

ADDRESSING ETHNIC TENSION IN KYRGYZSTAN

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Thank you for the opportunity to testify before you today.

I would like to focus my comments on the reaction that the report of the Independent International Commission of Inquiry evoked in Kyrgyzstan, and what implications this might have for future political, social, and ethnic developments in Kyrgyzstan.

Unlike the others who are testifying here today I am not an expert on the events of last June, nor have I spent time in southern Kyrgyzstan since the ouster of the Bakiyev government. I have, however, made six trips to Kyrgyzstan over the past 18 months, always in the north, and have been travelling to Kyrgyzstan regularly for the past 21 years, and have travelled extensively throughout the country on numerous occasions.

I happened to be in Kyrgyzstan shortly after the report was published and had the opportunity to discuss its findings with people at various levels of society and government. And so I would like to spend the time allotted to me focusing on why there was so much distress over the report in Kyrgyzstan, and especially in that country's capital, and I will develop these points further in my written testimony that I am submitting for the record.

The stellar team that prepared the report deserves to be commended for applying extraordinary effort to an incredibly difficult endeavor and for coming up with a detailed account of the terrible acts that destroyed so many lives, left countless thousands more physically and or emotionally scarred, and destroyed the property and dreams of tens of thousands more. The human tragedies that the report of the Independent Commission describes in such detail are particularly disturbing to all of us that have deep and longstanding ties to the peoples of the Kyrgyz Republic.

The end product will serve as a lasting indictment of what went wrong in the southern part of Kyrgyzstan last June. It details the provisional government in this part of the country where Bakiyev's support base had been so strong during its first two months in power, and provides some background on the history of tension between the Kyrgyz Republic's two largest ethnic communities.

Its recommendations reflect much thought and discussion, and have provided the President, the government, and the parliament a great deal of policy recommendations to think about, a number of which are already under serious discussion.

This was the first major international investigation led by recognized experts from the Euro-Atlantic community ever held in the region. The government of the Kyrgyz Republic deserves great credit for creating the conditions necessary for the inquiry to go forward and for considering the recommendations of the commission.

The one criticism I would make of the report is that its findings and recommendations were not presented in a way designed to make them palatable for the Kyrgyz polity, who compare it to home-grown efforts to investigate what occurred. This increases the difficulty of implementation of the most important recommendations of the Independent International Commission in the area of accountability and the protection of human rights. This is particularly true now, as Kyrgyzstan is beginning a presidential campaign.

It is important for those of us in the Euro-Atlantic community looking at developments in Kyrgyzstan with the goal of defending a human rights agenda to try and understand why the Independent International Commission's report created such a furor in Kyrgyzstan as we evaluate how to be effective in advancing our agenda. For if we do not, we risk inadvertently increasing the risk of ethnic conflict, and could put the whole democratic experiment in Kyrgyzstan at risk as well.

It would be a mistake to equate equal protection of all *citizens* before the law, which is unquestionably a necessity for any country to defend and a cornerstone of democracy, with the idea that all ethnic *communities* living within a country, even if they have lived there for centuries, must have the same constitutional status.

One of the sad things about last June's events is that they mark the end of the idealistic dream that the Kyrgyz Republic could emerge as a multi-ethnic democracy in which all of the country's citizens believe that they have an equal stake in the nation's future regardless of the languages that they speak. It may well be that this was always impossible in the context of the break-up of the U.S.S.R. and the assumptions of ethnicity and nationality which were part of the legacy of the Soviet Union, but until last May, even before the June 2010 events, it was possible to aspire to such a goal.

But now the two decade old inter-ethnic status quo in southern Kyrgyzstan has been disrupted, and I don't believe that it can be reconstituted. Even if it were to be the consensus of all of those living in southern Kyrgyzstan that it should, it is hard for me to believe that the Kyrgyz body politic living in other parts of the country would be supportive of this.

The ethnic Kyrgyz population, and this includes the most "westernized" and "secularized" elements in the country, want to consolidate a Kyrgyz nation, which for the overwhelming majority includes all the ethnic minorities who live within the territory of the Kyrgyz Republic. But there is the expectation that all citizens of the Kyrgyz Republic will learn and use the Kyrgyz language in official life, and that they will know the history of the Kyrgyz people, as well as that of the territory that the Kyrgyz have long lived on.

This belief is why there has been such a loud outcry against some of the recommendations of the Independent Commission. While actions such as the vote in parliament to declare Kimmo Kiljunen *persona non grata* have a large element of political grandstanding about them, at the same time they speak to a deep feeling of hurt on the part of many ethnic Kyrgyz living in Kyrgyzstan.

This said, I think most Kyrgyz citizens would not take exception to the vast majority of the recommendations of the report, especially those that deal with public safety and security, and most would probably even support the majority of recommendations on accountability, on criminal and disciplinary accountability, and on human rights protection and the right to a fair trial. Although, I suspect that on these questions a lot of Kyrgyz citizens would ask with some degree of quasi-fatalism how the international community expects that an already flawed security structure and legal system would be able to rapidly right itself even if it was well-intentioned.

But I also believe that most Kyrgyz ordinary citizens and political figures alike find it very difficult to accept the idea that ethnic Kyrgyz may have been more morally culpable than ethnic Uzbeks in the events of June, or that the Kyrgyz dominated security services have disproportionately applied the force of the law against ethnic Uzbeks. In saying this I am not denying the veracity of any of the findings of the commission, which in great detail argue that this was in fact the case. But accepting such findings as truths is something that many people living in Kyrgyzstan find quite difficult, and those that do accept them try and take comfort in the fact that the violence lasted only a few days, and didn't turn into a civil war, rather than on focusing on the burdens of moral culpability.

This takes me to the most controversial recommendations of the commission, from the point of view of the Kyrgyz polity, and here I am including other ethnic minorities along with the Kyrgyz, that is the renaming of the country, and of the granting of a special and constitutionally guaranteed status to the Uzbek language. From my point of view, and I say this as an international expert on the region, the commission overstepped the bounds of its mandate, and certainly of good judgment when it made the former recommendation in particular. By asking the Kyrgyz to rename their country the commission made it easier for Kyrgyz politicians to criticize the report, and made the life and death issues at the core of the Independent Commission's findings---that those responsible for committing "crimes against humanity" must be punished for their actions, and that the government of the Kyrgyz republic is responsible for the equal protection of the human rights of all citizens of Kyrgyzstan.

One of the challenges for the international community in dealing with the Kyrgyz polity, as well as the next Kyrgyz government, is that the country is still going through a national trauma. This is true of the country as a whole, while obviously in the south the trauma is more immediate and potentially more deadly for the well-being of those living in this part of Kyrgyzstan and for the security of the Central Asian region.

But unfortunately, and certainly inadvertently, the report of the commission and especially its recommendations made the trauma of suffered by Kyrgyz citizens of Uzbek ethnicity seem at odds with the greater national trauma, and a threat to it. This is one reason why there was such an emotional and negative response by some, generally outside of the government, to the report.

Let me explain. Most Kyrgyz feel like they are political victims, that they were victimized by the Akayev regime, at least in its later years, and that they were even more abused by the Bakiyev regime. How people describe the form of this abuse varies, from political, in the case of journalists and scholars, to economic, in the case of businessmen who felt victimized by rapacious ruling families or insufficiently protected against criminal interests and their growing economic tentacles. And ordinary Kyrgyz just felt economically quashed by the economic insignificance of their country which, if not losing ground, was not "catching up" and where everything—especially food and utilities—seemed to cost more and more. This has made "Kyrgyzness," the idea of national consolidation, of taking pride that one's homeland is now a sovereign state, seem more important to many than ever before. After so much political turmoil—effectively six straight years since Akayev's ouster—that is one of the few things that many people have left.

But even more importantly, in the aftermath of all the traumas of the past fifteen months, people want to simply move on with their lives, to live quietly and if possible to improve their lot.

This does not directly address the continuing tense situation in the south, although I think that right now there do not seem to be any actors interested in pushing it to the tipping point. I think that this is true both for the population in Kyrgyzstan and those living across the border in Uzbekistan. And I personally give no credence to rumors that the local Uzbek population on either side of the border is pressing for “Uzbek autonomy” in the Kyrgyz republic.

In this regard the very existence of the Independent Commission report is a good thing for this is a good time to press the various government authorities in the Kyrgyz republic to work harder to introduce measures that are designed to increase ethnic tolerance.

But these measures are certain to fall short of those things asked for by the commission. Kyrgyzstan is still in a period of transition and politicians competing for office will seek political gain wherever possible. Even in a relatively poor country like Kyrgyzstan the political prize of the presidency is worth contesting hard for, and I think that the international community should be prepared for the fact that Kyrgyzstan could move back toward a stronger presidential system. Even if it does not, the current parliament may not be able to fulfill its full term, leading to preterm parliamentary elections. But the international human rights community must keep the pressure on those in authority in the Kyrgyz republic to keep national extremist goals from coloring political debate. Fortunately, most of Kyrgyzstan’s leading political figures in and out of government share want this as well.

How should the Helsinki Commission respond to the report of the Independent International Commission? While defending human rights of the entire population regardless of ethnic origin, I do not believe that the Helsinki Commission should cross the line and become proscriptive about other aspects of nation-building, as the Independent Commission did.

The lives of ethnic minorities everywhere were disrupted when the U.S.S.R. fell apart, and their situation is particularly sad when people living in communities where their ancestors have lived for generations now find themselves as minorities. The violence of June 2010 is a tragedy, and the victims of violence or their survivors should be compensated, while those responsible should be held accountable. But it debases the loss of human life and the trauma of those who lived through these days to even indirectly equate them with providing constitutional guarantees for Uzbek language education or talk of the need to rebuild Soviet-era cultural institutions in southern Kyrgyzstan. This takes attention away from the real crimes that the report of the Independent International Commission underscored, the failure forces in the south to protect *all* of the country’s citizens.

It dilutes the power of the human rights message when outsiders seek to engage in that degree of nation building, even when they do so with the best of intentions. The political freedoms of all citizens in Kyrgyzstan should be defended equally; freedom of press, religion, and assembly evenly applied, and the government of Kyrgyzstan should continue to be pressed to ensure that legal safeguards are put in place to help guarantee that local

security and judicial officials apply the law evenly regardless of the ethnicity of the accused, or are held accountable for their actions.

But we cannot even the political playing field between ethnic Kyrgyz and the country's various ethnic minorities, and those international agencies or actors that seek to do it risk losing credibility with the Kyrgyz polity and with the Kyrgyz elite. The Kyrgyz language is going to dominate in Kyrgyzstan, and those who can't speak it will have a harder time in public life in the future. That is the pattern everywhere in the region and will be the case in Kyrgyzstan, as well. The ethnic Uzbeks who are citizens of Kyrgyzstan face a set of difficult choices in the coming years: adapt to changing socio-cultural realities in Kyrgyzstan or think about relocating. These choices are not of their making. Ethnic minorities everywhere in the region are learning "state" languages, i.e. the languages of the majority population. This should not be the focus of the international community. But all of the Kyrgyz republic's citizens should have the same rights basic human rights, enjoy the same legal protections and the have the right to participate in public life on *equal* terms. This should be the focus of the Helsinki Commission and of the international human rights community more generally. To take this more limited approach might make us more effective in trying to ensure that peace prevails in Kyrgyzstan's south. But there will be no guarantees.