extortion, however you call it, is called stryom, from the word stryemno [stryemno from Russian, informal word meaning – dangerous or preposterous] and that's how it is. It has never been something to be held in esteem"* [P13]. A similar social perception was shared by ten additional detectives. Sometimes, their insights about drug dealers and drug addicts took a passive-aggressive tone. On other occasions, drug addicts and drug dealers were dehumanised and labelled as *'unhuman'* [P10], *'animals'* [P7], or *'not worthy of any trust'* [P30]. In general, police officials expressed a strongly negative attitude towards police officials who share information with drug dealers, thereby preventing effective use of criminal intelligence against drug enterprises. Such police officials were called *'unworthy of the public trust they were given'* [P9], *'the reason we are all suffering now'* [P6], or *'because of whom months of work can be wasted'* [P5]. Another responded highlighted that it is already becoming normal for police bosses to be punished for the corruption of their subordinates [P32].

Moreover, I observed police officials discussing the then-recent arrest of their colleague for corruption. On that occasion, I heard the voices of two detectives who seemed upset about someone:

D1: *How is that even possible?! I mean, this dumb ****head must have known that times have changed ... Bloody idiot ... Do you really think he took the money?*

D2: *... I do ... [breathing out heavily]*

D1: *Then, he's a f**king traitor ... Nothing else to discuss ... If he took the money, he must go with them then! Oh, I will be f**ked by the top ... [referring to the police administration] ... I will be f**ked ...*

⁸ After the revolution in 2003, the Georgian government has implemented a vast police reform that included massive dismissal of corrupt police, restructuring of police bodies and introduction of significant changes in compensation, recruitment and training of police officials. The result of these reforms was elimination of many forms of corruption and the transformation of Georgian police into the most disciplined and service-oriented law enforcement system in a former Soviet Union territory (Light, 2013).

The data presented above supports arguments related to the informal condemnation of drug-related corruption among police officials. It also confirms the existence of such networks and, as such, they should be analysed further. Thus, an analysis of the modus operandi of corrupt police officers may deepen understanding of their primary motivations and the types of relationships they have developed with drug entrepreneurs.

The reaction of one upper-class member of the Russian criminal world to a question about the role of drug-related corruption suggests that drug-related police corruption had been extensive. He described occasions when police officials were sitting in their personal cars next to places where drugs were sold. When drug addicts tried to pass by in order to reach a dealer, they had to pay the police. The same source suggested that *'back in the nineties and early two thousands, 80 per cent of drugs in one city, [name of the city is excluded for confidentiality reasons] was controlled by police'*. However, he believed that *'all of those corrupt police have been imprisoned'* [O3].

Another drug dealer also described the that police had over them, arguing that they always knew exactly what was happening on the markets: *'For example, if you were dealing [in drugs], it's impossible to go unnoticed by the police; no way it could happen. So, ... From my first days of dealing, I worked with them'* [DE1].

A wholesale dealer argued that in order to make a 'protection' deal with corrupt police, she didn't have to search. Rather, officers would come to her. As she said, information about drug entrepreneurs was circulating among police officials, even when they were moved to and from other units, so they always could find dealers to exploit. In other words, protection agreements were initiated by the corrupt police themselves. *We [dealers] didn't go and search for them [police] like, "we are dealing and we want to pay you," it didn't work this way* [DE2].

Similarly, a police officer who has been convicted of corruption described his professional past, including the relationship he developed with a large-scale drug dealer:

Zh: *So, you are saying that you had no obligations towards her [speaking of wholesale dealer]?*

R: *Obligations? What obligations? Hahaha. I would rather say that she had obligations to me. This is it. I called her, for example, when the informant was coming to me and saying that he could help with the house robbery that happened recently. I know who did this. All right, go ahead. No, you should treat [informal world meaning 'give drugs'] me first. So, I called her and said, "someone is coming to you. Help him. This person is providing me with information."* [O2]

Such statements demonstrate the excessive power that police had over drug entrepreneurs, due to their exploitation of the criminal justice system. Such broad-daylight extortion in the drug markets suggests that police officials felt impunity at the time. The fact that corrupt police eventually were charged, convicted and imprisoned suggests that anti-corruption reforms indeed have had an impact. The government's anti-corruption efforts will be discussed after the analysis of corrupt police modus operandi has been presented.

While the narrative to this point has described corrupt police officers as having the upper hand in their relationships with drug dealers, one dealer characterised the relationship as more equal and mutually beneficial. Latypov (2009) argues that police focus more on local drug dealers than on higher-volume drug traffickers. Under Kazakhstani conditions, where a small amount of drugs can lead to criminal liability, focusing on low-level dealers seemed to be reasonable. Such a focus could increase the number of solved cases. Dealers themselves recognized this institutional incentive for police officers and worked actively to ensure that the police met their quota without doing 'too much' harm to the industry. As one dealer said,

If they catch everyone, none of us [referring to drug dealers] can work. They [police] won't be able to work, do you understand me??? Therefore, we try to negotiate with law enforcement, ok ... you need to arrest someone, we need to trade ... so, whoever you need, among those that we don't need, or those we won't need in the future, we will give to you and then, you will have your work [required number of arrests for the statistical evaluation] and we will have our work, too. [DE11]

On the other hand, a police detective said:

Assume, when you are working with a person dealing in drugs, he, first of all, before giving information against higher chains or bigger dealers, he is asking for some sort of privileges to be given to him. Some of them are even asking for permission to deal, but in return they will give information against more important dealers. In line with our legislation, it [this kind of cooperation] will be classified as we are providing protection to the criminal elements, which means that we are dealing in drugs together with this person. And no one seems to understand that in order to arrest a bigger dealer, you interact with the small one, that this is the purpose of this interaction. Thus, some either agree to such deals [whispering heavily] or refuse such cooperation. [P20]

In other words, the statistical requirements that overburdened the criminal justice system were also one of the main driving forces behind the motivation of local police authorities to engage in corrupt deals with drug entrepreneurs.

These statistical requirements, like many aspects of Kazakhstani bureaucratic procedures, have clear roots in legacies from the Soviet period. Developments in Kazakhstan have mirrored those in post-Soviet Russia. As Taylor (2014) explains regular Soviet police were guided mostly by controls and tasks imposed from above, and adherence to the principle of service to the population was of only relatively limited importance. The Soviet system of 'plans' for police resulted in the prioritisation of generating and manipulating police statistics (Ibid.: 128). Statistical indicators were used as police performance assessment and management tools, as well as for the purpose of assessing progress on targeted, priority crimes. The targets were sometimes absurdly precise: 'a certain number of firearms arrests per month, a specific number of traffic violations, another target for passport infringements' and impossibly high, 'such as clearance rates more than 90 percent' (Ibid.: 145).

Data gathered during fieldwork indicates that the institutional incentives used in Kazakhstan were similar to those established by the Soviet command economy. According to Taylor (2014: 144–145), as a result of significant pressures to fill these quotas, some officials chose to cook the books in order to comply with statistical demands. Often, indicators were set up in comparison to the previous year. In such a system, crime prevention was a bad thing because nobody got credit for crimes that were not committed. Credit demanded arrests, and arrests demanded crime. Hence, the police occasionally could coerce people suspected of theft (for example) to confess to drug trafficking crimes. This also is reminiscent of Soviet times, when police adhered to norms and plans imposed from above, and manipulated crime data in order to meet them. Maintaining the state-mandated illusion was more important than fighting real crime and helping actual citizens (Ibid.: 145).

Apparently, the very same thing was happening in Kazakhstani law enforcement: some police officials sought to arrest smaller dealers, rather than the larger ones they were protecting. Moreover, the specific mechanisms used in Kazakhstan enabled police officials to meet their statistical requirements even as they benefitted from their continuing relationships with wholesale drug dealers. Sometimes, the following model was used: after initiating contact with a retail drug dealer, a police officer would impose a condition that they will give up an associate as a 'runner' ('*begunok*' from Russian, informal word for a small dealer meaning 'the running one'):

Anya [pseudonym] called and told me: they are interested in you, and [police employees] want to get acquainted. And later on, after acquaintance, [police] employees brought runners to me. I chose nobody, and I searched for nobody. Even when, you know, when that police officer was arrested, there was testimony, that they brought runners to me. Him and his chief. Thus, as many runners as I had, all of them were their runners which they had brought to me. [DE2]

Moreover, those runners were responsible for establishing the statistical requirements for police officers, as will be explained later. On occasions when they were selling bigger doses of drugs, they were expected to tell the exact time and place of the meeting, so police officials could come and arrest their customers. In return, police officials closed their eyes to the rest of their activities. As described by wholesale drug dealer:

Then, they [corrupt police] brought me another person who worked for them. He was framing drug addicts. To make a long story short, he was making criminal cases for them. So, this man, which they chose for me, someone was calling him and asking, "Dima [pseudonym] I need as much as thirty halves" [0,5 gram of heroin – informal name of dose]. Well, then he calls [the police unit chief] and tells him, "this guy will come to get thirty halves. He can be arrested". That's it. That's how they met their quota [the required minimum number of arrests to be made by police] arresting the drug dealers with Dima's help, and they constantly made me work with this guy. Then I fired him [after] he caused me a big shortage ... But they [police officers later accused of corruption] made me work with him anyway, so I took him again, I could not do anything. Because I was afraid of them and I took him back. [DE2]

Clearly, working with police officers to frame customers damages a drug dealer's reputation on the streets [DE8], [DE4]. This cost, however, was not as high as being arrested directly after failing to cooperate. Dealers who refused to cooperate risked the immediate initiation of criminal proceedings by those same police officials, which could mean imprisonment. Therefore, once a dealer is approached with criminal intelligence materials collected about them by detectives, they hardly ever refuse to cooperate [DE1]. The quality of drug-related criminal cases initiated by the police in Kazakhstan was harshly criticized by journalists. As Kozachkov (2018) reports that as late as 2018, some detectives in Astana planted drugs on innocent people. Even though these victims were indirectly related to actual drug traffickers, they did not distribute drugs. Nevertheless, the detective decided to plant drugs and proceed with the criminal investigation, in order to increase the number of people he could claim to be in the criminal network. By adding imaginary members to the 'organized drug distribution network', the officer improved his own statistical records and was given a higher score during the performance evaluation (Ibid.).

The institution of statistical requirements has proven to be resistant to change as it was expected in Theoretical Framework. Partly, Taylor explained that this quota system allows police officials to find some personal enrichment opportunities. Once they met the statistical requirements, officers could use their remaining time to exploit their professional opportunities for personal gain (Taylor, 2014: 146).

Some journalists have demonstrated that, at that time, police officials themselves were dealing in drugs. For instance, in 2009 in Pavlodar, a detective associated with a high-security prison was arrested with 9 grams of heroin and 31 grams of hashish, which he had intended to distribute among drug-addicted prisoners (Voronko, 2009).

In a sense, corrupt police dealing in drugs could be assumed to be the most risk-free type of service provider. And yet, this safety came at a price: some drug users characterised these relationships as a form of extortion:

B: I can tell you, I don't know how it is now, but there was a time when I was buying drugs from a police officer. I was approaching the house of my dealer and saw a police car. So I rang my dealer and said, "I need to pass so that I can buy, tell your [colleagues] not to touch me." You know, when they stood there, they could take away money, they could take away the drugs on your way back. ... but they can do it, when you leave [the dealer], if you have already bought, they can slap [translated from Russian Khlopok – an informal word meaning arrest] you there, well that is ... it is how they do their job. They can just take away money, or money with drugs ... So I had several occasions when I had to call ... This person is sitting now [to sit – sidet from Russian, informal word meaning serving imprisonment]. A whole group of those people is sitting now. So, back then I called him and I told him – "you move away from them, let me pass" and he asked me "where are you?" I told him where I was, he told me to wait ... so I stood there. When he came to me, he told me to get into his car and asked me what I wanted and how soon. I told him that I needed five full doses.

Zh: so you had friendly relations between you?

R: well how to say ... you know, they say – ... this is a wolf and this is a lamb. what sort of relations are there? It is simply and purely financial, and that's all. Once he asked me to give him money for gasoline, I told him "I have money for this [buying drugs] only", he speaks back to me – "look, something fell from your pocket!" then there were those five [doses] laying on the car seat. So, I replied – "oh, yeah, your money for the gasoline" ... That's how it worked. [DE3]

On the other hand, one detective argued that in the past, drug entrepreneurs themselves offered the bribes. However, most importantly, he emphasised that the scale of corruption in the past was much larger.

Zh: In general, do they [drug entrepreneurs] offer bribes very often?

R: yes

Zh: how do they offer? Bluntly?

R: yes, during the arrest they offer. They speak straightforwardly, “let me go. I have a good car and I will make it your property.” This is it. Or they can also say, “I have money ... this is it, you know if the person is weak” ... but nowadays, it seems to me, this kind of stuff doesn’t happen. In the past, indeed, they [corrupt police] could extort even flats. It doesn’t happen these days, it’s over. Time has changed and things are different. [P5]

It is worth noting that corruption within the local police was punishable by central higher police authorities in the Capital, Nursultan (named Astana until 2019) even before the massive anti-corruption measures were introduced. As one large-scale drug dealer described:

All this was working with permission, all of this was the suggestion of cops. Here, without giving [money] to cops, the longest [period] one could function was two–three months and then he’s done! In general, this all was functioning with police permission, all of it [retail drug trade] they could stop easily! It was possible to stop everything in one day, overnight. We were told [by local police] that they were carrying out sorties, that the police would catch [dealers] there and there, that they [high-level officials] arrived, from Astana [emphasised with a change of voice] ... and that some sort of a special group came to catch here. So, we closed everything and disappeared. We sit quietly and peacefully for a few days or something. [DE2]

This quote suggests that local police officials were almost licensing the retail drug trade in the city, but these networks were not as invincible as pictures drawn in the literature on systemic corruption suggest. In fact, higher-level officials from the capital represented a threat to corrupt local police officials. Thus, it is possible that drug-related police corruption in Kazakhstan was more of a regional nature, since, in a sense, the local police officials who provided dealers with information about planned police operations and closed their eyes to other activities were not only committing crimes of corruption, but also felt a need to conceal their actions from superiors instead of simply bribing them. Despite the possibility that this particular drug dealer exaggerated the power of local police authorities as a result of her own fear of them, as well as her use of neutralisation techniques in order to minimise her own role in the drug business, her emphasis on the heads-up she received from corrupt police to stop dealing while higher-level officials from the capital were visiting demonstrates certain degree of threat that higher-level authorities represented to corrupt regional police officials. It is also possible, however, that paying up the higher-level officials might have been considered to be too costly. The role of such higher-level authorities will be discussed in the following section.

6.4 Corruption of high-level officials

Another important aspect of drug-related corruption is the responsibility of top-level police officials. On some occasions, regular low- and middle-level police officials were forced, against their will, by their superiors, to commit crimes of corruption. Kairat Kozhamzharov, the former director of the Anti-Corruption Agency, has suggested that systemic corruption emerged and developed when the directors were prone to corruption (Smayil, 2016a). In practice, Kozhamzharov saw a considerable number of ‘betrayals of state service interests’ by high-level officers. Selection of cadres based on the principle of ‘protecting one’s own team’, especially when buttressed with the objective of personal enrichment, is contrary to the legitimate purposes of law enforcement and, in Kozhamzharov’s words, ‘excites the disgust of our population’ (Ibid.).

Moreover, a former prosecutor general, Zhakip Asanov, strongly criticised occasions when higher-level police officials demanded their subordinates to bring in a specific amount of money on a weekly basis (Smayil, 2016). Naturally, the police officers were afraid of getting fired and therefore went to the streets to extort money and deliver it to their bosses. On the one hand, as the prosecutor general continued the police always take a hit and deal with armed criminals, but on the other they are always in the zones where the risk of corruption is high (Ibid.).

In relation to such practices, one police official agreed that higher police officials must accept more responsibility, explaining that the individual integrity of high officials is crucial to ending practices of systemic corruption.

Everything depends on the Director! How the director will organise the work. and the extent to which he will provide his employees with the resources ... In general, [police] work related to the drug business must be properly funded. For example ... well, ... these days, the state is giving lots of money for the fight against the drug business, and if this money eventually reaches ordinary workers, then they will start working. [P20]

However, imprisoned drug dealers claimed that higher-level police officials were the most corrupt, yet they did not face criminal prosecution [DE1], [DE2]. Former co-workers of convicted police officials made this point with even greater passion: ‘These imprisoned [police] employees, they went by bus to work and the mortgage for their flats is still unpaid. They didn’t have any [fancy] cars, none of them lived in villas [as had been claimed in mass media sources]. Some of them just rented their flats.’ [P19]

These statements suggest that money extorted from drug markets did not lead to the individual enrichment of corrupt, lower-level police officers. What demands further clarification is the reason why higher-level police have managed to escape

prosecution. An answer was provided by a police official who has participated in several anti-corruption investigations.

And how are you going to legally prove the involvement of high-level officials, unless his subordinates agree to testify against them? If you arrest them as organized criminals, then everyone will receive harsher punishment. Besides, amnesty is not given for such crimes [corruption, and organized forms of corruption]. [P4]

Even as some elements of the criminal justice system hindered efficient investigation of drug crimes, other elements hindered the prosecution of drug-related corruption. Corrupt low-level officials are not offered immunity for testifying and many honest police officials are thus unwilling to accept the risks inherent in testifying, especially in circumstances when state protection measures are unreliable. (Problems associated with the witness protection programme are analysed in Chapter Seven.) Instead, people continue to rely on the tendencies they observe in their environment and, unless these tendencies change, will continue to refuse to cooperate. Mistrust of state authorities was present on every single level, and the legal mechanisms that were supposed to protect witnesses have been shown to be inefficient. Implementation of witness protection measures and procedural agreements with the prosecution remain weak. As shown above, two detectives I knew from my personal contacts were imprisoned for their abuses of power, and five more were subjected to preliminary investigations. One emphasised in court that he *'can't tell many things because I am worried for the [life and wellbeing] of my family and people close to me'* (Likhogray, 2019). This detective claimed that he was convicted of corruption on prostitution markets because he refused to testify against his former high-level bosses. Possibly, a similar process took place during the investigation of the famous 'police mafias' (e.g., Kiselyev, 2012) in Kostanay.

Thus, as a result of the criminal justice system as it was, both high-level corrupt officials and large-scale drug traffickers were escaping criminal responsibility by sneaking between the lines of problematic laws. As long as the legislation, its implementation and practices of the criminal justice system remain only partly efficient, one can be sceptical about the long-term effect of anti-corruption measures.

6.5 The Kazakhstani government position towards corruption

How has the Kazakhstani government reacted to continuing drug-related corruption, and with what results? In order to answer these questions, some broader economic, institutional and political factors will be analysed.

A strong economy can affect more than the influence of clans. Another effect can be an inoculation against the infiltration of corruption into the whole state system.

As Cornell (2006: 52) observes: '[i]n Kazakhstan, the country's oil wealth implies that even if criminal connections to government exist, the relative value of the drug trade is lower compared to the total economy of the country; the incentive to get involved in the drug trade is lower ...' As one customs police officer explained, *"there are other ways to make money — better ones, less risky"* [informal conversation], [O5].

High-level officials prioritized foreign investment into the Kazakhstani economy, which demanded greater transparency and a solid anti-corruption effort (Siegel & Turlubekova, 2019). Therefore, the agency of political elites in Kazakhstan was to address the corruption of low- and middle-level bureaucrats in order to claim the existence of more favourable conditions for international trade in natural resources (Ibid.).

This is one reason why Kazakhstan continued to advance its anti-corruption legislation. So far, a new Criminal Code, Criminal Procedural Code, Penal Enforcement Code and Code on Administrative Offences have been introduced (OECD, 2017). The main anti-corruption measures were: 1) prohibition of conditional sentences for corruption crimes. Financial penalties became the main form of punishment (the size of the fine is set as a multiple of the amount of the bribe; failure to pay the fine leads to imprisonment); 2) imposition of criminal financial liability on persons found guilty of crimes of corruption (mandatory confiscation of property for all corruption crimes was envisaged); and 3) lifetime deprivation of the right to hold certain positions in state authorities and organizations. The law also defined new forms of corruption, established restrictions for all civil servants and broadened the range of subjects of corruption offences, and excluded disciplinary liability for violations of official ethics for corruption; instead, these violations were categorised as misdemeanours that discredit the public office, and the liability for such actions would be considered only through the prism of criminal and administrative legislation (OECD, 2017: 126–127). Moreover, the new Criminal Code changed the thresholds of large and especially large bribes: 'large' was raised from 500 MCRs (€3,650) to between 3000–1000 MCRs (€21900–73,000), and 'especially large' bribes increased from 2,000 MCRs (€14,600) to at least 10,000 MCRs (€73,000) (Ibid.: 165).

The Criminal Code of Kazakhstan of 2014 contains a list of 'corruption crimes', as did the 1997 version of the code. However, if the previous version defined corruption as, 'the receiving by the persons, who committed them, of property benefits and advantages' (OECD, 201: 127); this condition is absent from the new version. Instead, the new Code includes a separate chapter that criminalises five types of 'offences against the public office' (Chapter 9). For all of these crimes, priority is given to the 'multiple size' fines as punishment (Ibid.). However, there

are other forms of punishment. As specified in Article 250, 'abuse of power' can lead to imprisonment for up to four years, with or without confiscation of property and prohibition from holding certain positions or undertaking certain activities for up to five years. The same punishments are listed for the 'abuse of powers by private notaries, appraisers, private court marshals, mediators and auditors working in audit organization', criminalised by Article 251. Repeated offense or commitment against the minor leads to a harsher punishment: up to five years of imprisonment, with or without confiscation of property and prohibition to hold a certain position for a period of up to five years. 'Excess of power by employees of private security services' is defined in Article 252 can lead to the same punishments as for Articles 250 and 251. Finally, a 'careless attitude to the duties', criminalised by article 254, and can lead to imprisonment for the period up to four years, with or without confiscation of properties and prohibition to hold certain positions or undertake certain activities, but only for a maximum of three years (The Criminal Code of Republic of Kazakhstan, 2014).

As the OECD (2017) further reports, the main innovations of the legislation against corruption an end to the imposition of conditional sentences for crimes of corruption, the attachment of criminal liability in connection with the reconciliation of the parties, and the inclusion of imprisonment in response to a failure to pay a 'multiple' size fine. Additional legislation is anticipated, notably as related to the mandatory confiscation of all property associated with corruption crimes, including criminally received assets or funds that have been transferred to another person's ownership (Ibid.).

When actions that might be characterised as corrupt do not meet legal requirements as criminal offences, such actions will be penalised by the application of articles of the Administrative Code (OECD, 2017). As for the administrative responsibility for corruption crimes, a separate chapter of the Code of Administrative Offences envisages liability for managers in state bodies who do not take adequate measures to fight corruption, or who employ people who have committed corruption crimes in the past. Further, amendments to article 274 of the Administrative Code establish liability for deliberately presenting incomplete or unreliable declarations on income and assets (Ibid.).

Most important to the discussion about drug-related corruption is the fact that deprivation of liberty, followed by lifetime deprivations from holding certain positions and carrying out certain activities, became the sole type of punishment for crimes committed by members of organized criminal groups. (OECD, 2017).

As for the actual enforcement rates of corruption crimes,

the Anti-Corruption Service conducted an analysis for the first half of 2016, in which 1,038 criminal cases were submitted to the court. 235 persons were convicted (taking into account the criminal cases of the past years), among them: 1 person was convicted to deprivation of the right to engage in certain activities (specific weight 0.4%); 152 persons – to a fine (67%); 9 persons – to conditional imprisonment (3.8%); 17 persons – to restraint of liberty (7.2%). 56 persons or 24 per cent were sentenced to the real deprivation of liberty (for a period of up to two years - 6 persons, from two to five years – 33 persons, from five to twelve years – 17 persons). "Fine" prevails among the penalties, the total amount of fines was equal to KZT 654 million. (OECD, 2017: 163)

Later on, the trend of increased enforcement actually started to rise. According to a February 2018 press release by officials of Anti-Corruption Agency, in the last three years more than 2,500 state officials have been arrested for corruption, including high politicians and top-level managers of national companies (Zakon.Kz, 2018). By the end of 2018, an additional 1,079 state officials were arrested for corruption, including 285 police officials (Osipova, 2019). Besides that, between January and September 2019, 52 Police Bosses were fired from the Ministry of Internal Affairs for the disciplinary infractions of their subordinates. This upgrade of punishment for managing police officials had an immediate positive effect: by September 2019, the number of arrests of regular police officials declined by 21 per cent (Today.kz, 2019).

Even though the presence of political will to address corruption was clear, what needs further clarification is the explanation of how the Kazakhstani government hoped to achieve meaningful results in its fight against corruption. Many respondents were sceptical about the results of the anti-corruption measures despite the increasing number of low-, middle- and top-level state officials who have been charged with crimes. Partly, such scepticism could be related to the fact that informal institutional legacies tend to survive reforms and at times might even fight back (e.g. Trochev & Slade, 2019). However, the unfocused concerns of many research participants regarding the scale of anti-corruption measures miss an important aspect of the campaign, which was intended not only to terrify potentially corrupt agents, but also to prevent the development of such networks in the future. Thus, while political will was important, the establishment of other independent law enforcement bodies seems to have been even more important for the generation of anti-corruption change, as the empirical data will suggest. Reuter (1983) has emphasised the role of independent law enforcement bodies in preventing corruption in drug markets. Interestingly, while police corruption was in part a product of Soviet legacies, another important institutional legacy was

utilized in order to overcome it. Historically, KGB forces in the Soviet Union were directed against 'security threats, foreign and domestic,' including corruption of high-level MVD officials (Dziak, 1988: 16). A similar process seems to have been deployed in Kazakhstan in 2011, when corrupt police were arrested for providing protection to criminals. One police detective offered a very informative reflection on the quality of criminal investigations into drug-related police corruption:

Well, many [police] employees were kicked [out from] there ... so, around 15 people were imprisoned, may be 10 ... in that case, it was presented as roofing [krysha from Russian means roof, informal jargon meaning providing protection]. And it was written that [police] employees received a percentage [from the drug trade] and something else ... Everything was just paraded and in the end it became this way ... Well when the [police] employee is involved, the [criminal] case will be easier sent to the court. It is simpler to convict him, it is easier because ... as the figure of [state] authority ... and public attitude is that ... well ... we are getting rid of this cancerous tumour, of such stuff...

We found such [speaking from the position of high-level officials]! we will [end] him ... and even the connection to criminality there, for example ... presume the drug business, from those who were imprisoned there ... Fair enough, some of them may be guilty in many respects, indeed, but not in a way as it was presented. Even more, many more people [among police employees] were fired, fired mindlessly. Because someone told something about someone, others got noticed somewhere, according to someone's words ... Got noticed in a way ... well, one could be assumed as "connected" [person] to some criminals, while in reality he's not [meaning only indirectly related, practically an unproved connection to a criminal network] It [the accusation of corruption] is simply based on talks and rumours. People from one agency sensationalize to another agency and in the end it's impossible to prove your innocence. Dishing the dirt [on someone] is easy, but cleaning your reputation in the end is very, very difficult, your name remains compromised. The upshot is some people were just dished into the dirt as a result of this theme [resonance around corrupt police networks] and no one will protect them. No one. [P19]

The Kazakhstani government did not deny the presence of drug-related corruption and highlighted its intention to act against it. This intention was reflected in numerous interviews as well as in reports by a significant number of Kazakhstani journalists. In 2008 the Director of the Committee on Narcotics and Drug Control Department, Regional Office in Almaty, did not deny the possibility of drug distribution by corrupt police officials themselves and protection of drug distributing networks provided by corrupt law enforcement. Moreover, he emphasised that when corrupt officials were identified, their punishment would be more severe in comparison to regular civilians involved in illicit drug business (Kuchukov, 2016).

A similar opinion was expressed by a police detective who has managed to survive several rounds of anti-corruption clean-ups.

In law enforcement, no one will protect you, because it is a system. There are no irreplaceable employees. No one cares if you are a good employee, if you were on the honour board for years. They will sling mud at you, here and there and then somewhere else, and in the end they will get rid of you. Because, if you ... if you are a regular [police] employee, it's really easy to get rid of you. They will find an excuse. If you don't drive drunk, if you behave properly, if you do not violate any norms and rules, in other words, you work well, when the performance evaluation comes, which is arranged every five years, if they have compromising materials on you, they will say goodbye to you. This is it. No one will double-check where the compromising material came from or if it was reliable. Some other agencies will say there are compromising materials, there were rumours that someone said this, others said that and no one will look into details. In the end, you will remain in the same position you were and don't even dream about further promotion, because there are compromising materials [P19].

This quote demonstrates that even on some occasions when the prosecution was not able to legally prove the corruption of some police officers, the suspected officials were sanctioned informally by higher-level MVD authorities. Moreover, the former quote makes clear, some officials were sidetracked from their career ladder or fired on some pretence, even when no evidence supported rumours about corruption. Several interviewees emphasised that anti-corruption prosecutions rarely followed all the requirements of a fair trial [P13], [P20], [P26]. The people who were involved in corrupt networks didn't face imprisonment, or faced smoother punishment, while those who were caught in face-to-face interactions with criminals, received severe punishment – often between 10 and 25 years of imprisonment – even if the actual corrupt act was trivial. Others complained that the trials were politically motivated, and the role of gathered evidence was overestimated.

The point is that police officials who make such statements might have been applying neutralisation techniques. By interpreting these anti-corruption measures as politically motivated, police officials might have been neutralising the degree of their own responsibility or the responsibility of people they feel compassionate about; they may also have neutralised the fear that the systematic anti-corruption effort requires them to make significant and possibly intimidating changes. This does not, however, mean that they were mistaken, and the possibility of a political component in anti-corruption trials is very real. Nonetheless, for analytical purposes, one should differentiate the role of political will to push the anti-corruption reforms, as well the institutions that were assigned (such as the KNB) or created (such as the AGDS), from the informal practices that the whole criminal justice system had been burdened with. After all, one should not confuse

the political will to push anti-corruption trials through the criminal justice system – which is burdened by Soviet legacies and therefore ill-equipped for such trials – with politically motivated criminal trials against members of the political opposition. At the end of the day, the police officials who were prosecuted were not actively challenging the existing regime; they were simply abusing their positions, and the public trust, to exploit opportunities for personal enrichment.

Fair or not, anti-corruption trials have made a difference in the way corruption is perceived. Many police officers indicated that corruption had become a high-risk activity, and even more of them have avoided social media presence in response to a fear that these platforms might be used to monitor and evaluate their possessions.

In other words, those people who provided protection to the drug dealers were not only criminals, but also represented a ‘threat’ to the Ak-Orda’s political agenda. By making ‘drug-trafficking’ and ‘corruption’ political as well as ‘foreign policy’ matters, a probably short-term and yet substantial decline in drug-related corruption was achieved. That is not to say that drug-related corruption is overcome now, but instead that it has become a sensitive matter for which political costs can be imposed. Thus, one may conclude that the ‘results’ of anti-corruption measures have been shaped by a combination of political will and interplay of political legacies.

As Taylor (2014) explains, the power of the KNB (*Komitet Nacional’noj Bezopasnosti* - National Security Committee) in post-Soviet Kazakhstan has been conditioned partly on legacies inherited from the Soviet KGB. During the Soviet period, KGB (*Komitet Gosudarstvennoj Bezopasnosti* - State Security Committee) officers who were allegedly loyal and incorruptible state servants were said to have an elite ‘blue blood’ status. The image of KGB officers as incorruptible agents with superior abilities was shared not only among KGB officers, but also by the political elite and regular citizens. In fact, a former Russian president accurately pointed out that in the Soviet Union, ‘the CPSU [Communist Party of the Soviet Union] was the country’s brain and the KGB was its spinal cord’ (Ibid.: 132). Thus, ‘in most central Asian countries, the KGB survived the Soviet collapse and operated as before, but usually under a different name’ (Taylor, 2014: 132).

However, unlike in Russia, where the KGB’s power was reduced by dividing it into several units (Taylor, 2014), Kazakhstan’s president chose to restrict the KNB’s power by regularly changing its directors and occasionally even accusing them of grave crimes (Trochev & Slade, 2019). In addition, the existing structure of the MVD has been partially conditioned on the primary functions of the Soviet MVD, which demanded high centralisation in order to survive ‘violent resistance to state reforms’ (Taylor, 2014: 133–134).

At the time of independence, both the MVD and the KNB prioritised the maintenance of ‘political stability’ over more natural functions, such as the fight against criminality (Taylor, 2014). This trend seems to have continued. One police officer mentioned that the KNB is responsible for maintaining a stable political climate in a country. Prosecutions against police officials started after the president demanded results from his anti-corruption measures. This indicates that corruption had become a political issue. In fact, the National Report on the Measures against Corruption (2018) by the AGDS clearly identifies corruption a number one threat to national security.

Therefore, it is possible that the current political leadership demanded high efficiency in terms of combatting both drug trafficking and drug-related police corruption, since progress on both fronts was understood to be important for the maintenance of international prestige and growth of foreign investment, which were primary goals. As a result, the MVD and the KNB had no choice other than to obey. And this choice, together with an unexpectedly rigorous enforcement effort drug-related corruption laws, was conditioned not only on political will, but also on institutional legacies. Specifically, during the Soviet era as well as after independence, both high- and low-level police in Kazakhstan were given incentives to prioritise service to the state over serving the population, and aggressive anti-corruption behaviour is a legacy of this prioritisation. Therefore, one should not be surprised to observe such trends in Kazakhstani law enforcement because, similarly to Russia, it has inherited many things from the Soviet Union – including a tension between the regular police forces and the internal and external security services. Nevertheless, both institutions, be they competing between each other or not, seemed to behave similarly to their Soviet predecessors, which had been designed to keep the Communist Party in Power. The last claim is noticed in the way politicians are perceived: *Well, they are above us. They issue an order, we obey.* [P21]

The importance of an unflinching high command was reflected in some interviews. Many respondents assumed that I was somehow affiliated with the KNB, and dressed their allegations in the form of jokes, sarcastic comments etc. However, in light of the recently granted right of the KNB to initiate anti-corruption criminal cases, these jokes look completely different. It is possible that they were neutralising their fear of the KNB, which was collecting and initiating corruption prosecutions against police as it competed with the Anti-Corruption Agency for more political power. Such a battle of political giants was not directly related to drug trafficking, but it created additional risks for corrupt police officials, as well as for many honest ones who risked becoming collateral damage in the greater political battles fought by high-level officials in Astana.

In July 2017, OECD reports the KNB gained an additional investigative jurisdiction over corruption cases. While the decision was reportedly based on the 'prevailing situation and aimed primarily at improving the efficiency of combatting corruption and maximizing the use of specific capabilities of intelligence agencies in the implementation of such activities' and to 'ensure a system of checks and balances' (OECD, 2017: 171), the effect was to provide oversight on what had been the ADGS' exclusive jurisdiction. According to the KNB position as described in an OECD report (2017), the concentration of the anti-corruption jurisdiction in a single agency could create the risk of corruption by the employees of this body. Further, the KNB claimed that its participation in this jurisdiction did not limit the activities of the AGDS (OECD, 2017: 171).

The OECD monitoring group remained sceptical over this institutional arrangement, suggesting that joint participation might 'erode specialisation in investigating such corruption cases, limits the independence of the Anti-corruption Agency, may lead to the institutional conflict and reduction of the effectiveness of corruption crimes investigation' (OECD, 2017: 171).

The effect of a shared institutional jurisdiction on the prevention of drug-related corruption can be demonstrated by the following quote from the informal conversation with a police official:

*You know, I worked for the UBN for several years, and I left it because it's insane. Too much pressure, too much surveillance. I am getting old and tired, so I want to have a quiet life. I want to have a decent car with no need to explain where I took the money from, how I managed to save money for it. I want to have a proper watch, and I don't want to explain where and how I have managed to save money for it. They check all property, everything you acquired, they monitor your connections, every ***cking thing. My wife got tired of it, too, so I have decided to transfer. [note from field journal, 31]*

It is worth noting, however, that April 2019 amendments to the Criminal Procedural Code allow the KNB to initiate criminal cases of corruption only when crime is suspected to have been committed by 'people holding responsible state positions' and 'caused grave consequences ... in the interest of an organized criminal group'. Jurisdiction of investigation of all other corruption-related crimes is shared by the MVD and AGDS (Criminal Code of the Republic of Kazakhstan, 2014). Thus, it seems reasonable to conclude that, in the end, the KNB received only a limited jurisdiction on corruption investigations. Meanwhile, political and institutional changes were achieving the first results: Van Dijk et al. (2019) have shown that, in comparison to 2016, was already declining in Kazakhstan in 2018.

6.6 Conclusion

This chapter has demonstrated the role of drug-related corruption in drug trafficking in Kazakhstan. The relationships between drug entrepreneurs and corrupt police have been analysed. On this basis, three conclusions can be drawn.

First, contrary to claims in the literature, the connection between drug entrepreneurs and corrupt police in Kazakhstan was based on the pragmatic interests of all parties, rather the so-called 'clan-identity'. Moreover, claims related to an informal culture among police officials in which corrupt behaviour is condemned, especially when related to the drug trade, have been confirmed.

Second, the data show clearly that, in the past, police corruption was pervasive, but was of a more local nature. Higher-level officials were described as threats to both corrupt police officers and to drug entrepreneurs. Several drug entrepreneurs reported that most of the corrupt police they had known have been imprisoned. They characterised their 'cooperation' as a form of extortion, in which the police officials were dominant. In addition, some police officials themselves were engaged in the drug trade. Most importantly, the government's use of statistical performance criteria for officer evaluations was a factor in decisions by police officers to seek 'cooperation' with drug dealers.

Third, claims associated with systemic corruption have been challenged in the face of overwhelming empirical data. First of all, limitations within the criminal justice system made it difficult to prove in court that managing police officials were involved in corrupt networks. Nevertheless, high-level political officials prioritised trade in natural resources and continuous flows of foreign investment, and both corruption and drug-trafficking were understood to be harmful for Kazakhstan's international business reputation. Therefore, a whole range of anti-corruption measures was initiated. As a result of the broader effect of these measures, the cost-benefit calculations related to engagement by police officers in corrupt, drug-related activities has shifted in favour of abiding by the law. Moreover, in order to eradicate corruption in state bodies, two organisations have been mandated to initiate investigations into the crimes of corruption. Such a competition creates more risks for any high-level police officials who might consider extorting money from drug entrepreneurs, since they would then risk becoming the targets of two agencies that are competing for greater political weight in the Kazakhstani criminal justice system.

Chapter Seven

Criminal Justice and Criminal Legislation related to Drug Trafficking in Kazakhstan

7.1 Introduction

This chapter focuses on the structure of criminal justice and criminal legislation related to drug trafficking in Kazakhstan. In a nutshell, even though the introduction of legal and institutional reforms remained highly problematic during the time I conducted my research in 2016–18, the law enforcement capacity to address drug trafficking has been positively affected by them.

Empirical data presented below will demonstrate that, together with Soviet legislation, Kazakhstani law enforcement has inherited informal practices that condition problems that persist within the criminal justice system. They were burdened with enforcing the legislation against drug trafficking, even in circumstances when the anti-corruption effort became apparent. Therefore, not only because of corruption but also as a result of informal practices that seem to have survived high-level political decision making, law enforcement has been less efficient than it otherwise might have been.

I argue that the illicit opiate market can change rapidly and radically under the right conditions (see also Paoli et al., 2009) and, as I will show below, many of these conditions began to appear in Kazakhstan during the first decade of the 21st century. By 2014, Kazakhstan had implemented a completely changed Criminal Code and Criminal Procedural Code, and therefore both subsequent drug-related legislation and implementation changed. Time has passed and, as I write, Kazakhstan continues actively to reform its criminal justice system. Therefore, the agenda has changed for many powerful actors.

Kazakhstan's improved financial situation as a result of the oil trade enabled it to invest heavily in the quality of law enforcement, yet the drug-related situation remained complicated (Kairzhanov, 2008). Kazakhstan's government prioritised organised forms of drug trafficking and carried out consistent responses at the national and international levels. Even more, the fight against drug trafficking became one of the country's main foreign policy priorities (Yusopov et al., 2018: 11).

In recent years, the fight against drug trafficking has been characterised as a national priority and has received a huge amount of funding. All related governmental bodies are involved in the implementation of the programme against drugs. The programme itself was presented as having three main priorities: prevention of drug abuse and distribution, drug addiction treatment, and identifying and obviating of drug trafficking to Kazakhstan [P24].

However, it remained unclear if the above-mentioned changes were reflected in the concrete ways the policies were implemented, or the extent to which newly introduced drug-related legislation was effective. This chapter will try to answer these questions.

7.2 Anti-Drug Legislation

According to Latypov (2009), at independence, Kazakhstan's repressive law enforcement system was not only corrupt but continued a Soviet-style zero-tolerance approach to drug users, dealers and traffickers. The legal framework gave only two choices to drug addicts: either suffer from drug withdrawal or go to jail, even for the possession of a drug for personal use (Latypov, 2009).

Today, the main legal foundation of national policy and measures against drug trafficking is Law no. 279 of the Republic of Kazakhstan, dated 10 July 1998, 'On narcotic drugs, psychotropic substances, and precursors and measures to counter their trafficking and abuse' (EMCDDA, 2014).

The Criminal Code of the Republic of Kazakhstan (Gov't of Kazakhstan, 2014) characterises itself as a penal code based on the Constitution and generally consistent with conventional principles and regulations of international law and, therefore, international treaties ratified by Kazakhstan are prioritised over the Criminal Code. Kazakhstan has ratified all major United Nations conventions against' including those of 1961, 1971 and 1988 (Yusopov et al., 2018: 11).

According to CADAP (2018), compared with the 1997 Criminal Code, the new Code is much more humane. For example, drug consumption was formally decriminalised. But at the same time, 2008 legislation demanded tougher penalties, such as life imprisonment for smuggling and drug trafficking, and for the involvement of minors into drug trafficking. In 2015, new criminal and criminal procedural codes were introduced, strengthening the control of prosecution and the judiciary. Also, a system of pre-trial investigation was introduced, and every complaint filed and crime reported must now be investigated. Also, the revision of criminal penalties was taken into consideration by the new legislation; the main focus became giving alternatives forms of punishment such as fines, involvement into community works in order to decrease the size of the prison population (Yusopov et al., 2018: 11).

Kazakhstan's Criminal Code does not have a specific article against drug trafficking. However, four articles of the 2014 Criminal Code cover the activities associated with drug trafficking: drug smuggling (criminalised by Article 286), illicit circulation without intent to sell (criminalised by Article 296), illegal production, processing, acquisition, storage, transportation in order to transfer or sell narcotic drugs, psychotropic substances, or their analogues (criminalised by Article 297), and illegal cultivation of plants containing narcotic substances (criminalised by Article 300). All of this is consistent with the Code's prohibition of activities that are consistent with the UNODC definition of drug trafficking: 'a global illicit trade involving the cultivation, manufacture, distribution and sale of substances which are subject to drug prohibition laws' (UNODC, 2019). Hence, the "[c]ommission of any acts (storage, sale, etc.) related to a particularly large amount of a narcotic drug is the basis for prosecution of the person. At the same time, criminal liability for the sale of narcotic drugs or psychotropic substances, their analogues, occurs regardless of their size." (Yusopov et al., 2018: 11).

A number of interviewees have argued that the new legislation is far from revolutionary; it only introduced new, often harsher, sanctions for the same crimes. As one respondent accurately notes, *'Our criminal code, it is not resting on its laurels. For example, if we compare the number of imprisonment years that can be sanctioned by the court, this number will be much smaller for murder than for the distribution of drugs.'* [P10]

The seriousness of an offense is associated with the volume of drugs involved, as determined by the Law of the Republic of Kazakhstan 'On narcotic drugs, psychotropic substances, their analogues, precursors and countermeasures to their illegal trafficking and abuse of them'. Small, large and extra-large sizes of narcotic drugs, psychotropic substances and their analogues are specified in Table 7.1 below.

Table 7. 1 Controlled Narcotic Substances (in grams)

Type of drugs	'Small'	'Large'	'Extra-Large'
Marijuana	0,5–50,0	50,0–1000	1000
(Dried)	5,0–200,0	200,0–5000	5000
Hashish	0,5–5,0	5,0–200	200
Heroin (in all forms)	0–0,01	0,01–1	1

Source: Author's elaboration based on the Law of the Republic of Kazakhstan 'On narcotic drugs, psychotropic substances, their analogues, precursors and countermeasures to their illegal trafficking and abuse of them'.

7.3 On the National Drug Strategy

In 2011, the Kazakhstani government completed the Programme to Combat Drug Abuse and Drug trafficking for 2009–2011, which was intended to block and prevent the development of socially dangerous patterns of increased use and distribution of psychoactive substances in Kazakhstan (EMCDDA 2014). The main direction of the programme was the reduction of demand for drugs and drug supply, and reduction of consumption, and reduction of harm reduction of harm associated with drugs. A total of 30 per cent of the programme's resources was devoted to the development and improvement of the system of coordinating and monitoring, including international cooperation. In addition, 24 per cent was dedicated to the prevention of drug abuse, 14 per cent to treatment and rehabilitation, and 32 per cent to combating drug dealing and trafficking (EMCDDA, 2014).

In February 2010, as EMCDDA (2014) further explains, President Nazarbayev approved a Specialized Programme to Combat Drug Abuse and Drug Trafficking in the Republic of Kazakhstan during 2012–16 (Decree No. 922 of the President of Kazakhstan). The main goal of this programme was further improvement of the system of effective governmental and public action against drug addiction and drug trafficking. The programme's activities include the implementation of legislative initiatives that reflect the direction of the previous programme, like alternative forms of punishment for addicts who have committed minor offences and alternatives to imprisonment such as compulsory treatment for drug addiction (EMCDDA, 2014)

Later on, in 2017 President Nazarbayev characterised drug trafficking as the third-most significant challenge to national security, arguing that

trafficking of Afghan heroin passing through Kazakhstan to Russia and even Europe, and therefore the Collective Security Treaty Organisations (CSTO) arranges special educational programs in order to identify the strategy of drug traffickers operating on our territory. Because we know that today around 250 million people worldwide abuse drugs and approximately 10 million people die as a result of drug abuse. In order to prevent such an influence, we work together ... These challenges are the most important for us and, as we have written down in our strategy, the desire of destructive forces to disrupt the country from the inside and affect the country from the outside – these are all aspects taken into consideration by the CSTO. (Tengri News, 2017)

According to EMCDDA (2014), Kazakhstan is strengthening the international legal framework in the fight against drug trafficking and actively cooperates with its international partners and other countries. In particular, the Anti-Drug

Strategy of the Shanghai Cooperation Organization (SCO) for a five-year period was approved on 16 June 2011 by a decision of the Council of States of the SCO. This strategy has a general direction to improve the system against illicit drug trafficking, prevent drug abuse, and to treat and rehabilitate drug addicts. Several joint projects were aimed to improve the activities of governmental bodies that combat drug trafficking and drug abuse. Cooperation was established with various departments of the United Nations, the European Union (within the framework of Central Asia Drug Action Program, CADAP), the Collective Security Treaty Organisation (SCTO), and the Central Asian Regional Information and Coordination Centre for Combatting Illicit Trafficking of Narcotic Drugs, Psychotropic Substances and their Precursors (CARICC) (EMCDDA, 2014). It is possible that as a result of such extensive international cooperation, Kazakhstan's anti-drug trafficking performance became a subject of international accountability by its foreign partners, which raised the crime of drug trafficking to the level of a national priority within Kazakhstan. The geopolitical aspects of international cooperation are discussed in greater detail in Chapter Five. Here, I limit myself to mentioning some aspects in order to demonstrate the intention of the country's most powerful political actors to comply with international standards and to argue that inefficiencies occur mostly when international standards are applied on the ground.

The fight against drug trafficking will inevitably be affected by the condition not only of law enforcement, but of the entire criminal justice system. It is worth noting that these days, Kazakhstan's criminal justice system is going through a significant number of reforms, but some problems remain. This process and its effect on the state response to the drug trafficking will be discussed below.

7.4 Political Will to Eradicate Drug Trafficking

Trochev and Slade (2019) demonstrate that President Nazarbayev has the power to appoint and dismiss judges, ministers and other high-rank state officials. By contrast to Putin, however, he has chosen not to create a myth of honourable KGB officers and, since 1992, has removed 13 people who had been Chairmen of the Committee of National Security, including two who were accused of grave crimes. Moreover, by 2018 he had changed ten Ministers of Internal Affairs, nine General Procurators, seven Supreme Court Chief Justices and at least eight chiefs of the penitentiary system (Ibid: 79).

These days, expressing loyalty to president Nazarbayev, formally and informally, continues to be a key to preserving top positions. As in the Soviet times, top law enforcement officials compete fiercely among themselves for the leader's favour of the leader and collect compromising materials against each other (:Ibid.: 90). This section will focus on the formal signals sent by President Nazarbayev to law

enforcement officials in order to demonstrate the political will to address drug trafficking.

In 2011, the President demanded drastic measures to address drug trafficking and threatened the leadership of the Interior Ministry and the Committee of National Security:

threats caused by drug trafficking have increased dramatically in recent years and, therefore, the demand from them will be the harshest. A serious analysis of the drug-related situation must be conducted by the Security Council with the participation of the Interior Ministry and the Committee of National Security, by the end of 2011. (Tengri News, 2011)

Moreover, as the Press Office of the President of the Republic of Kazakhstan reports, in the same inter-agency meeting he emphasised that the amount of funding for the fight against drug trafficking has increased five-fold and a whole range of institutional reforms must be introduced, especially measures against police abuse and corruption. He suggested that if the corruption of low-level officials remains rampant for, then high-level officials must be made morally and legally responsible for their actions, especially when police cover up especially grave crimes (Ak Orda, 2011).

Two years later, according to Press Office of the President of the Republic of Kazakhstan in 2013, the inter-agency meeting of the heads of the law enforcement bodies with the President took place again. At the meeting, the president discussed the results of the comprehensive reform of the law enforcement system that he had demanded in 2011. This time, the President demanded a systematic and result-oriented anti-corruption effort. Improved anti-corruption measures were characterised as the foundation for the modernisation of the law enforcement system (Ak Orda, 2013).

Until his retirement in 2019, President Nazarbayev was the strongest political actor and those who challenged or disappointed him, including law enforcement actors, risked facing huge political costs. Paoli et al. (2009) note that political will alone is not enough to eradicate drug trafficking. Therefore, in the next section, the condition of the criminal justice system, including informal practices affecting its performance against drug trafficking, will be discussed.

7.5 Criminal Justice System

As Trochev and Slade (2019) observe, Kazakhstan's criminal justice system at the time of independence was burdened by Soviet institutions, and those institutions have proven resistant to change during the succeeding decades. Independent

Kazakhstan's criminal justice system continued to be dominated by a highly centralised police force that sought to enforce the Soviet-inspired Criminal Code of 1997. Despite constant attempts by high-level politicians to reform the criminal justice system, informal practices embedded into the system provided opportunities to resist reforms. However, no attempt to reform the system has been fully successful or fully implemented, which is no surprise, given the power of the Soviet legacy (Ibid.). Nonetheless, within this context, important change has occurred.

For example, in November 2018, Nursultan Nazarbayev, President of Kazakhstan from its independence in 1990 until March 2019, ordered the introduction of new criteria for evaluation of police performance, arguing that

Criteria have to be objective, transparent and reflect the quality of performance of police functions as well as assessment by the population of efficiency of this work. Both statistical data provided by state authorities, and sociological research must be used for this purpose. The trust of citizens, their comfort and safety must become a basis for the assessment of police efficiency. The pursuit of statistical indicators has to recede into historical distance. (Forbes Kazakhstan, 2018)

This was not the first attempt to reform the Ministry of Internal Affairs, nor would it be the last. In 2019, Nazarbayev again called for a drastic reform of police forces and urged them to consider using the Georgian model (Trochev and Slade, 2019).

Despite the problems which remain in the whole criminal justice system, there was an improvement in the police performance against drug trafficking, as my respondents argued and as evidence presented in this thesis demonstrates. For example, when I asked respondents about the condition of criminal justice system and its capacity to address drug trafficking, some argued that the criminal justice system has improved significantly since the 1990s. With the gradual improvement of the whole law enforcement system, drug-related performance was improving as well [O3; O1]. Therefore, it is possible that the reforms' positive effect was limited to priority crimes, among which drug trafficking is included. These effects will be analysed below.

7.6 Jurisdiction of Law Enforcement Bodies

In September 2011, the Government of the Republic of Kazakhstan created an inter-agency committee to coordinate state bodies acting against drug abuse and drug trafficking (EMCDDA, 2014). This committee included representatives of 12 ministries and agencies: the Agency Fighting Economic Crimes, the National Security Committee, the General Prosecutors' Office, and the Ministries of Internal

Affairs, Foreign Affairs, Education and Science, Culture, Communications and Information, Finance, Health, Defence, and Tourism and Sport (Ibid.).

After the 2014 Criminal Procedural Code was introduced, several bodies were made responsible for the fight against drug trafficking and problems associated with it, including police corruption. Criminal Procedural Code Article 187 specifies the jurisdiction of each agency. Broadly speaking, three main institutions became relevant to issues related to drug trafficking: the National Security Committee (KNB), the Ministry of Internal Affairs (MVD) and the Agency of the Republic of Kazakhstan for Civil Service Affairs and Anti-Corruption (AGDS). Nevertheless, all state bodies were made responsible for assisting these three, within the scope of their respective jurisdictions. For example, the Directorate of State Revenue is expected to monitor criminal cases when laundering of money made from drug trafficking is suspected and the Anti-corruption agency is responsible for the investigation of corruption among law enforcement [P13].

if someone encounters [a drug-related crime], he does not overpass it ... there is no such thing like I work on economic crimes, and therefore I will be working only with economic crimes. ... that is to stay ... any person once encountered ... with illicit [drug] trafficking is surely obliged to inform about it in the official report and so on ... and that's how this work is taking place, piece by piece. ... every little bit helps, very gradually, information is accumulated, collected ... and then it gives us a subject for reflection, a subject for work ... In other words, we already know that at that particular address, for example, something illegal and connected to drugs was happening. [P14]

We can see that each agency is obliged to inform the state bodies authorised to act against drug trafficking on occasions when they are faced with drug-related crimes. Such an aspect is important for the investigation and collection of valid legal proof on such occasions. However, the jurisdiction and main responsibilities of the following bodies have been discussed by respondents.

The agency of the Republic of Kazakhstan for Civil Service Affairs and Anti-Corruption, created in 2014, is responsible for the enforcement of anti-corruption legislation (Ak Orda, 2014). In relation to the crimes of drug trafficking, this agency is authorised to investigate crimes of corruption by police and other governmental officials. In 2017, the anti-corruption jurisdiction of this agency was balanced by giving the right to initiate criminal cases against corruption to the KNB, too (Nur Kz, 2017).

The Prosecution Office is responsible for the legality control over the investigative and criminal intelligence bodies. In line with the Criminal Procedure Code of 4 July 2014, the Prosecution Office obtained more power over the investigative bodies of the MVD, the KNB and the agency of the Republic of Kazakhstan for Civil

Service Affairs and Anti-Corruption. However, the way the Prosecution Office exercised these powers has been criticized by detectives. Heavily restricted by the prosecution, detectives complained about the Office's lack of understanding of how criminals operate on the ground, its imposition of unnecessary bureaucratic procedures, and its general absence of support.

Sometimes drug addicts come and ask us to arrest a dealer, we run to the Prosecution in order to get a sanction, ... [but] sometimes we have to wait a whole week. By the time we get the sanction, the dealer is not trading any more. He has transferred everything to someone else. These days dealers are smart, so it is not easy to get close to them ... That's how sanctions we receive from [the Prosecution Office] burn. [P5]

The difficulty in applying new procedural legislation to the realities of drug trafficking is the very first conflict caused by the interrelationship between intentions of higher-level politicians aspiring to create a service-oriented and law-respecting police force in Kazakhstan and realities of the drug trafficking. Reasons for this conflict will be analysed in greater detail in the sections discussing informal practices of law enforcement.

The **National Security Committee** (*Komitet Nacional'noj Bezopasnosti* in Russian) is one of the main state organisations responsible for controlling drug trafficking in Kazakhstan. In the simplest terms, it is the KGB of independent Kazakhstan, which inherited organisational resources, culture, and even staff members; even its acronym only differs from that of its famous predecessor by only one letter (Taylor, 2014).

It is commonly known that during Soviet times, the KGB was intended primarily to maintain the political regime and support the political elite. Today, the KNB is similarly assigned to address global issues (many respondents used the word 'national' issues), including protecting the president and countering crimes such as terrorism, some types of transnational crime, and corruption. Following the enactment of anti-corruption legislation, it is possible that the KNB was the first body to initiate large-scale criminal investigations against corrupt police officials who have been characterised by mass media as 'drug mafias in epaulettes'. Moreover, the KNB shares with the MVD the jurisdiction to initiate drug-related investigations, and with the Anti-Corruption Agency the jurisdiction to initiate investigations into crimes associated with corruption. When it suspects corruption among state authorities, the KNB can apply to the Prosecution Office for permission to initiate a criminal case and, if permission is granted, will conduct the investigation itself [P14]. The role of the KNB in prosecutions against drug-related corruption was discussed in greater detail in Chapter Six.

The **Ministry of Internal Affairs** (MVD later, *Ministerstvo Vnutrennih Del* in Russian) is the main body responsible for the investigation of drug-related crimes, in addition to all other types of crimes. Several departments within the MVD usually investigate drug-related prosecutions, including the Directorate of the Anti-Narcotics Committee (UBN later, *Upravlenie po bor'be s narkobiznessom* in Russian), the Directorate against Organised Crime (UBOP later, *Upravlenie po bor'be s organizovannoj prestupnost'ju* in Russian) and the Investigative Department (SU later, *Sledstvennoe upravlenie* in Russian). It is worth noting that the SU is mostly responsible for the documentation as well as registration of criminal evidence in a form acceptable by the court, while UBN and UBOP are responsible for the production of criminal intelligence data.

The MVD has been harshly criticised by General Prosecution for its ineffectiveness against drug trafficking and its focus on drug addicts and retail dealers instead of drug traffickers (Zakon.Kz, 2013). Besides the pressures from higher authorities, it has undergone several significant anti-corruption measures, which have affected its capacity to address drug trafficking. Further, as a result of these changes, police forces have also become much more restricted. For example, the police are no longer allowed to torture suspects, and they are required to register allegation in the United Registry of Pre-Trial Investigations. Registration of the crime in this registry sharply curtails the ability of police as well as other law enforcement bodies to cover up acts of crime. Anti-Corruption measures were discussed in greater detail in Chapter Six. Clearly, no single agency has a monopoly over drug-related crimes and corruption and, therefore, each of them eventually becomes restricted by the KNB, which historically was meant to serve the interest of high-level politics. In this way, institutional behaviour in Kazakhstan provides support for Reuter's (1983) theory of disorganised crime, which explains how police can be limited by other organisations and how these limitations reduce the possibility of police corruption.

7.7 Resisting the Reforms: The de facto Fight against Drug Trafficking

There was a significant amount of complaints and resistance to the institutional reforms that were meant to herald a new legal order. Some detectives were nostalgic about the past *'when things were much easier'* [P5] and *'addicts were afraid of police'* [P6], and sceptical about the effect of the increased importance of procedural regulations, which have restricted the ability of police to perform their duties. *'We work in line with the law these days, but working in line with the law is difficult'* [P23]. It is worth noting that abuse by police became punishable by law. Even if there is not enough evidence to initiate a criminal case and submit a police officer to trial, they are pushed to provide sufficient statistical evaluations by higher police authorities. Among such punishments, cancelling the monthly, quarterly and yearly rewards, lowering the rank, severe reprimand and even dismissal were mentioned [P5].

The high priority given to investigations of organised drug entrepreneurs was also noticed by one large-scale drug dealer. During the interview, which took place in prison, she suggested that *'you know, I think it became fashionable to prosecute organised crime. Whoever is arriving [to the prison], everyone is coming as organised crime. Literally everyone.'* [DE2] Similarly, recent changes in law enforcement practices were mentioned during an interview at the UBN: *'each link in the chain of producers, traffickers, dealers, users [is investigated now], because the priority task of the anti-drugs units is too shut off the drug trafficking channels'* [P25].

The problem of police corruption within the MVD was also solved in a rather radical way. When I was trying to arrange interviews with officials from the UBN, I was surprised to find out that there is almost no experienced detective in that department. The explanation was that *'First, after that corruption scandal, almost everyone was imprisoned, and those who were not imprisoned were fired. Since then, no one works there longer than a couple of years'* [P3]. Besides that, among other reasons for the complexity of working environment in the UBN, constant pressures of being under the supervision of the KNB and AGDS, which are in turn interested in the improvement of their own statistical record and, therefore, would not hesitate to present a minor issue as a large-scale corruption scandal [P20].

Despite constant complaints from police officers about pressure from higher-level police officials and anti-corruption agents, even drug dealers characterised police work as improved. When asked if there is any competition between different dealers these days, a dealer replied: *'You know, the relationship they have between each other ... I mean, these days the police works well, sometimes they [dealers] don't even work long enough to know about each other, not to mention competing.'* [DE3]

Several detectives have argued that the problem was not the investigation process, but rather the difficulty to legally prove that the dealer was trading. In line with the new, more humanised legislation, even when they have already gathered a significant amount of criminal intelligence data, they have difficulties gathering valid legal proof to support such intelligence. Many complain that the law itself protects the drug dealers and does not serve police [P6].

Several respondents noted two main difficulties in police performance: statistical evaluation of police performance and the refusal of informants to testify.

7.8 Victims of Statistics

Golunov (2007) argues that Russia and Kazakhstan favoured somewhat 'restrictive' drug policies similar to those used in the USA in 1980–1990, which was reflected in a great number of arrests and seized drugs. According to Paoli (2002), possession of a few milligrams of heroin was sufficient to initiate a criminal investigation,

and therefore, drug users constituted the majority of drug offenders. Thus, Russian drug policies were characterised as repressive and unduly focussed on supply reduction. Such a philosophy of coercion and repression as legitimate means against drug trafficking and consumption was inherited from the Soviet Union. More importantly, while individual drug dealers regularly received harsh punishments for their roles in the drug trade, their membership in larger criminal organisations remained unproved (Ibid.). Consequently, Russian authorities responded to the expansion of drug markets with draconian sentences, hoping to prevent drug trafficking and drug distribution. However, only small retail dealers and drug users became the primary target of drug-related criminal investigations (Paoli, 2002).

Conditioned on the similarity of political choices of Russia and Kazakhstan, the drug-related situation in Kazakhstan was problematic as well. Some have suggested that law enforcement bodies have to refocus from initiating criminal cases against regular drug users to far more developed drug dealing and money laundering criminal groups and organisations. In order to make such measures possible, changes in several criminal code articles were necessary (Turlubekov, 2000).

Similar to Russian police authorities, Kazakhstani law enforcement bodies have been using quite repressive practices that focus on regular drug users instead of drug dealers, even though drug trafficking the crimes were characterised as priority crimes. As already mentioned, the police have received harsh criticism from the Prosecutor's Office for such practices and a significant number of reforms were aimed to fix the underlying conditions.

It is worth noting that the increased importance of drug-related criminal cases also had negative consequences. Once a person is caught in a police dragnet, there is no chance to avoid criminal responsibility. In fact, once on my way back from lunch one day, I met a lawyer leaving the investigation department. He stopped and exclaimed: *'Zhaniya, have you heard this?! We have the first sentence of acquittal for a drug-related crime. The first one in our history! This is unbelievable!'* [O7] Given that the criminal justice system in Kazakhstan has inherited the political component of law enforcement bodies, his surprise seemed understandable. The political component of law enforcement means that law enforcement is still heavily affected by the priorities that are chosen by the political leadership. Moreover, investigative bodies within this system are less restricted in comparison to their democratic analogues, and even had an established practice of framing people in order to meet statistical quota requirements or achieving alternative institutional goals. This accusatorial bias has been seriously criticised by Solomon (2015) and was argued to have roots in the Soviet past, as analysed in Chapter Two.

It was commonly known that statistical evaluations lead to pathological behaviour by members of Kazakhstani law enforcement, as the General Prosecution (GP, General'naja Prokuratura in Russian) reported in 2017. According to the numbers provided by police in 2017, 2266 drug-related crimes were identified, while only 733 drug dealers were sent to the court. These numbers are inaccurate, along two dimensions (Mukhamedzhanov, 2017).

First, some police officials artificially increased the number of successfully initiated criminal cases by registering each transaction of an arrested drug dealer as a separate criminal case (Mukhamedzhanov, 2017). One police detective in Pavlodar, for example, bought drugs from the same dealer 30 times. The official explanation was that the officer wished to confirm that the dealer was trading in heroin, but the result was 30 separate charge sheets for 30 separate criminal cases. In the North Kazakhstan region, police detectives went even further and purchased heroin two or three times a day for more than 20 days, ostensibly to confirm the intelligence data they had received (Ibid.).

Second, police officers concealed committed criminal acts they knew about but could not prove, by not registering them (Ibid.). In the majority of criminal drug possession cases, the accused claimed that they found drugs on the street, outside of their houses, next to the public square, and so on. Police, meanwhile, according to the statement of the Prosecution, happily agreed with such absurd explanations of drugs magically showing up in public places. In other cases, even though the address of drug dealers was provided in testimonies, police refused to check the location even after the court has sent an order to reinstate the prosecution (Ibid.).

Therefore, we can see that there were other reasons for police corruption rather than individual financial benefits of individual officers. In other words, institutional requirements such as the submission of statistical reports on drug crimes also were manipulated by corrupt police officials. Besides that, it was argued that specific institutional arrangements could indirectly condition police corruption as well (McCarthy, 2015).

Problems with statistical evaluation caused even more significant problems and the anti-corruption campaign was argued to be part of the solution. And yet, some police were not interested in qualitative performance measurements, and instead assigned more value to quantitative performance requirements: they were required to produce one or two arrests per estimated period of time. As one asked rhetorically, *'why would someone take risks [of being accused of corruption as a result of repeated interactions with the drug entrepreneurs while producing criminal intelligence data]? Then, they sit quietly, because they don't want anything. The numbers are demanded and no one is checking the quality of these numbers.'* [P20]

In brief, some officers believed the drug-related legislation was divorced from reality. Increased bureaucratic procedures demanded by new legislation overburdened detectives instead of improving their performance. As one respondent lamented,

the law about criminal intelligence for example ... it states that our main priorities must be prevention, interruption and warning of crimes. No one cares about these words, all they want is solved crimes. That's why they arrange all these measures, they want people to become arrested, they want to convict for the criminal offences. The same happens with the drug crimes, they don't want prevention, the most important thing for them is to put someone in prison, they considered it to be the most important result. In this sense, our legislation is quite restrictive, because they pose lots of tasks, but the rights of [police] employees are quite limited. And all these bureaucratic tasks, these rules about how to register everything, they take an insane amount of time, sometimes it is physically impossible to deal with the amount of paperwork. Each part of the operation, each piece of paper, everything must be properly documented and even though they are saying that procedures are simplified every year, in reality it is not. It becomes worse with every passing year. [P6]

To others, the whole system of performance evaluation seemed to be wrong.

In my personal opinion, the performance of the anti-drug departments must not be evaluated by the number of identified facts of distribution. For example, if the fight against drugs is efficient, then the price increases in that region, because it becomes more difficult to find drugs. If the price remains the same, then everything is stable and trade goes as it was always going. But sometimes it can even decline, which means that the amount of drugs increases ... Thus, I believe that performance should be evaluated not by the number of identified facts [of drug distribution], but rather by the price of the drugs in the region and by volume of drugs seized. ... we have identified lots of facts about distribution, but in the end it causes the need, need, need to catch even more. As a result, it looks like we are catching only tiny tots. This all is a little wrong. A different evaluation system should be introduced. [P20]

Similarly, one detective dreamed about introducing a law enforcement system similar to the American one because, in his opinion, Kazakh law enforcement can't arrest larger drug entrepreneurs. By contrast, Western police are capable of investigating huge, hierarchal large-volume organisations, while Kazakh law enforcement seemed only to produce statistical records instead of fighting drug trafficking.

They can investigate whole channels, from those people who cultivate drugs on plantations, to those who produce drugs in fabrics. In other words, the whole bunch begins from drug addicts and it goes to dealers, traffickers, smugglers, drug lords.

The whole net from A to Z! While in Kazakhstan, us, our criminal intelligence is not there yet, I judge from myself at least ... I don't feel satisfied when we arrest small groups. You know, shutting down a drug trafficking channel feels like enjoying the sun, like enjoying the sea. It is such a joy! I feel like I earn my salary and it is not for nothing. [P9]

Such a problematic statistical evaluation has its roots in the Soviet times, when the police force's primary purpose was to serve the interest of the Communist Party and achieve the yearly crime-fighting plans (Taylor, 2014). Despite the numerous expressions of political will and the implementation of the whole range of police reforms, the statistics-based demands remained one of the greatest problems for police performance. My data shows that improved police performance could be achieved if the police were allowed to refocus from fast methods of investigation, to more meaningful ways of collecting both criminal intelligence data and valid legal proof. The solution is another approach to the implementation of witness protection measures, which will be discussed below.

7.9 Witness Protection Measures

Sometimes, as one investigator has characterised, investigative bodies have difficulties collecting valid legal proof, even when they are certain that a person or group participate in the drug trade. 'For example, they can have a person who informed [police authorities] about the drug trade, but it is not enough for the court. Therefore, it becomes a problem. They have to collect additional evidence ... and the suspects refuse to give testimonies [against themselves, or partners in crime] ...' [P17]. Indeed, the collection of valid legal evidence can be complicated. My respondents have outlined two main reasons: the practice of implementation of procedural legislation, and the protection of intelligence data.

Alongside the complexity of the collection of legal proof of drug-related crimes, the problematic application of the Prosecution Office's procedural requirements must be discussed. Article 612 of the Criminal Procedure Code defines two forms of such an agreement in the form of plea bargain: 1) for offence of minor or moderate-gravity crimes in situations of agreement with the suspected, accused with suspicion, accusations, and in the form of cooperation; and 2) for all categories of crimes at facilitating the detection and investigation of crimes committed by a criminal group, especially serious crimes committed by a criminal group, as well as especially serious crimes committed by other persons, including terrorists and extremists crimes.

However, in reality, members of criminal networks are reluctant to cooperate before they are arrested. In other words, the detectives do not have the legal tools needed to collect criminal intelligence or witness statements from drug

entrepreneurs until after the crime has been committed. The law on the protection of witnesses specifies several types of protection measures including change of identity, relocation and physical appearance change. In practice, none of my respondents ever used these measures. Among the explanations were the lack of financial resources and the unreasonable amount of time and effort which these procedures would require.

I mean, indeed, we have such a law. But in reality, how will the one investigator responsible for the whole case arrange a new identity or other more complex measures for a witness? This information is supposed to remain classified, but while seeking new documents [for the witness], several agencies must become involved – migration police, municipality ... and therefore, confidentiality again will become compromised. It is unreal, because there is no real and properly functioning mechanism behind such measures. [P5]

This aspect has been characterised as the main reason why police remained focused on retail drug dealers: in practice, it is almost impossible to collect ironclad legal evidence against drug traffickers, because police bodies do not have anything to offer to the informants already involved in a criminal business in return for the information they may provide.

Article 26, point 3 states:

The organiser and instigator of a criminal infraction shall not be subject to criminal responsibility, if these persons prevented the bringing of this infraction to its end by the perpetrator, by notifying state bodies or by taking other measures. An accomplice shall not be subject to criminal responsibility if, before the termination of a criminal infraction by the perpetrator, refuses him (her) in previously promised contribution or eliminates the results from already provided assistance. (Criminal Code of the Republic of Kazakhstan, dated on 3 July 2014)

A detective referred to this article as a basis of the witness protection programme. He also referred to it as a barrier to the recruitment of witnesses among drug dealers. In the opinion of the prosecution, the collection of criminal intelligence data is supposed to take place before the crime has been committed. On some occasions, the fact of cooperation with the criminals was allowed to be registered only if the offender shared the confidential information about bigger dealers before he or she herself would have been officially arrested.

I personally came to such small dealers and told them: you are engaged in distribution, really. You have access to this person [the larger dealer], here I have information

confirming it, let's arrest him. Why not? Otherwise, you will become the victim of statistics, that's how we are explaining it to them. But they say he no-no-no and as a general rule, 99 per cent of them refuse to cooperate. They refuse, and then, in a month or so, we just come and put cuffs on them. Later on, during pre-trial detention, when he's closed in prison, within the walls of concrete and on iron plank beds, he understands ... What for I am sitting? Why do I sit? Yes, I am a small dealer, but that larger one, goes there and lives in a villa, drives posh cars, does not work at all, but lives this way ... Why would I sit in prison? They only then begin to understand this in prison, when it is already too late ... in line with our legislation. But it shouldn't be [too late]. [P23]

After an arrest takes place, registering the offender as a witness or cooperating person becomes impossible and they cannot avoid facing criminal accusations in the court. If, for example, after he is arrested and his illegal actions have been properly documented, a retail dealer decides to cooperate with law enforcement and is willing to share information about a dealer trading in larger amounts or even trafficker, he will want to receive some legal guarantees that his cooperation will benefit him personally, somehow. But, as explained above, such cooperation is not possible.

Investigative bodies can make a procedural agreement in theory, but in reality the Prosecution Office is reluctant to allow such an agreement to be made.

Take a drug dealer, for example. We can document that he is, for example, the leader [of drug distribution network], right? and here, he is indeed a leader among these little things [regular retail drug dealers]. He sells around 10 grams, buys from another larger dealer, approximately 50 grams, sometimes 100 grams, and then sells portions of 10 grams. And this bargain between these two is almost impossible to document. They do not even speak by phone [therefore, unlike in the West, intercepted phone calls do not exist and thus cannot be used as evidence] ... and in general, their meeting takes place once in a month, the bigger leader leaves these hundred grams somewhere, and then the small one comes to pick them up. And it is more or less easy to document this [the fact of smaller one picking up the drugs] because other even smaller dealers have access to him and we can send our people among them. [P22]

Such conversations often ended with police officials becoming nostalgic about 'old times' and complaining about their inability, as a result of the humanisation of criminal law, to use 'good old effective methods' like abuse and intimidation. Therefore, while legally admissible evidence remained a goal, it is possible that police forces were not provided with alternative ways to collect evidence after practices of abuse and intimidation [O6] widely used by the Soviet police and

during the first years of independence from the Soviet Union were outlawed.

7.10 Problems with the protection of intelligence data

Bureaucratic demands created by the prosecution office were negatively characterised by many. Several detectives complained about increased incidents of information leak, not only as a result of the corruption of some agents, but also during the fulfilment of required bureaucratic procedures. *‘While seeking permission for further operations, you discuss it with your boss, the boss of your boss, the prosecutor, the boss of the prosecutor ... in the end, one is sitting and ends up thinking where exactly the information was leaked and the case is destroyed, basically’* [P13].

In another interview, the detective had been intimidated by the complex bureaucratic requirements for the collection of criminal intelligence data that did not give law enforcement sufficient legal tools and instead was complicating matters even further.

They have bound the hands of law enforcement. These days in order to start collecting [highly sensitive] intelligence data, one needs to collect 15 signatures [the number is not exact; the respondent uses this number to demonstrate the complexity of bureaucratic procedures]. Apologies, we all understand that these procedures are created in order to protect civil freedoms and make sure that [police] employees do not misuse their powers, but this kind of stuff is easily checked, but while collecting all the signatures the [intelligence] data is compromised [expires, becomes irrelevant or is leaked]. [O2]

Besides that, the whole practice of the implementation of Article 96 of the Criminal Procedural Code obliges law enforcement bodies to take measures for the safety of complainants, witnesses, the suspected persons and other persons, involved in criminal proceedings. Article 97 defines particular types of safety measures and refers to Article 7 of the Law on State Protection of persons who participate in criminal proceedings. Among such measures, the most regularly used one restricts access to information about protected people. “It consists of withdrawal from the case file of information about the personal data of the person and keeping them separate from the main production, the using of an alias for that person ... Procedural actions involving the protected person, where appropriate, may be carried out under conditions that preclude his (her) recognition. Resolution and separated from the main production materials shall be placed in a sealed envelope, which is then stored in the body, investigated a criminal case, and with the contents of which, except the person, carrying out a pre-trial investigation, the procurator and the court may be get acquainted” (Article 97, Criminal Procedural Code of RK).

Nevertheless, the implementation of such practices was characterised as highly problematic.

D: I mean these are drugs! It’s not some sort of theft, robbery or fraud. Everything must be confidential, classified and only a few people can have access to this information such as an initiator, an investigator and a judge. On some occasions even the prosecutor should not know the name because I had an occasion when the prosecutor himself, has leaked the last name of the ‘confidential informant.’

Zh: Really???

D: Yeah, he found out the name somehow and then in the court he just stated in front of everyone ‘this is the time to examine the testimony given by the witness with the last name blablabla ... Everything happened during the hearing, in front of everyone. He probably did it unintentionally, I mean they are very good when it comes to the knowledge of the legislation, but this kind of mistakes, it’s just ... [P22]

Despite the fact that Article 7 of the Law on State Protection of people who participate in criminal proceedings gives a legal right to investigators to apply more sophisticated safety measures such as change of identity, change of physical appearance and change of residence, the investigative bodies are hardly ever applied them, *‘[b]ecause there is no proper mechanism behind it and besides, how can one investigator manage it?’* [P1]. Given that the statistical requirements that demand investigation of more and more criminal cases are still in place, such reluctance to implement more sophisticated measures makes sense in the eyes of the average detectives and investigators. In these circumstances, an investigator or any other police official is more interested to send as many cases as possible to the court instead of spending more time investigating one case.

7.11 Conclusion

Paoli et al. (2009) have argued that the state is the key actor in the prohibition of opiates production and trafficking. However, what remains unclear is what they mean by ‘the state’. Is it the decision-making of key political actors, or the presence of specific legal, economic and political institutions, norms and values of law enforcement system? In a sense, each of these factors can represent or at least have an effect on a ‘state’ and its capacity to address drug trafficking.

The purpose of this chapter was to analyse how and why the structure of criminal justice and criminal legislation related to drug trafficking in Kazakhstan was functioning. The state of legal and institution reforms which seemed to affect the enforcement of opiates and marijuana prohibition was important to evaluate, especially in the light of massive anti-corruption measures which were discussed in the previous chapter.

There is an explicitly stated political will to combat drug trafficking in Kazakhstan. The government is making a significant effort to reduce the amount of drug trafficking. Moreover, drug-related aspects were often characterised as highly sensitive issues for domestic politics.

However, a number of problems remain in the criminal justice system, including many related to drug trafficking. Agencies are not as synchronised as they should be, there is still an informal culture of competition between the MVD, the KNB and the Prosecution Office. Besides that, the structure of the drug-related legislation does not provide incentives for the law enforcement bodies to investigate large-scale drug entrepreneurs and makes regular drug dealers the main law enforcement focus. Both problems are conditioned on Soviet legacies.

This chapter has analysed the structure of the law enforcement and security services organisations that are responsible for prosecuting drug trafficking and analysed drug-related legislation, including its shortcomings. It is reasonable to suggest that together with Soviet-inspired legislation, Kazakhstani law enforcement has inherited informal practices which were conditioning relative inefficiency of the criminal justice systems in terms of the fight against drug trafficking, even in circumstances when the anti-corruption effort became apparent. Therefore, the problematic inefficiency of law enforcement has been conditioned not only on corruption, but also on informal practices that survived the high-level political decision making and seemed not to be open to negotiation. Thus, it is possible – if we assume that position of main political actors, their capacity to enforce their decision making and push through their political interests, and the condition of the institutional framework used for these purposes -is a state – to apply the models of Paoli et al., (2009), which emphasise the state, and those of Thoumi (2003), who highlights the importance of the institutional framework. In this way, it seems possible to suggest that recent decision making of political elite in Kazakhstan and its strong ‘fight against threats to national security’ has created additional risks for drug entrepreneurs: their adversaries now have both more effective tools (that were created to fulfil the will of the country’s leadership, as discussed in Chapter Six), and stronger incentives to use them.

Chapter Eight

Conclusion

This thesis has discussed the structure of enforcement of national and international drug-related legislation and the institutional framework used to combat drug trafficking in Kazakhstan, as well as factors that influenced changes in drug markets. Broader contextual factors – most notably political, economic, geographic, social and legal factors that have shaped Kazakhstan's approach to its opiates and marijuana trafficking problem – have been discussed.

Kazakhstan's relatively high degree of economic development, including state resources generated from trade in natural resources, has conditioned the emergence of a political system that is different from those in the rest of the Central Asian region. These same resources can render Kazakhstan's political system capable of addressing both drug trafficking and corruption within law enforcement in a committed way. Leaving aside the question of how long-term and systemic the new changes can be, I have tried to demonstrate how political will to address drug trafficking as well as corruption can affect the interests of the main actors in the criminal justice system, which in turn affect the performance of law enforcement and, in turn, the opiates market. Despite considerable progress, some informal practices embedded in law enforcement practices continue to restrict its performance.

The political and economic situation in Kazakhstan differs from the rest of Central Asia. The relationships between and interests of most influential political and economic actors in Kazakhstan are much more complicated than the images of high-level politicians smuggling heroin in their suitcases. It is not surprising that the drug trafficking situation in Kazakhstan reflected these differences. Hence, it is perfectly reasonable to argue, as I do, that high-level political corruption was not the main facilitator of drug trafficking in Kazakhstan; rather, corruption among low- and mid-level law enforcement officials played a much more prominent role. I link this observation directly to Kazakhstan's relative wealth. Unlike high-level leaders elsewhere in Central Asia, Kazakhstan's political elite has access to lucrative opportunities in the legitimate business world. Indeed, their access to these legitimate opportunities is enhanced when a 'business friendly' reputation is developed. Thus, they have incentives to clamp down law enforcement officials who might otherwise be inclined to support the industry. Moreover, as suggested by Paoli et al., (2009), the geographic proximity of Kyrgyzstan and Russia also conditioned the flows of heroin and marijuana trafficking through Kazakhstan.

In comparison with the rest of Central Asia, a Kazakhstan's higher level of economic development, as well as a more diverse economy, might have created more opportunities and thus fewer incentives for elites to participate in drug trafficking in Kazakhstan. However, incentives at middle and lower levels remained, and it was not obvious that elite intentions would be sufficient to overcome other incentives and legacies that were deeply embedded within Kazakhstan's institutional framework. Therefore, it seemed to be reasonable to focus on the role of low- and middle-level corruption in facilitating continued drug trafficking.

Efficient drug control is critically preconditioned on the degree of economic development, institution-building and political stability that characterise a country. However, control is more than a law enforcement issue, because coercive measures can also have disruptive effects. "Powerful drug-producing and -trafficking organisations are using all available means to oppose state efforts to enforce prohibition more rigorously and fight for the "right" to continue their established businesses. This struggle is dangerously undermining the process of state consolidation and legitimisation" (Paoli et al., 2009: 249).

This research was dedicated to understanding what drug trafficking looks like in Kazakhstan, and the following sub-questions framed the methods used in the field and the presentation of results in this thesis:

1. What is the role of Kazakhstan in drug trafficking?
2. Who is trafficking drugs through Kazakhstani territory? How? Why? What is the nature of such networks, and how are these networks structured?
3. How is Kazakhstan's criminal justice system dealing with drug trafficking, and with what results?
4. What is the role of corruption in drug trafficking? What does the relationship between corrupt police and drug entrepreneurs look like, and how these relationships evolved? Why? How is the government reacting to corruption?

In order to answer these questions, a combination of several qualitative research methods such as ethnographic fieldwork with police officials, interviews with other actors of criminal justice systems and drug entrepreneurs, as well as archival research, has been used. In this chapter, I will focus on conclusions derived from the empirical data presented in earlier chapters.

8.1 The Role of Kazakhstan in the Trafficking of Afghan Heroin and Marijuana

Many academic sources related to security threats and drug trafficking in Central Asia were identified. Security studies mostly focused on macro factors and seemed to be very much hypothetical in their claims. It should be emphasised that the majority of existing academic papers were not recent. Drug trafficking was presented as a significant local and sometimes even a global security threat. Despite significant contradictions among various strands of empirical data on the nature of drug trafficking networks, the rest of data confirms that the key geographic position of Kazakhstan, between Afghanistan (the main producer) and Russia (the major consumer), led many drug traffickers to prefer to transport their product through this country. As late as 2018, despite a significant decline in the popularity of the Northern Route, in favour of the Balkan and southern routes, Kazakhstan remains an important country for the trafficking of Afghan heroin and locally produced marijuana to Russia (UNODC, 2018). This is due in part to the exploitation of the increasingly important legitimate trade between Russia and Central Asia.

A relatively stable Kazakhstani economy, compared to other states in the region, has been shown to dramatically shift the incentives to participate in drug trafficking in Kazakhstan. Also, the analysis presented here suggests that drug traffickers all across the region have taken advantage of Kazakhstan's legitimate economy, such as cargo trade.

Kazakhstan's internal black markets were affected by such trends as well, even though the country was mostly used by traffickers to deliver drugs to Russia. The vast majority of drugs trafficked pass through border regions in the southern and northern parts of the country. Increased law enforcement effort against heroin and marijuana trafficking has been followed by the adaptation of the traffickers who, for example, change their routes. Nevertheless, despite the change of routes, the geographic proximity of Kyrgyzstan, whose Osh city has been characterised as regional drug capital, continued to have a tremendous effect on the drug situation in Kazakhstan. Thus, in 2018 three major heroin trafficking routes that pass through Kazakhstan started in Afghanistan, but mostly came from Kyrgyzstan (Yusopov et al., 2018). Kazakhstani cities located in the border regions became transshipment hubs, where the product was repackaged in smaller quantities to increase chances that the heroin and marijuana would pass the border undetected. Moreover, wild-growth marijuana fields in the Chu Valley, between northern Kyrgyzstan and southern Kazakhstan, was satisfying the increasing Russian demand for marijuana.

Thus, the geographic location of Kazakhstan right in between major producing (Kyrgyzstan) and consuming (Russia) countries, as expected by Paoli et al. (2009), played a crucial role and almost predestined Kazakhstan to deal with the drug trafficking situation on its own territory. Inevitably, some drugs that producers had expected to end up in Russia were in fact consumed in Kazakhstan. Therefore, the Kazakhstani government recognised drug trafficking as a threat to national security and increased state effort against it. Eventually, increased enforcement resulted in a significant decrease in heroin seizures and a six-fold increase in the price of heroin between 2010–2016 reported by CADAP in 2016. Nevertheless, respondents continued to emphasise the tremendous profitability of drug trafficking, especially when a drug shipment could reach Russian markets. Thus, it is possible that these numbers reflect another form of adaptability of drug entrepreneurs who, instead of trading in drugs in Kazakhstan (where the enforcement effort, and therefore risks for the drug entrepreneurs have increased), preferred to deliver shipments to Russia. In such operations, risks associated with cross-border transportation were compensated by the higher profits from drugs sold in Russia.

Contextual factors, such as the position of international organisations and the effectiveness of their policies, Russian foreign policy interests and Russia's relationship with Western countries, and high variation in economic development among Central Asian states, seem to deserve the reader's attention. The recognition of drug trafficking as an international security threat made it a subject of attention by international organisations that perceived trafficking as a key source of funding for terrorist organisations and, therefore, devoted significant funds to assist Central Asian governments in their fight against it (Jackson, 2006). However, Central Asian leaders have perceived international organisations as hypocritical, because they did not focus on the effects of narcotics trafficking in Central Asia. For Central Asian leaders, the measures taken by those organisations seemed insufficient as a result of their focus on the securitisation of the problem and lack of understanding of the local context (Ibid.). Moreover, given that foreign financial assistance to Central Asian states was provided mostly by the United States (Cornell, 2005), Russian foreign policy interests were affected (Weitz, 2006). Such a great power rivalry eventually resulted in the transformation of the UNODC and NATO into 'platforms of projection' (Behera, 2013) and, in the end, creation of the Collective Security Treaty Organization (in which Russia played a major role; see Ramani, 2017), which hoped to solve the drug trafficking issue without Western foreign assistance (Jackson, 2006). Thus, the political discussion of drug trafficking became a subject of a battle between the USA and Russia over strategic influence in Central Asia. In the circumstance of such tremendous global pressures, the behaviour of local law enforcement and drug entrepreneurs seems to be important as well.

8.2 The social organisation of drug trafficking, and the structure of drug markets in Kazakhstan

Both the actors involved and the way they structure or organise themselves turned out to be a highly debated issue in the literature. Some authors emphasised the relationship between actors involved in drug trafficking, their membership into traditional criminal societies and ethnic background (Curtis, 2002; Nurgaliyev, 2014). Others highlighted the role of political or regional corruption and its alleged contribution to drug trafficking (Cecarelli, 2007; De Danieli, 2014;). Such statements contradict the criminological literature, which emphasises the typically disorganised nature of illegal markets, including the drug market (Reuter, 1983; Paoli, 2002). Moreover, social embeddedness theory argued that, indeed, professional relations could have been used by organised crime, but the presence of such connections between people is not always a sign of the criminalisation of the whole state. In reality, ethnicity turns out to be less important than the literature tends to suggest. This factor does play a role when it is used instrumentally or as a verifiable component of trust, which is also has been characterised as a major part of relational capital. As for the traditional criminal networks such as Vory v zakone, their role was found to be mostly peripheral, related to arbitration and protection services.

Despite the fact that financial gain was mentioned as a primary motivation for entry into the drug business, the competitive advantage belonged to people who could restrict information flows about themselves. To this end, some drug entrepreneurs exploited existing relationships or recruited retail dealers among heroin addicts. It is worth emphasising that heroin addicts as a retail dealers are particularly good for such business, not only because they opened the retail dealer to new networks of customers (the addict's friends and associates) but also because their heroin addiction tended to make them both 'obedient' and to underestimate the risk of arrest – which increases with every customer-seller transaction. Police, in turn, were seen to place the highest priority on meeting their annual statistical requirements, which meant they had little incentive to push investigations beyond what was needed to make street-level arrests. That is why regular heroin users, rather than more substantial drug entrepreneurs, became the key subjects of investigation.

Moreover, the circulation of an individual's reputation as a 'trustworthy' person in drug entrepreneurial circles was shown to be a main 'security check' for recruitment or promotion up to large-scale trade. In the absence of such verification, information about drug-related operations remained largely concealed. The argument is developed further by emphasising the combination of relational capital embedded in a drug entrepreneur's environment and availability of the reputation of a 'trustworthy' person, which are the most important factors for

survival in the drug trade. Moreover, both the evaluation of a person's reputation and the evaluation of the stock of existing relationships available to that person were of primary importance during negotiations among large-scale dealers. In some respects, relational capital seemed to be embedded into the operational environments of the actors involved, and was of the utmost importance when the loss of protection from corrupt police officers increased market uncertainty.

In order to restrict information flows, as Reuter (1983) expected, successful entrepreneurs tended to structure their enterprises in the form of small, incoherent groups. This strategy greatly constrained the ability of law enforcement officers to gather evidence that would support a charge of 'organised drug trafficking'. Thus, the market is populated mostly with smaller groups. Most importantly, the whole range of social relationships in such groups, by contrast to the expectations of clan theory (which emphasises relationships based on family and kinship), were used to lower the risk of arrest by police and other institutions that are still trying to win back the favour of the country's most powerful political actors. Thus, the expectations of social embeddedness and illicit enterprise theory, rather than state-crime nexus theory, were most closely supported by the collected empirical data.

8.3 Response of the Criminal Justice System to Drug Trafficking

In some respects, both the decision-making and the actions of the criminal justice system's main agents have facilitated the fight against drug trafficking and drug-related corruption. However, despite pressure from above, police officers on the ground remained restricted by informal practices deeply embedded into the criminal justice system and, as a result, were unable to address drug trafficking comprehensively. These practices were inherited from the Soviet Union. As has been accurately pointed out by Kotkin and Beissinger (2014), the historical experience of communism shaped the long-term direction of post-communist development, much like colonialism shaped development trajectories throughout the Global South. Similar to colonialism, Soviet systems created specific political, economic and social relationships, and produced certain ways of behaving and cultural attitudes that have proved difficult to change (Ibid.: 1–3). Despite the fact that Kazakhstan actively cooperates with foreign and international organisations in its effort to reduce drug trafficking, the performance of local law enforcement bodies is still below the government's stated expectations. Dynamics of resistance within the institutional system have emerged in Kazakhstan, and they continue to affect agendas as well as priorities of law enforcement implementation of anti-narcotics legislation on the ground.

The Kazakhstan government perceived drug trafficking as a threat to its stability and made enforcement of drug-related laws one of its main national security priorities.

When fieldwork was completed in 2018, Kazakhstan was continuing actively to reform both the laws related to drug activities and the criminal justice system that was expected to enforce those laws. However, drug-related legislation, even after several reforms, remains strict by global standards. Besides that, given that Kazakhstan prioritises the fight against the organised form of drug trafficking and even made the fight against narcotics trafficking a key element of foreign policy, a number of challenges remain.

Due to the structure of the very same criminal justice system, local officials could not ignore the pressure posed by political elites who demanded increased law enforcement effectiveness in the fight against drug trafficking. Law enforcement actors were restricted by top-down political decisions that compelled them to address drug trafficking as well as drug-related corruption. In turn, these changes have affected the behaviour of drug entrepreneurs, as they re-assessed the risks associated with the business and increased the importance of relying on relational capital as the main survival strategy for both drug traffickers and retail drug dealers.

In Kazakhstan, no law enforcement agency holds a monopoly in the jurisdiction of drug-related crimes, an important factor that also is mentioned by Reuter (1983). Indeed, all governmental agencies are expected to assist the MVD, the KNB and others in the investigation of drug crimes, in line with their respective jurisdictions. Nevertheless, even though the agencies are willing to reduce trafficking, restrictions imposed from above inhibit their ability to do so, despite circumstances where corruption already has been recognised as a significant challenge to national security. This is because of such informal practices as the emphasis on statistical performance evaluation of law enforcement bodies, and the somewhat repressive nature of the criminal justice system with insufficiently developed witness-protection measures that have been inherited from the Soviet Union. These informal practices give incentives to the police officials to focus on retail dealers who, in the end, would contribute to a statistical record of monthly/quarterly/yearly efficiency and at the same time produce disincentives to focus on drug enterprises of a larger size.

However, the ability of a government to constrain drug trafficking operations also depends on the capacity of governmental institutions to impose decisions made with reference to political will, in comparison to the resources of traffickers. If the government is stronger and wishes to do so, perhaps because it feels threatened by the actions of drug entrepreneurs, it might use police and security services to impose the illegality restriction on traffickers. Therefore, it depends not only on the strength of the trafficker, but also on the capacity and interest of political actors to implement their decisions, as well as on the quality of institutions that

will become the tools for the implementation effort. Thus, as suggested by Thoumi (2003), the institutional framework of a given country is a primary cause for the development of drug trafficking in a given state. In Kazakhstan in particular, the design of criminal justice originates from the Soviet Union, where such systems were intended to serve decisions that came from the top political level. Therefore, what we observe today is evidence of legacies embedded into the institutional framework of Kazakhstan, which continues to serve priorities established by the elite (e.g., the fight against drug trafficking).

8.4 Role of Corruption

Another important conclusion drawn in this thesis is that although the role of corruption was very much emphasised earlier scholarly treatments of the drug trade, it was not fully understood. It is possible that corruption was only a consequence of other factors or one of many facilitating factors drug trafficking. For example, high levels of corruption do not necessarily mean that drug traffickers always choose or be able to utilise corrupt networks; it seems to be more important to understand how these networks have emerged and how they functioned, to what extent they were developed if there were only insignificant incentives for the elites to be involved in the drug business. Thus, the primary focus was placed on low-level corruption, especially in Kazakhstan's border regions.

Despite the expectation of some authors that corruption of law enforcement was linked to strong family bonds, the relationships between corrupt police and drug entrepreneurs were shown to develop as a result of professional activities of police officials. Most importantly, the recruitment into the police service filtered out potential candidates with a relationship to the underworld. However, rotten apples can be found everywhere, especially in agencies as large as the MVD. Drug-related corruption existed, and such arrangements benefitted both the corrupt police and the drug entrepreneurs who utilized them. In a surprising proportion of circumstances, however, it seems that the initiative was more often taken by the police officers – who for example accepted a payoff from an individual drug dealer in exchange for walking away from an arrest (on that day) – rather than by drug entrepreneurs who wished to establish longer-term protective arrangements. Police officials charged with corruption in the past not only provided protection, but also dealt directly in drugs, selecting retail dealers for wholesale dealers and intimidating heroin users or even arresting them for 'organised' trade in drugs. Even worse, the agency that arrested such police officials reported that on some occasions, higher-level police officials sent their subordinates to extort money, yet the charges were limited to the subordinates and the leaders remained free and clear. Such high-level officials allegedly involved in extortion from the black markets were thus able to sneak in-between the lines of the law, the same way as wholesale dealers and traffickers have done.

Following the model developed in Paoli et al. (2009), it is tempting to describe Kazakhstan as a lax enforcement country, and equally tempting to conclude, as many have, that corruption in Kazakhstan was systemic before the Anti-Corruption Campaign was initiated in 2014 (Franke et al., 2009; Nezhina, 2014; Sheryazdanova & Butterfield, 2017). If this characterisation is accurate, then the categorization of Kazakhstan as a lax-enforcement country would follow naturally. However, one should pay particular attention to the condition of law enforcement, which has experienced a wide range of political pressures from political elites and the local population as well.

In fact, as suggested by some authors, social factors also play a role in drug trafficking. In Kazakhstan, corruption could have been symptomatic of other problems, but most importantly, the social context inside police departments was shown to play a huge role during the implementation of anti-corruption measures. As expected by Golunov (2007), a majority of interviewed police officers strongly condemned drug-related corruption by their colleagues. In a sense, such social traits could have become a fertile ground for the further implementation of the measures against corruption. As discussed in the theoretical framework, the post-Soviet police generally have a pro-state attitude and remain loyal to the leadership, and they enforce the law as they are commanded to do, especially now that the state has more-or-less recovered from the instability that characterised its transition to independence. In the case of Kazakhstan, the injection of oil money could have funded the relative satisfaction of police officials, and number of reforms did include salary increases. Again, such trade-offs could have affected 'loyalty' towards the political leadership and condemnation of corrupt police officials who, for their own financial gain, were endangering the comfortable stability of regular police officials.

As highlighted by Paoli et al. (2009), sudden changes can occur in the opiates market when the right conditions are met. In this context, the political will to address the corruption of law enforcement should be treated as a condition that is capable of significantly affecting the dynamics associated with drug markets in Kazakhstan. Approaching the question properly, however, is critical. First of all, as suggested by Thoumi (2003), some countries are simply incapable of effectively addressing drug trafficking. By contrast, Kazakhstan inherited a Soviet-style political system whose institutions were specifically designed to maintain the leadership in power and a petroleum-based economy capable of funding it. In a sense, whatever the Soviet or perhaps even the pre-Soviet Russian imperial government had created in their efforts to solidify Moscow's hold on Kazakhstani territory in the past, became the foundations of the results we now observe. The entire state machinery is responding to corruption and drug trafficking, precisely in the way it was commanded by the leadership: drugs are fought and corrupt officials are demonised and imprisoned.

Therefore, it seems to be reasonable to suggest that a high degree of centralisation is among the key explanations for the government's response to drug trafficking. What will be achieved as a result of these measures and if the criminal justice system will ever become capable of holding responsible the most corrupt officials who occupy positions of greater authority, or if lower police officials will continue to be blamed for the dysfunctionalities of the institutions that were very difficult to identify to begin with, not to mention overcome – all are far more difficult and far more important research questions to answer.

However, as a result of the anti-corruption campaign, the Interior Ministry, and especially the police departments under its oversight, was restricted by the National Security Committee and the Agency of the Republic of Kazakhstan for Civil Service Affairs and Anti-Corruption, both of which investigated the most scandalous cases of police corruption. Besides that, the promulgation of a new Criminal and Criminal Procedural Code, as well as various anti-corruption legislation, demonstrated political commitment to the anti-corruption reforms. Even though the purpose of those reforms was broader and aimed to transform more than just the law enforcement system, corrupt officials involved in the drug trade became a focus of the newly created institutions. Therefore, it is possible that Kazakhstan is trying to move toward a practice of strict opiates enforcement.

Most importantly, a corrupt police force does not operate in isolation. At least in Kazakhstan, once corruption became pervasive, higher-level authorities demanded significant action from other independent bodies and urged action against mid-level authorities who were believed to be responsible for failures associated with regional police corruption. In other words, in a situation when there was no chance to prove the direct involvement of police management, they nonetheless faced the possibility of punishment for inefficient management. As a result, they might get demoted, fired or forced to retire. None of this should be understood to support the notion that high-level police corruption did not take place. However, it most certainly demonstrates that high-level police officials also could be and very often were punished; perhaps not as severely as the anti-corruption legislation demands and that the political elite had a different national priorities, rather than assisting large-scale trafficking networks, which were shown to comprise, at most, a small fraction of Kazakhstan's drug trafficking environment. Nevertheless, the anti-corruption measures have institutional limits that can hinder the pursuit of criminal prosecution of higher-level police officials for drug-related corruption. Such a research question is much deeper and much more challenging, and therefore should be explored in the context of a different research project with far more extensive access to both archival material and key informants.

Analysis of the above-mentioned arguments leads to the suggestion that Kazakhstan's high volume of drug trafficking and high level of corruption, indicate not necessarily the criminalisation of the state itself, but rather the embeddedness of drug-related crimes in the institutional and social backgrounds of the participating actors. Although macro-changes like the heightened anti-corruption effort and several legal reforms have broader goals than reducing the volume of drugs trafficked, they nonetheless pose a significant challenge to traffickers who are no longer able to turn to their former protectors, i.e., corrupt police. As a result of the increased anti-corruption effort, the police itself became a primary target of the independent law enforcement bodies that have been authorised to address corruption. Such national changes could partly explain the decline of the heroin trafficking across the Northern Route (UNODC, 2018): drug entrepreneurs are shown to have adapted to the increased risks that came to be associated with this route. Thus, it could be suggested that the increasing interconnection of the modern world has manifested itself in the dynamics of drug trafficking in Kazakhstan. Somehow and with completely different agendas in mind, decisions made in the highest political echelons of Moscow, Washington and Brussels, as well as in the headquarters of international corporations, can be seen to affect the decision by Kazakhstan's political elite in Kazakhstan to go after drug entrepreneurs and corrupt officials. The greatest difficulty was and probably still remains a translation of such decisions to the local realities. And these local realities are shaped by the mixtures and interrelationships of political, social and economic factors. Analysis of drug trafficking in Kazakhstan confirms that both the content and institutional structure of a given country matter. Policies that targeted drug-trafficking and drug-related corruption, and the way these policies were implemented, were pre-conditioned by the interrelationship between formal and informal political and legal institutions. However, another important conclusion drawn from this thesis that drug-traffickers are not static; as the rest of underworld they adapt, as expected by Galeotti (2004). Indeed, drug entrepreneurs are adapting much more quickly than state officials, and they are willing to exploit whatever social, political or economic opportunities that might appear. Such adaptability is, perhaps, the key to the survival of drug trafficking in Kazakhstan.

8.5 Contribution to existing knowledge

This thesis makes an empirical contribution related to the secretive world of organized crime, drug trafficking and police corruption in Kazakhstan. In addition, this thesis develops important theoretical perspectives in its discussion of drug trafficking in Central Asia. This interdisciplinary framework used here was built on concepts not only from criminology, but also from a variety of social science such as international relations, political science, and criminal justice.

In addition to demonstrating a great need for recognising the role of informality as related to effective illegality (Paoli et al. 2009) and Thoumi's (2003) theoretical model, this research also highlights the tremendous effect on organized crime of the regional proximity of a given state to Great Powers. As Utyasheva (2009) expected, Russia projected its own anti-drug aspirations onto Central Asia. Russia's zero-tolerance domestic policy targeted both consumption and trafficking as it aimed to create a 'drug-free world'. Most importantly, this exclusively prohibitionist war on drugs did not end on Russian territory. In its pursuit of supply reduction, Russia placed heavy emphasis on cooperation of Commonwealth of Independent States countries, especially in the area of amending laws and expansive use of the law enforcement apparatus (Ibid.). This thesis has demonstrated the extent of Kazakhstan's legal, political and economic relationships with Russia, even in terms of the conditions of Kazakhstan's drug markets and the state's measures against drug trafficking.

In relation to this, Wing Lo et al. (2020) tentatively point to the role of China buying off the political, cultural and economic influences in One Belt One Road countries in their concept 'OBORization'. OBORization means massive development of infrastructure in the OBOR region that helps to increase China-led cultural, trade and governmental collaborations, to speed up economic growth. Besides that, the concept also implies increased dependence on China, which is achieved by subtle means (Ibid). Similarly, this thesis has demonstrated that geographic proximity and geopolitical interest of Russia, as well as the communist legacies, have massively affected not only responses to but also the structure and dynamics of heroin and marijuana markets in Kazakhstan. Thus, it is becoming clear that Great and Rising Powers are able to define the context in which organized crime will have to operate.

Another example of Great Powers imposing geopolitical agendas by referring to the context associated with organized crime is the US War on Drugs, in which the USA was regularly and repeatedly criticised for achieving foreign and domestic policy goals unrelated to drugs under the pretence of solving drug-trafficking-related problems in Latin America (Bullington and Block, 1990; Mercille, 2011; Patten, 2016). Yet, a wealth of research on US war on drugs also reveals that although US was certainly in a position to exercise top-down control, there was certain degree of resistance from Latin American officials. Once again however, drug narratives were used by both American and Latin American officials to push unrelated agendas (Gillies, 2020). Thus, it is reasonable to assume that Great Power can and do massively affect the context of organized crime in the less-strong states that fall under their geopolitical radar. I call this the 'Geopolitics of Organized Crime'. Importantly, the general narrative as well as particular approach to drug trafficking adopted by smaller countries can affect the way a Great Power

develops its broader foreign relationships. For example, as Lopega (2019) suggests, while Duterte's war on drugs was condemned by the US and the EU, it may have improved the Philippines' diplomatic relationship with China. In this case, China presented itself as a champion of weaker states and offered military and economic aid, including a willingness to support Philippines efforts in fighting illicit drugs (Ibid.). Hence, once again, anti-drug rhetoric is seen to be a crucial component of geopolitical calculations.

8.6 Further research

The current work has prepared the way for four lines of further research. First, on the micro-level, relying on the stock of social relationships embedded into the environments of drug entrepreneurs could reduce risk considerably, and was widely used as a strategy to avoid arrest, especially in the context of anti-corruption and legal reforms that recently were initiated by the Kazakhstani government (these reforms came from the top, i.e., from the macro-level). Thus it can be suggested that actions of drug entrepreneurs were restricted or at least affected by state actions. On the other hand, further research could pay more attention to the intermediate stages of the process.

Second, this thesis has confirmed the existence of an interaction between global and local challenges through the local institutional level. Further research could identify how exactly this process functions and how it affects individual decision-making. For example, when do informal and formal institutions interact? Why then? Why not at other times or under other conditions? Even if, as it seemed, highly centralised governments are in a more advantageous position to enforce drug-related reforms and legislations, how effective such measures would be and what results would such measures bring in the long term.

Third, an institutional analysis comprises the primary focus of the current research. Social and cultural contexts have been discussed to a lesser extent, despite their widely theorised relationships with questions of interest. This is particularly important to emphasise because this research has been conducted largely in the northern part of the country, where cultural similarities and institutional legacies with Russia are the strongest. Therefore, it is possible that cultural-analytical tools could be used to deepen the understanding of institutional machinery responses that were observed to share characteristics with Soviet institutions. However, more data and a different type of expertise would be necessary to pursue this question.

Last, but not least, one could observe that pressure from foreign investors has considerably affected the incentives to introduce and enforce anti-corruption legislation. What remains unclear is whether those foreign investors have ever been interested in reforms that are not directly correlated with their business

interests. Even more importantly, further research might elucidate the question of when foreign investors are in a position to affect decision-making in their resource-supplying countries, why then, and not at other moments, and how far such influence can go. The last question is of particular importance because it opens discussion of not only the prospect of diplomatic process of the response towards transnational crime, but also demonstrates that the decisions made by corporations headquartered in the democratic world can change the political context in some less-democratic countries, even as state-funded diplomatic missions have proven to be less capable of producing such results.

Appendices

Appendix 1. List of Interviews

Date	Occupation	Location	Interview Method	Families Code
17.08.2017	Criminal Authority (Avtroitet)	Astana	Face-to-Face (not recorded)	O1
17.07.2017	Drug Entrepreneur	Northern Kazakhstan	Face-to-Face (Partly recorded)	DE1
17.07.2017	Drug Entrepreneur	Northern Kazakhstan	Face-to-Face (Not recorded)	DE2
27.07.2017	Police (Managing)	Northern Kazakhstan	Face-to-Face (Partly recorded)	P1
18.07.2017	Police (Imprisoned for corruption)	Northern Kazakhstan	Face-to-Face (Partly recorded)	O2
16.07.2017	Police (Managing)	Northern Kazakhstan	Face-to-Face (Partly recorded)	P2
16.07.2017	Police (Managing)	Northern Kazakhstan	Face-to-Face (Partly recorded)	P3
18.07.2017	Criminal Authority (Avtoritet)	Northern Kazakhstan	Face-to-Face (Partly recorded)	O3
17.08.2017	Former Employee of Criminal Authority	Northern Kazakhstan	Face-to-Face (Partly recorded)	O4
27.08.2017	Police (Managing)	Northern Kazakhstan	Face-to-Face (Partly recorded)	P4
06.03.2018	Police (Senior Detective)	Northern Kazakhstan	Face-to-Face (Partly recorded)	P5
07.03.2018	Police (Senior Detective)	Northern Kazakhstan	Face-to-Face (Partly recorded)	P6
09.03.2018	Police (Senior Detective)	Northern Kazakhstan	Face-to-Face (Partly recorded)	P7
12.03.2018	Drug Entrepreneur	Northern Kazakhstan	Face-to-Face (Partly recorded)	DE3
13.03.2018	Police (Senior Detective)	Northern Kazakhstan	Face-to-Face (Partly recorded)	P8
14.03.2018	Drug Entrepreneur	Northern Kazakhstan	Face-to-Face (Partly recorded)	DE4
14.03.2018	Police (Senior Detective)	Northern Kazakhstan	Face-to-Face (Partly recorded)	P9
14.03.2018	Police (Senior Detective)	Northern Kazakhstan	Face-to-Face (Partly recorded)	P10
15.03.2018	Police (Senior Investigator)	Northern Kazakhstan	Face-to-Face (Partly recorded)	P11
15.03.2018	Police (Senior Investigator)	Northern Kazakhstan	Face-to-Face (Partly recorded)	P12
18.03.2018	Police (Managing)	Northern Kazakhstan	Face-to-Face (Partly recorded)	P13
19.03.2018	Police (Investigator)	Northern Kazakhstan	Face-to-Face (Partly recorded)	P14

17.03.2018	Drug Entrepreneur	Northern Kazakhstan	Face-to-Face (not recorded)	DE5
18.03.2018	Drug Entrepreneur	Northern Kazakhstan	Face-to-Face (not recorded)	DE6
19.03.2018	Drug Entrepreneur	Northern Kazakhstan	Face-to-Face (Partly recorded)	DE7
20.03.2018	Police (Detective)	Northern Kazakhstan	Face-to-Face (Partly recorded)	P15
21.03.2018	Police (Investigator)	Northern Kazakhstan	Face-to-Face (Partly recorded)	P16
21.03.2018	Police (Senior Investigator)	Northern Kazakhstan	Face-to-Face (Partly recorded)	P17
21.03.2018	Police (Managing)	Northern Kazakhstan	Face-to-Face (Partly recorded)	P18
22.03.2018	Police (Senior Detective)	Northern Kazakhstan	Face-to-Face (Partly recorded)	P19
23.03.2018	Police (Managing)	Northern Kazakhstan	Face-to-Face (Partly recorded)	P20
24.03.2018	Police (Detective)	Northern Kazakhstan	Face-to-Face (Partly recorded)	P21
24.03.2018	Police (Managing)	Northern Kazakhstan	Face-to-Face (Partly recorded)	P22
26.03.2018	Police (Managing)	Northern Kazakhstan	Face-to-Face (Partly recorded)	P23
26.03.2018	Police (Senior Detective)	Northern Kazakhstan	Face-to-Face (Fully recorded)	P24
27.03.2018	Police (Senior Detective)	Northern Kazakhstan	Face-to-Face (Fully recorded)	P25
27.03.2018	Police (Senior Detective)	Northern Kazakhstan	Face-to-Face (Partly recorded)	P26
28.03.2018	Drug Entrepreneur	Northern Kazakhstan	Face-to-Face (Partly recorded)	DE8
28.03.2018	Drug Entrepreneur	Northern Kazakhstan	Face-to-Face (Partly recorded)	DE9
31.03.2018	Police (Detective)	Northern Kazakhstan	Face-to-Face (Partly recorded)	P27
31.03.2018	Police (Senior Detective)	Northern Kazakhstan	Face-to-Face (Partly recorded)	P28
01.04.2018	Customs Police (Managing Position)	Northern Kazakhstan	Face-to-Face (Partly recorded)	O5
02.04.2018	Drug Entrepreneur	Northern Kazakhstan	Face-to-Face (Partly recorded)	DE10
03.04.2018	Drug Entrepreneur	Northern Kazakhstan	Face-to-Face (Fully recorded)	DE11
03.04.2018	Drug Entrepreneur	Northern Kazakhstan	Face-to-Face (Partly recorded)	DE12
07.04.2018	Police (Senior Detective)	Northern Kazakhstan	Face-to-Face (Partly recorded)	P29

08.04.2018	Lawyer	Northern Kazakhstan	Face-to-Face (Partly recorded)	O6
08.04.2018	Lawyer	Northern Kazakhstan	Face-to-Face (not recorded)	O7
10.04.2018	Police (Senior Detective)	Northern Kazakhstan	Face-to-Face (Partly recorded)	P30
28.01.2018	Police (accused for corruption)	Northern Kazakhstan	Face-to-Face (not recorded)	O8
12.02.2018	Police (accused for corruption)	Northern Kazakhstan	Face-to-Face (not recorded)	O9
22.03.2018	Customs Police	Northern Kazakhstan	Face-to-Face (not recorded)	O10
17.08.2017	Drug User	Astana	Face-to-Face (not recorded)	O11
11.04.2018	Drug User	Northern Kazakhstan	Face-to-Face (not recorded)	O12
20.07.2017	Police (Detective)	Northern Kazakhstan	Face-to-Face (not recorded)	P31
repeated interactions	Police (Managing)	Northern Kazakhstan	Face-to-Face (not recorded)	P32

Drugs	Actors	Modus Operandi	Logistics	Laws and Institutions	Corruption	Perceptions	International Factors
types	individuals	business management	actors	historical aspects	protection	status of drug entrepreneurs	cooperation with foreign countries
prices	groups	suppliers	means of transportation	laws	extortion	examples from practice	Kyrgyzstan
routes	larger actors	customers	destinations	legal acts	bribe offer	image of drug entrepreneurs	Russia
amounts of drugs	ethnicity	approaching dealers	transhipment	Criminal Code	amounts	image of drug users	Tajikistan
amounts of money	Russian Mafia	approaching customers	North Kazakhstan	Criminal Procedural Code	regularity	image of police	Afghanistan
	Roma	retail trade	South Kazakhstan	Recent Reforms	service	image of corrupt police	
	others	wholesale trade	Staging posts	Institutions	perceptions towards corrupt police	image of government	
	professionals	trafficking	coordination	Agencies	undercover criminals	police mindset	
	structure of organisations	recruitment		Jurisdictions	werevolves in eupalets	image of traitors	
	relationships between groups	trust building		Gaps and Problems in Legislations	corrupt police's insights		
	relationships between actors	dispute resolution		Effect of State Measures			
	traitors	circulation of information					
		cover-up measures					
		family and friends					
		places of distributions					

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Composition of Assessment Committee

name	affiliation
prof. mr. A.A. Franken	Universiteit Utrecht, REBO, Strafrecht en strafprocesrecht 2
prof. dr. L. Paoli	KU Leuven
prof. F. Varese	Oxford University
prof. Z. Demetrovics	ELTE University, Budapest
prof. W.T. Lo	CityU, Hong Kong

Curriculum Vitae

Zhaniya Turlubekova

zhaniya.turlubekova@nu.edu.kz

Education

Honours B.A. (Law), Kostanay State University, Kostanay, Kazakhstan, (September 2010 - June 2014)

MA in Political Science and International Relations, Nazarbayev University, Astana, Kazakhstan, (August 2014 - July 2016)

PhD Candidate in Cultural and Global Criminology, Doctorate in Cultural and Global Criminology, Eötvös Loránd University(ELTE)/Utrecht University, (Utrecht, the Netherlands) (September 2016 - August 2020)

Publications

Siegel, D., & Turlubekova, Z., Organized Crime in Kazakhstan (2019). In Organized Crime and Corruption Across Borders: Exploring the Belt and Road Initiative by Lo, T. W., Siegel, D., & Kwok, S. I. (Eds.). Routledge.

Awards

Award of Erasmus +: Erasmus Mundus Joint Doctorate Fellowship, Erasmus Mundus Joint Doctorate, Doctoral Program in Cultural and Global Criminology (DCGC), Erasmus Mundus Consortium, Coordinating University: University of Kent

Research Interest

Organized Crime, Transnational Crime, Corruption, Drug-Trafficking, Qualitative Research, Post-Soviet Affairs