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Whose Rules Rule?

Everyday Border and Water Conflicts in Central Asia

Kathleen Kuehnast and Nora Dudwick

With Mari Clarke, Anna O'Donnell, and Sheetal Rana

The World Bank Group | Social Development Department | May 2008



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FOREWORD

Recent research on the potential for conflict in Central Asia has primarily focused on growing tension between ethnic groups over limited natural resources, particularly access to land and water (Lubin and Rubin 1999; ICG 2001). The five-year civil war in Tajikistan during the mid-1990s, however, illustrates that local conflicts—even among groups with similar ethnic and religious backgrounds—can become explosive and quickly spill over into widespread violence and civil war. This paper takes a regional approach to the nature and extent of local or “everyday-level” conflict in Central Asia by identifying the possible underlying factors of such conflicts and exploring how they are mediated.

Using qualitative evidence gathered from 52 case studies drawn from Kazakhstan, the Kyrgyz Republic, Tajikistan, Turkmenistan and Uzbekistan, the study highlights the issues that drive local-level conflicts in the region. The paper contends that one factor fueling local conflict is weak governance, manifested in the Central Asian context by the absence of an agreed-upon set of rules and laws that are enforceable, and communicated and understood by all actors. As a result, uncertainty about “whose rules rule” in interactions in Central Asia has increased the cost of economic transactions, lowered overall human security in the region, created a deepening sense of inequity, especially among poor and marginalized residents, and, as a result, increased everyday conflict.

This study was completed with the support of trust funds from the Norwegian and Finnish Governments (TFSSD) and grants from the World Bank’s Post Conflict and Reconstruction Funds (PCR). It represents one product of a larger collaborative research undertaking among three institutions--the World Bank, the United Nations Development Program (UNDP), and the Brookings Institution. In addition to contributing data to this report, the joint research effort has also provided inputs to the United Nation’s *Central Asia Human Development Report* (2005). We want to express our thanks to Alexandre Marc for his vision to embark on this multidimensional study of Central Asia. We also acknowledge the time and efforts of Michael Woolcock and Colin Scott who each provided substantive inputs. The study benefited from the ongoing support and invaluable advice of Johannes Linn, Executive Director of the Wolfensohn Initiative of the Brookings Institution. In addition, research for this study was supported by a team of colleagues and consultants inside and outside of the Bank, including Mari Clarke, Anna O’Donnell and Sheetal Rana, who assisted in data analysis, Beulah Noble, who provided administrative guidance, Peggy McInerny, who expertly edited the text, and Danielle Christophe who generated the final version. Last but not least, the study benefited greatly from the relationship with Counterpart International and its network of well-trained sociologists and researchers.

MAP

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CHAPTER 1

INTRODUCTION

Few states in the world are as interdependent as the five landlocked Central Asian States: Kazakhstan, the Kyrgyz Republic, Tajikistan, Turkmenistan and Uzbekistan. They share networks of roads, waterways and a common political and economic experience as an ethnically mixed sub-region of the former Soviet Union.¹ Despite a common heritage, the leaders of these new nations have not been eager to emphasize a regional affiliation as they struggle to differentiate and build the identity and strength of their individual countries.

The legacy of Soviet gerrymandering of the administrative borders of the Central Asian republics in the 1920s, moreover, permeates current relations between the five states and compounds problems of trade, travel, water management, mineral rights and transportation. Everyday conflicts in the region, as well as potential strategies for their mitigation, must therefore be understood in the context of the shared history and complex interdependence of mutually distrustful states.

Most of the major issues that generate local conflict extend across national boundaries in Central Asia. Responding to such conflict thus requires a regional as well as local approach. Among the most pressing local-level issues is the problem of defining respective borders, an issue that has become a high-stakes game among the five countries over the past decade.² Ambiguity and confrontation over borders at the international level aggravates border-related conflict at the local level. It also intensifies disputes over water, pastures and other resources and impedes the flow of people and goods across borders, producing serious negative impacts on local residents, trade and national economic growth.

Shrouded in the problems of borders and trade is the more insidious problem of the shadow economy comprised of human, drug and arms trafficking. This shadow economy relies on bribing government officials, including border guards, thereby creating an uneven playing field for legitimate entrepreneurs endeavoring to transport their products to markets. Further complicating the border issue is the threat of terrorist incursions—both homegrown and imported from neighboring countries—facilitated by poor governance, political repression and drug money.

Another major issue of contention in the region is the allocation of water resources, a serious issue in this dry region. Conflict over water is both chronic and intense. Due to deteriorating and poorly managed infrastructure, dissimilar water management practices and growing water demand among the five Central Asian states, water and energy shortages are increasing, as are conflicts over water and energy at all levels. The upstream countries in Central Asia hold some of the world's largest fresh water reserves. The downstream countries have significant fossil fuel reserves. However, the failure of governments to adhere to agreements on the allocation of water and the exchange of water for fossil fuel have stymied efforts to address shortages.

In considering the opportunities and challenges of potential local cooperation and integration among the Central Asian countries, a regional approach is essential. The 2005 UNDP *Central Asia Human Development Report* suggests that some of the most important benefits of regional

¹ UNDP. 2005. Preface to the *Central Human Development Report*. UNDP. p. vi; Martha Brill Olcott 2005. *Central Asia's Second Chance*. p. 207.

² ICG. 2002. *Central Asia: Border Disputes and Conflict Potential*, Report No. 334. April 2002.

cooperation could be those derived from harmonized trade and customs regulations, open borders and greater cooperation on energy production and use.³ A regional approach to cross-border issues, for example, focuses on everyday conflicts where they are most acute. Such an approach could provide an example to donors on how to proactively address potential conflicts that projects may encounter at the local level. Where national domestic policies clash, the potential for conflict escalation is greatest, however, the potential benefits of local, bilateral and regional cooperation are also tremendous.

The Inescapable Relationship between Development and Conflict

The relationship between conflict and development is gaining further attention in international development literature, yet many gaps remain in our knowledge. It is recognized that both conflict and war affect development. Conversely, where development has failed to take root, conflict and war are more likely to occur.⁴ What is less understood is the way in which conflict becomes an unintended side effect of development efforts.

Current conceptions of conflict⁵ characterize it as a natural component of societal interactions, where differences in interests and opinions between groups are to be expected. Disputes naturally occur between individuals or groups about the distribution of scarce resources, differences in perceived values, and/or access to power. It is the way in which such differences are expressed and managed that determines whether a conflict becomes violent.⁶

What is most relevant to development is the proposition that conflicts are inevitable, both because human beings are interdependent and because it is impossible to meet the needs and desires of all people at the same time. Indeed, some theorists argue that the very idea of human and societal progress is predicated on the successful management of conflict.⁷ This is particularly true in developing countries, where poverty and lack of opportunity underscore the need for change, and economic growth, essential for poverty reduction, also becomes a force for realigning class structures and (potentially) re-imagining the bases of group identity. Conflict, then, can be a byproduct of both economic crisis and opportunity because it involves changing configurations of power and resource allocation, and challenging existing interests, aspirations, perceptions, and expectations. The study of conflict therefore becomes an effort to learn how to constructively manage it.⁸

Against the background of concerted World Bank efforts to promote community-driven development (CDD) in post-conflict areas,⁹ this paper uses the lens of the individual and the community to understand the root causes of everyday conflict.¹⁰ Similar to recent work done on community development in Indonesia (Barron et al, 2003), this paper emphasizes the importance of local level mechanisms for managing local conflicts. Specifically, the study seeks to

³ UNDP. *Central Asia Human Development Report*. 2005. p. iv.

⁴ Collier et al. 2003. *Breaking the Conflict Trap: Civil War and Development Policy*. The World Bank.

⁵ In the context of this study, conflict is defined as a social situation in which two (or more) parties exhibit disagreement over resources, social practices or values, perceived “rights”, or access to services or resources (Wallensteen 1994). Search for Common Ground.

http://www.sfcg.org/resources/resources_distinctions.html (accessed 4/26/2005).

⁶ World Bank. 2003. “Conflict Analysis Framework.”

⁷ See the works of Polanyi (1944), Moore (1967), Bates (2001).

⁸ Barron, P., et al, Do Participatory Development Projects Help Villagers Manage Local Conflicts? World Bank Conflict Prevention and Reconstruction (CPR) Working Paper, No. 9, September 2003.

⁹ World Bank, 2007. *CDD in the Context of Conflict-Affected Countries: Challenges and Opportunities*.

¹⁰ Strand, et al. 2003. *Community Driven Development in Contexts of Conflict*. World Bank.

understand conflict at the community level, looking at conflict as a part of a continuum in which both non-violent and violent behavior may or may not be present.¹¹ The local-level approach allows for a better assessment of the “drivers” that escalate local conflicts into more destructive dimensions, and the social mechanisms that can also prevent their escalation.¹²

Understanding local or “everyday,” conflicts is crucial to sustainable development efforts because such conflicts easily disrupt livelihoods, hinder access to needed assets and resources, and destabilize community relationships. Local discord can also escalate into national or even regional conflicts. Conflict disrupts livelihoods thus placing a disproportionate burden on the poor and even penetrating into the household in the form of increased gender-based violence¹³ In addition, local-level conflicts contribute to a pervasive sense of insecurity and reduce the legitimacy of official institutions that have failed to equitably manage conflicts and protect the people threatened by them. Often, this process becomes a vicious circle of decreasing trust in government, increasing vigilantism, and escalating insecurity.

Why Study Conflict in Central Asia?

Of the eight risk factors for conflict identified in the World Bank’s Conflict Analysis Framework (CAF), seven are found in the Central Asia region: (1) violent conflict in the past 10 years; (2) low per capita GNP; (3) regime instability; (4) militarization; (5) ethnic dominance; (6) high youth unemployment; and (7) active regional conflicts. Added to these risk factors is the perception of an increasing gap between “haves and have-nots,” and pervasive poverty. With the exception of Kazakhstan, the per capital gross national income in the five Central Asian states is now lower than that of states in sub-Saharan Africa and South Asia.¹⁴

Agriculture is the lynchpin of survival for many people in the region, and in some areas competition for land and water is intense. At the same time, the water supply and available arable land have diminished due to poor water management and growing populations. The demographic situation represents another challenge: roughly half of the population is under 30 years of age, and most of these young people are worse off than their parents’ generation. As a group, youth in the region have higher rates of illiteracy, unemployment, poor health and drug use than other age groups. In addition, they are more likely than other age cohorts to be victims or perpetrators of violence. Inattention to the needs of this disenfranchised group significantly increases the risk of local conflicts in individual countries and throughout the region.¹⁵ Yet another factor creating a “window of vulnerability”¹⁶ to conflict is the strong potential for natural disasters in the region.¹⁷

¹¹ Search for Common Ground, http://www.sfcg.org/resources/resources_distinctions.html.

¹² The World Bank, “Conflict Analysis Framework,” 2003.

¹³ For further discussion of increased gender-based violence see: Asian Development Bank. 2000; *Women and Gender relations in Tajikistan*; 2001 *Women in Uzbekistan*; 2005. *The Kyrgyz Republic: A Gendered Transition*.

¹⁴ With the exception of Kazakhstan, the per capital gross national income (GDI) in the Central Asian Republics is lower than the per capita GDI for Sub-Saharan Africa (US\$601) and South Asia (US\$594): Tajikistan (US\$280);Kyrgyz Republic (US\$400); Uzbekistan (US\$450); Kazakhstan (US\$2,250). World Bank, 2006

¹⁵ ICG. 2003. *Youth in Central Asia. Losing the New Generation*.

¹⁶ “Windows of vulnerability” are moments when particular events, such as natural disasters, elections, assassinations, or riots can trigger a full-scale outbreak of violence. UNDP 2005, pp. 114-118.

¹⁷ Central Asia is exposed to 20 different types of natural hazards including earthquakes, flash floods, rock falls, avalanches and flooding from bursting glacial lakes. The entire southern part of Central Asia lies in on of the world’s most active seismic belts. The high vulnerability of Central Asia to natural disaster is only partly due to its complex geo-climatic conditions. Many of the ecological threats today are the result of past policies that allowed decades of uranium processing, waste dumping and pesticide storage. In mountainous

Central Asia has experienced only one major conflict in the past decade--a debilitating civil war (1992–1997) in Tajikistan between ethnic and regional factions, driven by contestation for power by regional elites, which destroyed hundreds of thousands of lives, demolished infrastructure and seriously set back national development. Regional experts have repeatedly predicted that interethnic tensions could precipitate more major conflicts in Central Asia.¹⁸ Much of the research on potential conflict in the region has been framed in terms of ethnic tensions, with particular attention focused on the Ferghana Valley.¹⁹

However, interethnic tensions have not been the main national-level fault line in Central Asia. Such tensions have emerged more as outcomes rather than drivers of local conflicts. Instead, weak governance and conflicting rule systems, in a context of economic uncertainty, high unemployment (especially among youth), and criminalization of the economy are creating the context for local conflicts. In addition, political transitions are opening up new opportunities for resource allocation and forms of patronage that conspire to erode the institutional constraints that govern powerful actors. These processes deepen the potential for conflict.

Over the last several years, the boundaries between international, country and local-level conflict have become increasingly blurred. This trend has become more apparent as the vulnerability of authoritarian regimes in Central Asia has been exposed, most notably by the forced March 2005 resignation of the president of the Kyrgyz Republic, Askar Akayev, during a mass demonstration over fraudulent parliamentary elections.²⁰ The new Kyrgyz government has since struggled with worsening violence, prison revolts, serious property disputes and widespread public disillusionment.²¹ Another local demonstration that turned violent took place in May 2005 in Andijan, Uzbekistan, when an undetermined number of citizens were shot during protests over the Uzbek government's arrest of local businessmen for purported ties to extremist groups.²²

Taken together with the myriad of social and economic pressures in the region, these events make it imperative for international donors to better understand the dynamics of local-level conflict in Central Asia and possible avenues for mitigation. Equally important, donors need to comprehend the ways in which international assistance can exacerbate local and national conflict. They also need to recognize the strengths and weaknesses of local-level approaches to managing conflict. This knowledge will enable donors to avoid dismantling local approaches to conflict management that work and/or avoid promoting those that serve only select groups (and exclude others). In sum, building local ownership and ensuring the sustainability of conflict management strategies will require learning about and working with local institutions.

areas deforestation, plowing and cattle grazing have damaged the soil cover which can induce mudslides, landslides and avalanches. Lack of maintenance of dams and irrigation infrastructure also contribute to the potential for natural disasters in the region (UNEP et. al. 2005. *Environmental Security: Transforming Risks into Cooperation: Central Asia Ferghana/Osh/Khujand area*. pp. 14-16); see also M.B. Ollcott 2005, p. 236.

¹⁸See for example: N. Lubin, et al. 2002. *Calming the Ferghana Valley: Development and Dialogue in the Heart of Central Asia*. NY: The Council on Foreign Relations and the Century Foundation.

¹⁹The densely populated, ethnically diverse Ferghana Valley forms the backbone of agriculture in Central Asia. It is the most populous area of Central Asia with about 20 percent of the total population. Population density is extremely high in the Uzbek part of the valley, at 200-500 persons per square kilometer compared to 70 per sq. km in the Tajik area and 20-40 per sq. km. in the Kyrgyz area. High population densities increase the risk of depletion of natural resources and thus competition and even conflict for their control. Forests and soils are severely degraded and rule of law is limited (UNEP et. al. 2005).

²⁰International Crisis Group (ICG). 2005a. Kyrgyzstan: After the Revolution. May 4, 2005.

²¹ICG 2005c. Kyrgyzstan: A Faltering State. December 16, 2005.

²²ICG. 2005b. Uzbekistan: The Andijan Revolution. May 25, 2005.

Objectives, Analytical Framework, and Methodology

The aim of this study is to provide an operationally relevant regional study of the key cross-border conflict issues that affect communities in Central Asia and the ways in which these conflicts are mitigated. More specifically, the study aims to:

- develop a greater understanding of the dynamics of everyday conflict in Central Asia;
- analyze underlying institutional factors that escalate disagreements into conflicts;
- identify local conflict management approaches.

Among the many policy-related questions that the study addresses:

- Are the development interventions of the World Bank likely to contribute to or be undermined by conflict?
- Which kinds of conflicts pose the greatest risk to World Bank's activities?
- How can the World Bank interventions support conflict mitigation and/or reduce the likelihood of conflict?

A desk review identified three priority issues for understanding local-level conflict: (1) local and regional contestations over water; (2) increasing tensions over borders and trade routes; and (3) increasing social inequality as the result of impoverishment, failing education and health services and lack of economic opportunity. Field work further identified poor governance (in water management, border control, access to land, and donor assistance) as one of the key factors allowing disagreements to escalate into violent conflict. This work led to the central hypothesis around which this study is organized -- *that local-level conflicts are likelier to occur in transitional states characterized by multiple, shifting, ambiguous and conflicting rule systems, both formal and informal, that help those with more power than others to manipulate rules to gain and/or maintain power.*

In Central Asia, clan and business networks form the basis of local power on which national leaders depend. The prevalence of patron-client relationships, connections, loyalty, manipulation of formal rules and force are the key parameters for governance in these states. The gap between the poorly enforced formal, top-down regulations and the local, customary laws that rely on social influence, cohesion and respect for elders has created a situation in which discordant "legal pluralism"²³ has emerged. Therefore, individuals²⁴ must constantly contend with the issue of "whose rules rule" in everyday contestations.²⁵ The clash between various rules is intensified at borders, where differing policies among neighboring states collide. In many instances, even the formal border demarcation is contested, leaving a no man's land whose existence exacerbates local tensions and conflicts.

²³ Most contemporary legal systems in developing countries and industrialized states contain parallel and often contradictory regulations of social, economic and political organization. These are based on different types of legitimating: international law, state law, religious law, customary law and new forms of self-regulation. This type of legal complexity is designated by the term "legal pluralism". Under certain circumstances, constellations of legal pluralism can be a source of considerable legal insecurity and of social and political conflict. Max Planck Institute for Social Anthropology Legal Pluralism Work Group.

²⁴ While some theorists distinguish between "citizens" and "subjects," respondents in this study fall somewhere in between in that they (often correctly) feel they have little potential to meaningfully influence national policies and practices.

²⁵ Legal pluralism does not necessarily lead to conflict. The UNDP *Human Development Report 2004*, focused on Cultural Liberty," characterizes legal pluralism as a challenge but a potentially positive element if state policies recognize the roles of judicial norms and local institutions in different ways that also address the challenge of protecting individual rights when customs deny them. (UNDP 2004).

This study combined a literature review, field-based qualitative data collected by locally trained Central Asian researchers, and in depth interviews. Participant observation in 52 field sites focused on the analysis of local conflict cases in Kazakhstan, the Kyrgyz Republic, Tajikistan, Turkmenistan and Uzbekistan.²⁶

The intended audience of this report includes the World Bank, other donors active in Central Asia,²⁷ and client countries. In addition, the report is aimed at development practitioners working on policies and programs involving infrastructure, water, transport, customs reform, and decentralization and other governance issues.

Organization of the Report

Chapter 1 offers an overview of the study. Chapter 2 provides a brief regional perspective on the historical roots of socio-political identities and the growing socio-economic cleavages in these post-Soviet states. Chapter 3 draws on field data to present a detailed analysis of everyday conflicts related to the movement of people, goods and water across borders. It briefly describes the political and economic context of these border problems, including the triggers that intensify problems and the mechanisms applied to manage them. Chapter 4 addresses the impact of the deteriorating water management systems on local level relationships, and the lack of legal mechanisms to facilitate water users' concerns and grievances. Chapter 5 examines more generally the relative strengths and weaknesses of formal and informal conflict mechanisms employed at the local level. Chapter 6 presents conclusions and some general recommendations for guiding conflict sensitive development assistance and policy dialogue in Central Asia.

²⁶ Counterpart International, an NGO operating in Central Asia, assisted in the data collection process.

²⁷ As noted earlier, the study has already provided important qualitative inputs to UNDP, a key partner in the study, in its groundbreaking Central Asia Human Development Report (2005).

CHAPTER 2

THE REGIONAL CONTEXT

*I travel to my old homeland [in Uzbekistan] like I am going to a foreign country.
—Tajik woman reflecting on the post-Soviet experience of new state frontiers*

Historical roots of socio-political identities

The analysis of local-level conflict in Central Asia must take into account a landscape shaped by a long history of economic interdependence between nomadic and sedentary groups with an overarching Turko-Islamic identity, intersecting trade routes, and socio-cultural integration along the path of the Silk Road.²⁸ Populations and dialects blended without clear boundaries; identities were shaped more by clans and tribes than states, and conflicts were managed by force or by council. Prior to the Russian conquest of the region during the nineteenth century, the prevailing mode of statehood was the Muslim dynastic state that ruled over a multi-ethnic population with dozens of different languages.²⁹

The nature of present-day conflicts also reflects aspects of the Soviet legacy that effectively isolated Central Asia from the rest of the world and made it dependent on a centralized system of resource management based in Moscow. The Soviets conquered and then dissolved three multi-ethnic political entities, and eventually created five republics named for the titular ethnic group of that newly bounded entity, while simultaneously “consolidating” small ethnic groups into larger ones.³⁰ The Soviet nationalities policy provided preferential treatment for the members of the majority ethnic group, and a notion of self-rule with monitoring by a substantial population of Russians sent to reside in the republics. While elites and those living in the capital cities of the new republics identified with the ethno-national identity, the predominantly rural populations identified with clan or regional loyalties. As land and industry in Central Asia was collectivized, new solidarity groups formed around the collectives. These groups became the basis for additional forms of social identity in the region.³¹ At the same time, the Soviet system found it necessary to work through customary systems of governance, and therefore, many mandates were enacted through the traditional village or kinship affiliations.

With the collapse of the Soviet regime in 1991 and the advent of nation-state building by the political leaders of individual states, building loyalty to the new state through the promotion of nationalist ethnic ideology became paramount in the nascent regimes. Although many analysts expressed concern that the new states of Central Asia might suffer ethnic tensions and conflicts similar to the Balkans as they moved into nationhood, with the exception of the civil war in Tajikistan, this has not been the case. The transition did not yield to violent ethnic nationalism as

²⁸ UNDP 2005, Regional Cooperation for Human development and Human Security in Central Asia, Chapter 1, Framing the Issues.

²⁹ Adrienne Edgar 2001, Communities and Nations in Central Asia: a Historical Perspective. Paper presented at a panel on “Central Asia and Russia: Response to the War on Terror”, Berkeley: University of California.

³⁰ Adrienne Edgar, 2001.

³¹ UNDP. 2005, Chapter 7-- Political and Institutional Constraints and Opportunities

experienced in the Balkans, in part because power continued to be held informally by the leaders of groups or clan networks based on business interests and shared family, kin and regional ties.³²

Nor have ethnic group differences have not emerged as a primary cause of conflict in most instances. Instead, it appears that the historical pattern of multiple sources of identity continues to prevail such that people identify with their local kin or clan relationships as well as their identity as citizens of a state. When ethnicity does play a role in local conflicts, it is usually secondary to a more basic struggle over access to resources in which perceived inequities become expressed in terms of “ethnic” or other social group identities.

The influx of migrants into small—especially agriculturally-based -- communities— has also been a source of increased pressure on local resources, especially land and water. In these communities, conflicts over resources can take on an ethnic orientation because the groups involved have different ethnic backgrounds. But in many cases, the “others” are actually members of the same ethnic group who have “returned” to their ethnic homelands after having lived many years, in some cases their entire lives, in another country. Similarly, in the case of the Tajik civil war, members of the same ethnic groups who originated in different regions of the country fought on opposing sides.

Growth of Socio-Economic Inequalities

The Soviet legacy is also an important context for understanding current notions of social equity and notions of entitlement. Although the ideal of egalitarianism was never fully realized during the Soviet period, citizens had the sense that they were on an equal footing with their neighbors; most had similar access to goods and services; nearly all had at least primary schooling if not many more years of education. But nearly two decades after the Soviet Union’s collapse, the disparity between the poor and non-poor has grown considerably. The downsizing of industrial and agricultural production created high levels of unemployment and contributed to the decline of real wages. The restructuring of the health sector has resulted in greater out of pocket financing of health care by the poor. Tuberculosis epidemics have emerged and there is skyrocketing growth of HIV/AIDS. The education system is under distress as well. Many now view education as a luxury rather than a necessity.³³

Recent research indicates that the polarization between the social networks of the poor and the non-poor in the Kyrgyz Republic has isolated the poor, provoking resentment and distrust between them and the non-poor.³⁴ If during the Soviet period informal networks of kin, neighbor, colleague and friend created a multiplicity of ties that cut across ethnicity and class, today the rupture of these networks exacerbates emerging social and economic cleavages. In interviews cited in *Consultations with the Poor*, people in Central Asia ascribe the increase in domestic violence, as well as theft and vandalism by young males to the increasing social inequalities.³⁵ Likewise, the infusion of religious and/or nationalistic notions of ethnicity among Central Asian societies has introduced new fault lines in social relations, where once the Soviet ideology of

³² Key Soviet era elites, such as the enterprise and farm directors and those with control over cadre policy, were embedded in and bolstered by clan networks based on patronage that became the basis for new informal interest groups and political networks in the new nation states.

³³ UNDP, 2005. Chapter 6, The Social Development Challenge. Pp.144-152.

³⁴ Kuehnast K. and N. Dudwick, 2003. *Better a Hundred Rubles than a Hundred Friends: Social Networks in the Kyrgyz Republic*. The World Bank.

³⁵ The World Bank, 1999. *Uzbekistan: Consultations with the Poor*, The World Bank, 1999. *Kyrgyzstan: Consultations with the Poor*

secularism dominated both public and private lives. Elite capture of land, water, enterprises and other assets as well as jobs have further polarized the population.

CHAPTER 3

EVERYDAY CONFLICT RELATED TO THE CROSS-BORDER MOVEMENT OF PEOPLE AND GOODS

One of the lasting legacies of the Soviet Union is the complicated administrative borders between the republics that cut across linguistic, ethnic and family groups, as well as shared natural resources. Some characterize regional borders as “virtual” because their existence during the Soviet period were less about physical demarcation and more about the perception of local residents, since familial burial sites, grazing lands, and water holes often crossed into other republics.³⁶ In many instances, people and goods were able to move relatively unencumbered across those borders, with little awareness of their existence. Regional borders were multidimensional because the many types of borders in the region—ethnic, political, economic and cultural—rarely coincided, either with each other or with administrative boundaries.

When the leaders of the five post-Soviet states of Central Asia agreed in 1992 to retain the Soviet-styled borders, they began to secure these national boundaries to protect their sovereignty and prevent illegal trade, trafficking (of drugs, weapons and persons), and terrorism. Today, border control posts differ in size and number among the Central Asian countries, with Uzbekistan reputed to have the highest number. These posts include military border guards, customs officials and, in some instances, veterinary, sanitary control, transport and immigration control officials.

National border control regimes at the local level are unregulated and there is little coordination between neighboring states.

Nearly half of the case studies from the five Central Asian republics involve border-related problems or conflicts in communities situated near borders. These problems include constraints imposed by the new border regimes, together with insecurity and conflict resulting from unresolved border disputes. The establishment of border posts with guards, customs officials, barbed-wire fences, and complicated entry and import regulations has increased tariffs, obstructed trade, disrupted social relations, and decreased access to health and other social services (e.g., through border-related delays in reaching emergency medical care), and even resulted in deaths from land mines and shootings by guards.

Poor communication of border regulations, combined with the lack of transparency, facilitates corruption and human rights violations. The situation is further complicated by inconsistent border regulations among the Central Asian states, with border guards refusing to recognize permits issued by other countries, even when agreements exist between the countries. Many migrants who moved to these countries before their present international borders were established and enforced, find themselves legally stateless. Territorial ambiguity and unresolved international border disputes provide fertile ground for crime and smuggling, as well as local-level competition and conflict over so-called “neutral ground.”

Enclave communities suffer the most acute hardships from existing border regimes and disputes. Surrounded by another country, they depend on economic and social links outside of the enclave. Indeed, some local residents characterized the enclaves as “pawns” in a political power game between countries competing for control of valued resources and transport lines. For example, a local official in the Kyrgyz Republic claimed that “Uzbeks hold Barak enclave [in the Kyrgyz

³⁶Malashenko, A. and M. Brill Olcott eds. 2000. *Multi-Dimensional Borders of Central Asia*. Carnegie Endowment for International Peace. Moscow.

Republic] as an ace card in exchange for roads to Sokh enclave.” The Uzbek and Tajik governments have proposed to incorporate the enclaves in their own states, but the Kyrgyz declined because they would lose sovereignty over major communication routes, infrastructure and roads.

Although these problems exist across the region, they are most pronounced at the borders of Uzbekistan. Case studies from all Central Asian states highlighted the Uzbek borders as the most difficult to cross due to the policies of the highly centralized Uzbek regime. Uzbek visa requirements are strict and expensive, and the country frequently closes Tajik-Uzbek and Kazakh-Uzbek roads and borders, both in response to internal and external political disruptions and to prevent the outflow of cash from the country. Not only does the Uzbek regime prohibit trade across borders, but reports indicated that the country has placed landmines on its borders with Tajikistan, allegedly to deter terrorists. However, the Uzbeks refuse to share the map of landmine locations with Tajik government security officials. Field studies in Uzbekistan, however, also revealed difficulties with the border policies of Turkmenistan, another highly centralized and authoritarian state in the region.

Corruption Impedes Cross-Border Movements of Goods and Labor

Local people in border field sites in all five countries of Central Asia stressed the importance of daily trade and shuttle trade for families,³⁷ particularly given the poor state of the economies in the region. They described how current border regimes impede trade, access to markets and labor opportunities by imposing visas and customs permits that are too costly for most traders, delaying their passage, and demanding “unofficial fees.” These transaction costs reduce the profits of the traders and increase the cost of goods to local people, making it difficult for them to make ends meet. In addition to border crossings, customs and border officials also have “unofficial fees” for detour roads and market access.³⁸

Bribery is endemic along national borders. Many entrepreneurs have no option but to bribe officials in order to cross borders and conduct business, with or without the proper documentation. For example, in a village in Talas Oblast of the Kyrgyz Republic (near the Kazakh border), many Kyrgyz petty traders pay bribes to both Kazakh and Kyrgyz border guards to pass through the checkpoints rather than undergo complicated and time-consuming procedures to acquire identification papers. Some traders find partners on the Kazakh side to “protect” them from customs officials in exchange for the exclusive right to purchase their goods at a reasonable price.

Similarly, petty traders and visitors traveling to Uzbekistan from a local village in Sogd Oblast of Tajikistan find it more convenient to pay bribes to the Uzbek border guards than to procure Uzbek visas. Such visas can only be granted in Dushanbe, the capital city of Tajikistan, which means additional travel costs and time for the traders—an estimated 200 dollars per visa. In other cases, the traders simply cross the border illegally with the help of Uzbek “guides.” Certain traders take the riskier option of crossing the border where there are no checkpoints, although

³⁷ Shuttle trade refers to the small-scale, cash-based trade by individuals—primarily women—who took advantage of the initial easing of travel restrictions, after the dissolution of the Soviet Union, by making shopping trips as far as China, Turkey, and the Gulf States to buy customer goods for sale in the bazaars of Central Asia. Shuttle trade has persisted because regulations and trade costs have discouraged the formation of larger trade companies. As price differentials emerged between the Central Asian states, this opened new shuttle trade opportunities. Depending on the frequently changes laws in the various countries, shuttle trade may be legal or illegal, making it a risky endeavor (UNDP. 2005. p 53).

³⁸ Local traders in Tajikistan suggested that the border officials distribute the bribes according to the hierarchy of officials—higher officers get a larger share.

along Uzbek borders, such areas may be mined. For many interviewed, the behavior of border officials fosters disrespect for official rules and encourages smuggling as a preferable alternative.

In a Tajik border community in Sogd Oblast, the border agreement between Tajikistan and Uzbekistan gives border residents the right to travel up to 15 kilometers into Uzbekistan without a visa. However, each time they enter, their passport is stamped with a red dot, which fills their passports in about three months. If they venture beyond the specified distance, they run the risk of high fines and a black stamp in their passport—indicating a border violation—which then prohibits entry into any country in the region. The threat of a black stamp gives border guards another opportunity to extract bribes from travelers.

Efforts to avoid paying bribes entail considerable transaction costs to small-scale entrepreneurs. Some shuttle traders seek more distant sources of goods that do not require them to cross the border, but this option can increase their costs. A female shuttle trader in Tajikistan, for example, explained, “In the past, before the introduction of the visa regime, it was profitable for me to bring in goods from Uzbekistan because my transportation expenses were lower. Now I am bringing the goods from Dushanbe where I spend more on transport, which makes for lower profits.” Others have abandoned trade altogether and have migrated elsewhere for work.

According to local residents in Khatlon Oblast of Tajikistan, crossing the border costs an ordinary citizen a considerable amount of money because bribes are required at both the Tajik border post (three and a half dollars) and the Uzbek border post (five to six dollars). Until a traveler reaches his or her final destination on the Uzbek side, documents and hand baggage are checked at several other posts along the way, where additional bribes are required.

Both import tariffs and price regulations differ significantly among Central Asian countries. Tariff differentials provide additional incentives for petty trade and smuggling. As a member of the World Trade Organization (WTO), the Kyrgyz Republic imposes lower tariffs, making it advantageous for Kazakhs to purchase Kyrgyz goods and labor. Uzbekistan controls the price of cotton in the country and requires all cotton to be sold to the government at a low price, making it profitable for Uzbek farmers to sell their cotton illegally across the border. Officials in Kazakhstan contrasted the rigid Uzbek border, where the prohibition of trade promotes the smuggling of flour, alcohol, lumber, metal, and consumer goods with the cross-border trade of the Kyrgyz Republic, which is legal and generates employment and tax revenue.

Border restrictions also cause problems for people who work in neighboring countries on a full-time or seasonal basis. Because salaries are higher in Kazakhstan, laborers from the Kyrgyz Republic cross the border to work there on a daily basis. In Zambyl Oblast, for example, researchers found that 30 percent of local teachers were commuting daily from the Kyrgyz Republic. Seasonal laborers also cross the border to work in the agriculture-related jobs. Because labor migrants cannot get a labor visa in Kazakhstan and are not supposed to work on an ordinary visa, most of them work illegally.

Passport fees, trade permits, bribes and time-consuming procedures reduce the income of Dungan traders living in Kazakhstan who depend on the Kyrgyz market (see Box.1, below). Families are separated and unable to visit each other without paying bribes, and labor migrants cross illegally because they cannot get the necessary permits.

Box 1. Border Post Conflicts Between Kazakhstan and The Kyrgyz Republic

Kazakhstan has a 350-kilometer border with the Kyrgyz Republic, with low population density on both sides of the border. Ethnic Kazakh and Kyrgyz populations are relatively unmixed in the border villages, where many people engage in trade. Certain border villages are populated by Dungans, a conservative, devoutly Muslim group. They are characterized as industrious, wealthy, generous to neighbors and very loyal to the government. Respect for elders is an intrinsically important value in their society. One of the Dungan villages in Kazakhstan is located in Zambyl Oblast at the juncture of many roads on the border with the Kyrgyz Republic, near Bishkek. The countries are separated by a river with a bridge and a border station. In the past, Dungan villagers traveled freely to the Kyrgyz town on the other side of the river and nearby Bishkek for trade, medical care and schooling because the town was easier and less expensive to reach than the Kazakh trade center in Korday. Extended families live on both sides of the border, but since the formalization of the border in 1992, people have not been allowed to cross without current passports or identification papers and appropriate permits for the trade of goods.

Several thousand people pass the border over the bridge daily. Border guards on both sides of the border regularly harass these travelers and demand bribes. Each refusal to allow a person to pass delays others and leads to loud outrage from the waiting crowd. Local people have no clear information regarding their rights, or the rules for transporting goods across the border. Indeed, local people have a difficult time understanding why such documents are required at the border during peaceful times.

Dungan community members complained to the village mayor, who invited border and customs guards to a series of meetings. He asked the customs officials to post information about border regulations outside the customs building, where everyone could read what and how much could be transported. He also obtained an agreement to allow specific people with longstanding kinship and trade relations to cross the border without passports. The Dungan community also invited the border guards and customs officials to village events, and schoolchildren gave concerts in their honor in order to improve relations. A market on the border was proposed, but the elders opposed it because they feared that it would attract criminals to their community. As a result of these activities, people began to understand the legitimate function of border regulations.

Loss of access to agricultural land, buildings and pastures is attributed to local and national border disputes

Present border demarcations represent political agreements made without consideration of the location of houses and related arable land, leaving some people without houses and others without cultivated land, pastures or orchards. No formal policies exist for compensating people who lose land and buildings as a result of boundary agreements, so their losses are ignored. Frustration with such losses often leads to local conflicts. Borders in Central Asia also block access to other vital resources, such as the firewood essential for heating, as few people in the region have access to gas and electricity shortages are endemic.

In an enclave in South Kazakhstan Oblast, local herders and farmers lost access to pasture and farm land in Uzbekistan due to the border demarcation. They were offered other pastureland, but it was too far of a distance to use. Renovated pumps, as well as the school and road built for them by the government did not resolve their lack of land. A local person likened the situation to: "...changing the doors on a house without a roof," and suggested that "it would be better if the state solved our problem with the land where we live and work." Some residents in this area say they were duped by local officials into signing papers that allowed the demolition of their houses on the border without any compensation. They assumed that local officials sold the land to Uzbeks for profit. Many feel that their only option is to migrate because they now have no means to support their families.

In a village in the Sogd Oblast of Tajikistan, local people had grazed cattle and cut firewood in the same area of the Kyrgyz Republic for years. However, the new border delineation eliminated their access to this area, which created difficulties because there is no other source of fuel to heat their homes through the long and cold winters. In one incident, Kyrgyz border guards found men who were collecting firewood in the traditional area inside the Kyrgyz border. The guards beat the men, some of whom were seriously injured and to be hospitalized. The guards then took their donkey, which was loaded with wood, and charged them the equivalent of a \$20 fine to return it. They also threatened the men with a court appearance and jail time if they repeated the offense.

There is a great deal of conflict in certain border areas of the populous Ferghana Valley, where unresolved disputes over valuable agricultural land and delayed border delineation exacerbate cross-border tensions and increase competition for resources among local people in neighboring Kyrgyz, Tajik and Uzbek areas. Officials who attempt to mitigate clashes in these areas insist that it would be much easier to resolve disputes if the state frontiers were clearly defined.

Disputed border areas represent a security risk to the border guards who defend this no man's land, as well as a danger to local inhabitants. In one instance, a local Kazakh man looking for a lost cow was reported to have unknowingly crossed an unmarked border and was shot by Uzbek guards without warning. Given such events, local people worry when their children return home late with the cows in fear that they might have been shot.

In some cases, "creeping migration" of people from neighboring countries leads to conflict directed against migrants, ranging from verbal abuse to occasional physical violence. NGOs working on conflict mediation in the area use this term—creeping migration -- to describe the active migration and occupation of Kyrgyz territories by Tajik citizens who illegally rent land and buy houses from Kyrgyz families departing for work in Kazakhstan or Russia. Many Kyrgyz interviewed perceived the situation as one in which the Tajik government was intentionally delaying the border delineation to expand their territory through the creeping migration.

The Tajiks may also perceive themselves as victimized in such situations. Tajik farmers, for example, established fruit orchards on previously uncultivated land situated on a disputed portion of the Tajik-Kyrgyz border. The farmers had obtained permission to use the land from local government officials, and subsequently invested considerable labor over the next five years to clear the land and bring the trees to the point of bearing fruit. However, just as the trees were ready to bear fruit, local Kyrgyz officials claimed that the trees were on Kyrgyz territory, called a meeting with local Tajik officials and cut down hundreds of trees in their presence. The Tajik farmers felt that their officials had failed to protect their interests, while local Kyrgyz viewed the establishment of the orchard as one more example of creeping migration that had to be stopped.

Disrupted borders disrupt social relations

For many rural people, land is not just an economic asset. It has a symbolic value associated with their identity as members of an ethnic or kinship group, as well as with their ties to their ancestors. As the head of a household in South Kazakhstan Oblast near the Uzbek border remarked, “It is the land of our ancestors. Here are the tombs of our ancestors. We have grown up here. It is insulting that now my son cannot play or graze the cattle on the land of our ancestors because this territory turns out to be in Uzbekistan....”

Kin and other social networks—the very fiber of society in Central Asia—are thus disrupted by current borders. One researcher likened the border to “a knife cutting a living body” that separates kin with a virtually impassable wall. For example, current border rules prevent people from honoring their ancestors in cemeteries across the border on important religious holidays. Like traders, these travelers face harassment and demands for bribes at borders and can rarely afford the visas required to cross into Uzbekistan. Repeated harassment appears to eventually be attributed to ethnic resentment. As a housewife in an Uzbekistan border village noted, “[Turkmen border guards] do not regard us as human, and therefore treat us badly.”

Simply visiting relatives across the border can be problematic and dangerous. When a woman and her daughter from an Uzbek village in Khorosm Oblast (near the Uzbek-Turkmen border) were denied entry into Turkmenistan to visit the woman’s ailing mother, the two women tried to cross the border illegally. Turkmen border guards then set aggressive dogs on them, causing serious wounds. They were rescued by the chairman of the local *mahalla* committee,³⁹ who convinced the guards not to report the case to higher authorities because the women had suffered enough from the attack itself. Researchers for this study noted that such interventions were uncommon. Most Uzbeks arrested at the Turkmenistan border were sentenced to prison—including one 71-year-old man.

Another disruption of social relationships is in relation to lifecycle rituals. Given the importance of funerary rituals in the region, difficult border crossings have created significant resentments among residents of neighboring countries. For example, Turkmenistan border guards refused entry to Uzbeks from a nearby village in Uzbekistan (in Khorosm Oblast) who were traveling to a traditional Uzbek cemetery in Turkmenistan to bury a deceased relative. The Turkmen had, in fact, fortified the border with an electrified barbed-wire fence that ran through the cemetery. For the first two years, Uzbeks were permitted to visit cemeteries on the Turkmen side twice a year on holy days, under the supervision of border guards. After 2002, however, they were no longer permitted entry. *Aksakals* (elders) persuaded the angry Uzbeks not to force their way across the border because the Turkmen guards had submachine guns and many people could be killed. Rayon officials in Uzbekistan subsequently established a new cemetery on Uzbek territory, 100 meters from the border, but local people were not satisfied with this resolution.

³⁹*Mahalla* broadly translates as “neighborhood” or “local community.” The term has multiple meanings, including physical location, a network of social relations and a state administrative unit. The Uzbek government promotes the traditional *mahalla* as the fundamental unit of society to help build a sense of Uzbek national identity, with an emphasis on the rights and obligations of local communities within the nation state. The Uzbek government also promotes *mahalla* committees as a form of decentralized governance that permits grassroots participation in local decision making. According to Human Rights Watch, however, the Uzbek government has transformed *mahalla* committees into an arm of a repressive state (Human Rights Watch 2003).

In another example, a group of Kyrgyz kinsmen from an enclave village in Uzbekistan's Osh Oblast were traveling to a cemetery to bury a relative. They were stopped at the Uzbekistan border, where guards demanded travel documents that would have required three days to prepare. Relatives of the deceased persuaded, pled and even threatened the Uzbek border guards, but the guards refused to allow the funeral procession to pass through Uzbek territory. Eventually the group illegally carried the body to the Kyrgyz "mainland" through fields.

State Frontiers Block Access to Previously Shared Health Facilities.

Border controls also deter people from reaching essential health and other social services in a region where healthcare services have deteriorated and, due to “jigsaw” borders, health facilities in another country are often easier to reach, particularly for people living in enclaves. Some deaths have resulted from these controls. At the edge of a Kyrgyz enclave village in Osh Oblast, for example, an Uzbek border guard refused to allow a local Kyrgyz family to take their sick child to a hospital across the border. Community members pleaded for hours before the family was allowed to cross Uzbek territory, but the boy died before they reached the hospital. The *Aksakals* restrained the child’s parents from taking revenge on the guards, pointing out that others, including children, would be hurt if violence broke out.

When a woman from the same village was diagnosed with appendicitis, a driver took her to the border, but the guards would not allow the car to pass. The woman was in too much pain to walk, so the driver rushed back to the village for money for a bribe. While the woman waited for him, her appendix burst. Fortunately, the driver returned in time to pay the bribe and take her to the hospital, where the doctors were able to remove her appendix and save her life.

Borders Provide Opportunities for Smuggling and Theft

Borders have become a lucrative environment for thieves and criminals.

--a Kyrgyz villager

Disputed borders also create room for local authorities to try to expand national boundaries and/or reallocate shared natural resources. Local Kazakhs complained, for example, of shifting Uzbek boundary posts that move deeper into Kazakh territory, as well as the incursion of Uzbek soldiers to intimidate local people. In another example, Uzbeks at the border of South Kazakhstan Oblast began construct a cement wall at the edge of the Keles River to divert its path, which serves as a border marker, to increase their territory. Since the local government did not take action, a local farmer delayed construction of the wall for several weeks using the threat of his shotgun.

Many residents in border areas feel that the lack of clear border demarcations also contributes to drug trafficking and smuggling. In the Saragysht rayon of Southern Kazakhstan Oblast, where the border with Uzbekistan is still in dispute, all movement of people and goods across the disputed border area is ambiguous. There is a long history of trade in the area and people in the boundary districts depend on smuggling for their livelihood. In order to conduct business, Uzbek and Kazakh traders meet in the disputed border area and pay bribes to guards to look the other way. People who live in the area even charge a fee for illegal migrants and goods to pass through their houses.

One Kyrgyz village lost an entire metal fence that surrounded a local cemetery to thieves from across the border (presumably from Uzbekistan). Kyrgyz border communities reported numerous cases of cotton and cattle theft over the Uzbek border. They said that Kyrgyz conspirators sometimes assist these thieves by bringing cattle to the border in exchange for a fee. In some instances, Uzbek law enforcement officers act in complicity with the thieves by “failing” to recognize them and blocking the efforts of people seeking the return of stolen animals and goods. A few Kyrgyz have even crossed the border to steal Uzbek cattle to replace those stolen by Uzbeks. Kazakhs also complained of cattle theft at the border and noted an increase in thieves and pickpockets in the border markets.

Local leaders have intervened, but with only mixed success. In one incident at the Kyrgyz-Kazakh border, four Kazakh men tried to steal sheep from Kyrgyz boys who were guarding them.

When the boys refused to let them, the men beat them and took their horses. Aksakals from several Kyrgyz villages subsequently crossed the border and met with local Kazakh officials to demand action for the crime. The officials quickly arrested the culprits, but the horses, in Central Asia worth the equivalent of several years of salary for herders, were never returned. Local Kyrgyz in the Talas Oblast associated these events with the increase in youth crime, which they attributed in part to the lack of youth organizations such as those active during the Soviet era.

CHAPTER 4

WATER MANAGEMENT – AN OXYMORON?

Do not ask me how much land I have, but how much water.
—Tajik proverb

Access to water is one of the most contentious local issues in Central Asia today. The competition for water is fierce, particularly in the densely populated Ferghana Valley, parts of which are found in the Kyrgyz Republic, Tajikistan, and Uzbekistan. The region has some of the most extensive irrigation systems in the world, which serve approximately 22 million people dependent on irrigated agriculture.⁴⁰

The Soviet regime left an integrated water system of dams, pumping stations and canals for irrigation and energy generation is a legacy in the region. The Soviet state enforced clear rules for water allocation among the Central Asian republics to support extensive cotton production for the entire USSR. Water policies shaped by the top-down Soviet approach, however, ignored the environmental, social and economic aspects of natural resource management.⁴¹ With the decline of the Soviet regime and the termination of its subsidies, the integrated water system and its management have deteriorated, with serious negative impacts on agriculture, health, soil erosion, water supply⁴² and water quality.

Since the breakup of the Soviet Union, government spending on water management infrastructure has fallen dramatically in each of the five countries. Declining expenditures have weakened water management institutions and allowed irrigation structures to further deteriorate. In addition to funding constraints, the formation of nation states with national border controls has fragmented the previously integrated management system. These conditions have made it difficult, if not impossible, to maintain canals, pumping stations, irrigation facilities, dams and reservoirs in the region in a way that promotes efficient water management. Population growth and intensified agricultural production have, moreover, increased demand for the diminishing water supply.⁴³

The effects of deteriorating water management have not been the same in all countries. The mountainous, poorer upstream countries in the region (the Kyrgyz Republic and Tajikistan) provide most of the water for irrigation in the region, whereas the more densely populated downstream countries have fossil-fuel wealth (Kazakhstan, Turkmenistan and Uzbekistan). Not only do these countries have different resources, they have individual water-related problems in

⁴⁰ The World Bank. 2003. *Irrigation in Central Asia - Social, Economic and Environmental Considerations*.

⁴¹ UNDP. Kazakhstan. 2003. *Water as a Key to Human Development*. National Human Development Report.

⁴² Water use is in Central Asia as high as 12,900 cubic meters per hectare, but only 21 percent of this is effectively used. The remaining 79 percent is lost, mostly from unlined canals on and between farms. This compares with roughly 60 percent loss in developing countries (UNEP et al. 2005, based on World Bank data.)

⁴³ In Tajikistan, due to insufficient funds and expertise for proper maintenance of hydropower systems, these systems are running at 60-70 percent efficiency, instead of the 90 percent level expected under normal operating conditions. As a result, there has been a decrease of 18 percent in irrigated land area since 1991 due to land degradation. (*Tapping the Potential: Improving Water in Tajikistan*, National Human Development Report. UNDP Tajikistan. 2002).

addition to the ones they share.⁴⁴ To date, although downstream countries have been unwilling to share the cost of maintaining upstream dams and related facilities, they still expect the same share of water that was allocated to them during the Soviet era. They are also reluctant to share their fossil-fuel wealth with the upstream countries as they were required to do in the Soviet era, despite having signed current international agreements that obligate them to do so.⁴⁵

The upstream countries have started to release more water in the winter to generate electricity for heating, as well as to sell to other countries. An Uzbek manager of a farmers' association (in Ferghana Oblast) described the downstream impact of these releases as follows:

In the winter, Kyrgyzstan discharges huge quantities of water from its reservoirs and water bodies, absolutely disregarding the consequences for the localities downstream... They flood our fields and crops, and most importantly, populated areas. In the summer, when Kyrgyzstan stores water and discharges very little of it, our farms experience a shortage of water for irrigation.

Many local people feel that the roots of the water crisis rest in the lack of comprehensive, coordinated decision making by Central Asian governments. On the other hand, at least some people recognize that even when inter-governmental agreements are made, they are not always implemented locally.

Poor Water Management has Reduced Agricultural Incomes

Because of the complex changes in water management in the region, many people from communities that depend on agriculture for their survival are suffering from reduced incomes, deteriorated irrigation infrastructure, poor water management and decreasing water quantity and quality. These conditions generate and exacerbate cross-border conflicts over water and increase local-level distrust of government officials.

The deterioration of irrigation canals has, according to local residents, significantly reduced the flow of water to the field and consequently, overall productivity. For example, in a village in Khatlon Oblast of Tajikistan, irrigation canals and wastewater drainage infrastructure have not been cleaned since the collapse of Soviet Union. As a result, the canals are filled with sand. In one community in Dashoguz Oblast of Turkmenistan, dilapidated irrigation canals was said to have caused agricultural yields to fall by fifty percent.

Poor management of irrigation water has also resulted in waterlogged land, increased salinity and shallow water tables.⁴⁶ An interviewed water management specialist in Turkmenistan explained that water management problems in his country were aggravated by the low capacity of the irrigation system, leaks, water loss during filtration and the increasingly large amounts of water used for irrigation (and the resulting washout). Irrigation water in the country now contains high

⁴⁴ It is also important to recognize differences in topography within these countries. Both Kyrgyzstan and Tajikistan, for example, have territory in the Ferghana Valley that experience water shortages.

⁴⁵ UNDP, 2005. Chapter 4, The Natural Resource Lifeline for Central Asia: Water, Energy and Environment, World Bank 2004, *The Water/Energy Nexus*. UNEP et al. 2005.

⁴⁶ UNEP et al. (2005) summarizes research on the area in the Ferghana Valley affected by salinization and water-logging. Over the last decade it has increased from roughly 25 percent to 50 percent of all irrigated land. Currently 31 percent of the irrigated land has a water table within 2 meters of the surface and 28 percent of the irrigated land suffers from moderate to high salinity levels, resulting in a 20-30 percent drop in crop yield. It is important to keep in mind that salinization and agriculture related pollution were initiated with the spread of irrigation systems, the construction of dams, and the widespread use of mineral fertilizers and pesticides by the Soviet regime.

levels of pesticides and minerals, which damage the soil. The specialist estimated that 30 percent of irrigated lands are affected by salinity, which reduces crop production and kills fruit trees.

Poor Water Quality and Water Logging has Contributed to Health Problems in Rural Communities

The dampness caused by ground water is undermining the structure of houses in the region. For example, the increased use of water to irrigate rice in upstream Kyrgyz communities has caused an increase in the level of the water table in downstream Uzbek communities. As a consequence, cellars have flooded and ground walls are deteriorating. The dampness is also associated with the increase in rats, which in turn, spread disease.

When people in the region do not have a clean water source, they resort to drinking irrigation water that is contaminated by fertilizer and other chemicals, as well as animal waste, increasing the incidence of gastrointestinal problems. Thus, villagers in the Ferghana Valley and in Uzbekistan, particularly the Altiryk, Bogdad, Uzbekistan and Rishtan Rayons of Ferghana Oblast, are suffering from the negative effects of rising ground water due to the increased consumption of water in the Kyrgyz Republic. Herbicides, pesticides and other poisons, as well as manure used in agriculture, are washed into drainage canals and rivers used for drinking water. In one of the field study sites in Sogd Oblast of Tajikistan, people take water from holes where it is stored against shortages. In these communities, there has been an increase in intestinal diseases and tuberculosis in the oblast. Lice infestations, particularly among children, are associated with the lack of sufficient bathing water.⁴⁷

The common tendency is to blame upstream water users, but few avenues for cross-border negotiations are available at the local level, and the national-level laws are not enforceable for the most part, so many feel that there are few options for addressing the increasing health problems, except for migrating toward urban centers.

Complaints About “Water Theft” are Increasing

A significant portion of the local conflicts documented for this report were related to access to drinking and irrigation water and the increased need for water and other resources caused by populations migrating from more arid areas. As noted earlier, water access problems are compounded by a lack of adherence to water use agreements and their inadequate enforcement.⁴⁸

Most cross-border water disputes across the region are upstream-downstream disputes over perceived theft of water among local farmers. Downstream farmers complain that upstream neighbors regularly violate pre-existing agreements on irrigation schedules to “steal” their water. Farmers, particularly members of local elites with land on upstream portions of irrigation canals, take control of water flow during the irrigation season, leaving less water for downstream farmers. The latter often respond with verbal or even physical violence toward their upstream neighbors. Large cotton farms and orchards also tend to monopolize irrigation water, provoking protests from small farmers. Water logging due to heavy irrigation upstream without proper drainage also provokes complaints, but does not appear to evoke the same level of anger and conflict as does water access.

⁴⁷ In Tajikistan, nearly 25 percent of the population takes its drinking water from pools and irrigation canals. With no water treatment and a high risk of contamination from improperly disposed sewage and fertilizers, a large part of the population is susceptible to disease. Tajikistan has the highest child mortality rate in the region with 78 female and 93 male cases per thousand (*Tapping the Potential: Improving Water in Tajikistan*, National Human Development Report. UNDP Tajikistan. 2002.)

⁴⁸ World Bank. 2003. *Irrigation in Central Asia - Social, Economic and Environmental Considerations*.

Local conflicts over irrigation water are most frequent in parts of the Ferghana Valley, especially near national borders. In some rayons that border this valley (e.g., Kanibadam in Tajikistan and Rishtan in Uzbekistan), the river flows across the territory of one country into that of the neighboring country, then back to the original country. In these circumstances, the farmer who uses the water first typically takes a maximum amount, leaving neighbors with whatever remains. Conflicts over water access are seasonal and occur during the irrigation period (roughly April through October). The examples in the next section illustrate some common triggers of everyday cross-border water disputes, including local violation of water use agreements and schedules, expansion of cultivation and irrigation in marginal upstream areas, outmoded water quota agreements, discharge of chemical-laden drainage water into canals and inadequate action by government officials.

Interstate Water Use Agreements and Schedules are Routinely Violated

In Sogd Oblast of Tajikistan, several Tajik *mahallas* describe ongoing conflicts with neighboring Kyrgyz farms during the irrigation season. Water is supplied to the Tajik farmers from the Isfarinka River by a Kyrgyz canal. By the beginning of April, the river fills the Toktugul Reservoir in the Kyrgyz Republic. The water then wends its way through the Kyrgyz Republic, Tajikistan, and finally into Uzbekistan. Each community accesses water from a water drain in the canal. Due to population increases in each of these areas, however, the water supply does not meet demand in any one of the countries through which the river flows. Residents accordingly violate inter-state water use agreements and schedules. As a result, in the cross-border disputes over water, every party blames a neighboring country for the inadequate volume of water. They also consider the allocation of the canals to specific countries as contributing to the problem. Some farmers feel that they need to take action on their own, in the absence of government support. Local governments in Tajikistan have been trying to secure donor funding to help resolve the conflict by reconstructing irrigation channels in an abandoned mining town, to which they hope to relocate some Tajik farming families.

An increasing number of conflicts are occurring between the residents of Sogd Oblast in Tajikistan and Jiao Oblast in Uzbekistan due to water shortages caused by population growth and the introduction of potato production. Potato cultivation is water intensive, which in turn leaves a shortage of water for the Uzbeks, who have started using piped drinking water to save their crops. The Ministry of Agriculture and Water Management of Tajikistan maintains that it is impossible to control this use of water by private farmers, explaining that “in order to make a large profit, people take more water than they can use.” Because of the growing level of poverty, many are more inclined to focus only on immediate water needs rather than on the longer-term impacts of water use.

The Sikh River flows from Uzbekistan to the Kyrgyz Republic and then back to Uzbekistan. The Uzbek community in Ferghana Oblast (located close to the Kyrgyz border) complains that their Kyrgyz neighbors store water and do not release it because they use it to irrigate rice.⁴⁹ They point out that a one-hectare field of cotton requires only eight cubic meters of water in comparison with a one hectare field of rice, which requires 25 cubic feet. Lack of water has reduced productivity of the Uzbeks’ fruit trees. In addition, the water used to irrigate rice is

⁴⁹ In the period following independence, new land was allocated to production in response to the pressure of population growth. The newly developed land is often in marginal areas such as the slopes of the Kyrgyz border provinces (Batken, Osh, Jalal-Abad). Irrigation in these areas without a proper drainage system and cultivation of water consuming crops such as rice, exacerbates rising water levels downstream (UNEP et.al. 2005).

raising the level of the groundwater in the lower Uzbek area, causing cellars to flood and walls to deteriorate. Conflict over water is generally limited to verbal assaults, but escalates to physical violence in dry years. In addition, Uzbek residents vent their anger on commune officials and tax authorities, refusing to pay taxes on water and services that they claim they do not receive. To date, there has been no effort to mediate this issue.

With the collapse of the Soviet Union, and ambiguous inter-state laws on water usage, upstream Uzbek communities began using more water from the Amu Darya River for irrigation. As a result, the water does not reach the communities in Gyorlyn Rayon of Turkmenistan's Dashoguz Oblast. The Uzbek communities have also begun to discharge drainage water into the water channels, which has created a saline problem for the soil along the river in Turkmenistan. In 2002, local Turkmen farmers harvested only half their crop because of soil degradation and the water shortage.

Local farmers expect the Turkmen government to address the problem of water quality and quantity. Local branches of the Water Management Ministry in Turkmenistan do not have sufficient funds to upgrade the irrigation systems. The situation is further complicated by the fact that farmers in both Turkmenistan and Uzbekistan are continuing to expand the amount of land under cultivation. The government response has been to construct Turkmen Lake to drain the excess groundwater and provide a reservoir. Many experts, however, question the efficacy of the lake solution. Local communities need an alternative means to generate income and feel that local management of water would be more efficient if there was greater authority at the local level to resolve these problems.

The water problem has created a sense of inequity that contributes to an increased perception of distrust by residents on the Kyrgyz side of the border of their Uzbek neighbors. Many local Kyrgyz assume that every village in Uzbekistan has water running in irrigation canals, while the Kyrgyz have to transport water by buckets, donkeys and carts from the river. Conflict ranges from arguments to fist fights. Local people are also angry with government officials for being unwilling to re-negotiate the 1980 water agreement with Uzbekistan. Researchers for this study suggested that this conflict has the potential to escalate into violence. Moreover, there are no funds at any level of government in the Kyrgyz Republic to construct new irrigation canals. Local people are hopeful that the Kyrgyz government *Tazaa Suu* (clean water) project sponsored by the Asian Development Bank will address their water problems by constructing a water supply network.

The Pydyshata River passes through Uzbekistan before it reaches a Kyrgyz village in Jalalabad Oblast of the Kyrgyz Republic, enabling Uzbek farmers to use large amounts of water for irrigation. A 1980 water agreement between the Kyrgyz Republic and Uzbekistan, moreover, allocates 64 percent of the irrigation water to the Uzbek community.⁵⁰ The Kyrgyz village residents find the agreement unjust and outmoded, asking “why is 64 percent of the water from the river, which originated in our mountains, given to Uzbekistan for free and we sell water to our citizens and suffer shortages of both drinking and irrigation water?”

In reality, Kyrgyz farmers are left with even less than the 36 percent share to which they are entitled by the agreement. The problem is aggravated by the fact that the Kyrgyz also rely on the river for drinking water and, in response to expanding populations to the area, many would like

⁵⁰ During Soviet times, Uzbekistan supplied the Kyrgyz Republic with natural gas, whereas now, Uzbekistan charges high market prices.

more irrigation water in order to increase the amount of land under cultivation. Local residents of the village suggest that expanded cultivation would reduce social tensions.

Box 2: Domestic upstream-downstream water disputes

Field research for this study documented numerous cases of upstream-downstream within countries that had similar dynamics to those of cross-border disputes. For example, when drought decreased the water level in the irrigation canals of one community in Kharzam Oblast of Uzbekistan, upstream farmers violated the water use schedule, leading to seasonal disputes between upstream and downstream farmers that fractured community cohesion. In a community in Jalalabad Oblast of the Kyrgyz Republic, a downstream farmer physically attacked an upstream farmer and his friends for violating an irrigation water schedule. In Tajikistan, repeated disputes over access to irrigation water eventually forced the mahalla committee in one village to post guards around the irrigation water canals. In Turkmenistan, irrigation water in a village near the Amu Darya river in Lebap Rayon is also the main source of drinking water because the groundwater has too much salinity to drink. When irrigation water ran short, the village's double dependence on river water intensified the conflict.

While the dynamics of water conflicts are similar within and between countries, the means of resolution are not necessarily the same. Kyrgyz researchers suggested that the water disputes within the country were being resolved through authorities via special organizations for water management or judgments of *aksakal* councils. Cross-border disputes, however, are likelier to remain unresolved, increasing resentment between communities on both sides of national borders and frequently escalating into conflict.

Lack of water in Lebap Oblast of Turkmenistan (near the Uzbek border) and the inability of the local government to address the problem have made local people highly resentful of government officials. Their resentment is compounded by the general tendency of the Turkmen government to ignore negative situations. Several communities, for example, lack pumps to procure water from the Amu Darya River. In one community, the four independent water supply sources are out of order.

Due to heavy use of river water by neighboring Uzbek villages, water from the Bashesak River, a tributary of the Amu Darya, does not reach the community. The local administration is convinced that the problem can only be solved if at least two suction dredges work simultaneously to clear the channel. However, the government lacks the resources for dredging and can only recycle water from the principal drainage reservoir. As a result, local people have concluded that they must solve the problem themselves. People who own vehicles plan to use their engines to pump water directly from the Amu Darya, but those without a vehicle have no solution.

Ongoing cross-border conflicts exacerbate the problem of managing the local canal and pumping stations, further reducing the availability of already scarce water resources in a vicious cycle of poor management, waste, conflict, degradation and increasing poverty. These problems are more acute in areas where borders remain in dispute.

CHAPTER 5

MANY ACTORS, CONFLICTING MANDATES

This chapter revisits the question of “whose rules rule” and gives a brief synopsis of the various actors and groups involved in mediating disputes. Based on the working thesis that local level conflicts are more likely to occur in transition states with new or ambiguous formal rule systems and weak capacity and/or incentives at the local level capacity to enforce them, it draws on the field research to outline the basic institutional dynamics of everyday cross-border disputes in Central Asia. Empirical evidence from this study as well as from the Kecamatan community driven development program in Indonesia⁵¹ suggests that the escalation of conflict into more widespread violence is more likely in contexts where rule systems, that is, laws and norms of everyday practices, are neither coherent nor enforceable, either formally or informally. Conflict is even more likely in contexts where conflict brokers lack legitimacy, leadership skills, or a willingness to resolve disputes.⁵²

Ambiguous Spaces, Ambiguous Rules

The relatively new international frontiers are significant sites of conflict. The ambiguity and uncertainty reflected in unclear border demarcations and border crossing regulations increase possibilities for manipulating and circumventing laws. Information about rules and regulations is thus guarded rather than shared, and national agreements—whether they concern border demarcation or water supply arrangements—are often signed but not implemented. Formal rules can be evaded by means of bribes or connections. The situation is complicated by the fact that formal rules are frequently changed at the national level and then re-interpreted by local officials so they can solicit bribes or maintain unfair access to resources. Indeed, the extensive corruption at borders is a significant source of conflict.⁵³ Local conflicts are more frequent, more intense and frequently characterized by corruption and smuggling where state boundaries are contested or simply not demarcated. Visa and import regulations of different states can also clash at the borders (or border officials can treat them as if they do not exist), creating bureaucratic hurdles that facilitate demands for bribes. Enforcement of formal rules ranges from selective enforcement to none at all and is constrained by lack of resources and the intervention of people at higher levels in the system to protect transgressors. In sum, the formal rule system does not operate to protect the rights of all citizens; rather, its ambiguity allows people with power to use the rules to pursue or maintain power and wealth.

Without Money and Influence – How Do Ordinary People Manage Conflict?

If the local dynamic can be influenced by force, connections, money and/or trusted aksakals or imams, how do ordinary people without social or economic connections manage conflicts? In spite of the weak capacity of the formal justice system to resolve local conflicts, various conflict management mechanisms are in place in Central Asia—from transparent mediation strategies to informal efforts to quell dispute. Each of the available mechanisms used to manage local-level conflict has strengths and weaknesses that vary in degree within and among the five countries of the region due to differences in governance systems, economic and social conditions.

The field research found with few exceptions that formal mechanisms based on national legal systems generally ignore or suppress local border conflicts. Formal mechanisms in reality often

⁵¹ See Barron 2003, 2004, 2005.

⁵² Barron, et.al. 2004. pp. 13-32.

⁵³ Interaction Alert. 2006. p. 25.

undermine the justice and security services because of weak governance and ongoing corruption, limited local authority over border issues, minimal resources, and inconsistent enforcement of laws. The complexity of national laws and regulations, together with constant amendments, exacerbates the situation, as does poor government communication with local residents about these issues. Personal cross-border relationships between officials appear to be significant factors in most of the examples of how people try to personalize formal relationships as a way of managing conflict.

The study found that both formal and informal dispute mediation mechanisms alone and in combination are used by local groups, especially as they attempt to resolve everyday conflicts related to the movement of people, goods and water across borders. At the more immediate level of interpersonal conflict resulting from the political chess game of border disputes, informal mechanisms, sometimes combined with local government official support, are by far the most frequently used to manage everyday cross-border conflicts. In the best circumstances, however, these mechanisms mitigate rather than actually resolve conflicts, because they do not address the root causes.

National Governments' Border Mandates are Local Governments' Headaches

Because of the international nature of border-related conflicts, many people feel that resolution of border issues should be addressed at the highest levels of government. Many residents want their respective governments to resolve border disputes and then to simplify border control procedures. Most local officials, however, have not been delegated the authority to address border issues. This lack of local authority is most pronounced in Turkmenistan and Uzbekistan. Uzbek local authorities are not authorized to resolve any disputes at borders with neighboring countries. Instead, they must follow all regulations of central state bodies, even when the required actions complicate rather than mitigate conflicts. The task of local Uzbek authorities is not to solve conflicts, but to restore order in the community. To do so, oblast and rayon officials often rely on self-governance bodies, such as the *mahalla* (community, neighborhood) committee and the *aksakal* (elders) council.

The lack of decision-making authority on the part of local Uzbek officials is a major obstacle for Kyrgyz, Tajik, and Kazakh local officials who attempt to address border issues. In most countries, particularly Turkmenistan, local people have concluded that they either have to address the local conflicts and problems themselves, or endure them without protest to avoid even worse circumstances, such as closed borders or imprisonment. For example, when the issue of increased migration and occupation of land by Tajiks was raised at the annual general assembly of a village government in the Kyrgyz Republic, the village government issued a decision that prohibited the lease or sale of land plots and houses to Tajik citizens.

In an effort to address border problems, the Kyrgyz government has constructed roads and certain postal services that avoid crossing national borders, including the Osh-Jalalabad road, the Jalalabad-Kerben road, the Kerben-Alabuka road and postal services via Talas-Bishkek. However, these roads are longer, rougher and take much more time.

An example of success in pressuring officials to use their authority is found in the Kyrgyz enclave in Osh Oblast. Villagers first complained to their local authorities about border problems. When they did not receive a response, they organized a protest in front of the Osh Oblast administration. The Governor of the Oblast responded by arranging a meeting with the Prime Minister of the Kyrgyz Republic, who was visiting the area at that time. The Prime Minister in turn arranged a meeting of working groups on border problems between the two countries, at which the problems

were partially resolved. Motor vehicles were permitted through the border, tariffs for transporting agricultural produce were reduced and the border crossing process was simplified.

Recognizing the negative effects of lack of transparency about decision-making regarding border demarcations, the head of the Department of Mobilization and Defense in Dyusebayev Oblast of Kazakhstan stated his intention of inviting local communities to the beginning of discussions over the border demarcation with Uzbekistan. Local committees in both countries planned to explain the process to the community members and to invite their feedback.

The Dungan community in Kazakhstan was able to persuade customs officials to post the tariffs for taking goods across the border in full view outside the customs office, rather than having it be obscured in an inaccessible office. They and other communities have tried to personalize these official and often hostile relationships with border guards by treating them as guests and offering them food and gifts.

There appears to be more opportunities for local officials to resolve cross-border trade disputes. For example, the Kenesh Bazaar was established in the Talas region of Kyrgyzstan on the border with Kazakhstan in the year 2000 as a result of bilateral talks between officials from Talas Oblast (Kyrgyz Republic) and Jambyl Oblast (Kazakhstan) officials. In Batken Oblast (Kyrgyz Republic), the Dusti Bazaar was established at the Tajik-Kyrgyz border as a result of dialogue between regional officials. Kyrgyz and Kazakh authorities have similarly agreed to a common customs regime on the Korday border (along the route that connects Bishkek and Almaty), provided that cargo owners pay the internal tax to their own states. The new joint initiative is expected to reduce border corruption.

Lack of Local Government's Capacity to Build Water Cooperation

Local governments play little or no role in resolving cross-border disputes over irrigation and drinking water. Appeals to local authorities generally produce little or no results. Most lack the authority and/or resources to enforce water allocation rules. In fact, their perceived unresponsiveness to local problems and disputes often increases existing tensions. For example, in Dzhizak Oblast, Uzbekistan, a man diverted drinking water for irrigation, leaving some households without water. Local authorities were able to reprimand him and replace the pipe, but they were unable to stop him from making holes in the new pipe because he had "connections" with high-level officials who owned his land and protected him. Whether or not corrupt practices are prevalent, all levels of government in the region lack the resources to refurbish the systems needed to increase the flow of water and thus reduce tension and conflict.

From the perspective the Kyrgyz researchers for this study, the governments of the Kyrgyz Republic and Uzbekistan do not cooperate on water issues in any unified way. In part, this situation is due to the limited authority of rayon and oblast officials in Uzbekistan, which prevents them from making decisions on water issues. There is cooperation on water issues between Kyrgyz and Tajik authorities, but the agreements are frequently not implemented at the local level.

The government perspective in Tajikistan is that water disputes are the purview of central government. The director of a Tajik oblast water management administration explained that the schedule for water allocation between countries must be reviewed many times. Each country has to give something in order to get something in exchange. He and his counterparts in the other countries have been working together for decades, so they try to maintain a collegial relationship.

However, in his view, as long as border disputes remain unsolved, water disputes will continue and may grow into conflicts.

Although effective coordination among the Central Asian states would be the most efficient way to address the water management issues that are responsible for water shortages, downstream countries are pursuing costly construction of water reservoirs to ensure national water supply independence. Turkmenistan is filling Turkmen Lake, Uzbekistan is trying to fill the Tuya Muyun reservoir and Kazakhstan is using World Bank funding to strengthen the Shadara Reservoir.

Local Mediators of Water Rights and Border Crossings

Aksakals play a mediating role in border conflicts in Central Asia, often preventing serious violence and promoting reconciliation. The aksakals in Talas Oblast (Kyrgyz Republic) reportedly teach young people about peaceful coexistence based on the Seven Precepts of Manus the Warrior, a Kyrgyz epic that emphasizes forgiveness and tolerance.

Religious leaders, such as *imams*,⁵⁴ may also assist in mitigating border-related conflicts but, based on the field research, they do not do so as frequently as aksakals. They also appear to be more influential in Tajikistan and Uzbekistan, where the return to traditional practices of Islam is stronger. In a village on the border of Tajikistan and the Kyrgyz Republic, for example, two *imams* (one Tajik, one Kyrgyz) play a significant role as day-to-day peacekeepers. Both imams strive to serve as good role models for the community through their friendship and mutual support. A teacher in Uzbekistan characterized the influence of religious leaders as follows: “There is an *eschon* [Islamic scholar of the Koran] in our community. He is quite young, 44 years old. He visited Mecca recently. Our people respect him and try to follow his words. They seek advice from him. He helps regulate arguments and conflict.”

In some cases when local actors are not effective, local villagers resort to vigilantism. In the Aksy Rayon of the Kyrgyz Republic, Uzbek security officers who passed through the border control post claimed that they had a meeting with officials in the Kyrgyz Republic. But they proceeded instead to the house of a Kyrgyz currency dealer and tried to arrest him for a crime he had not committed. The Uzbeks later claimed that he resembled the guilty man. Local people defended the man and called the Kyrgyz police. The angry crowd pursued the Uzbek officers, beating them and seriously damaging one of their cars. The Uzbeks were saved from the crowd, however, when they were arrested at the border by Kyrgyz officials.

Similarly, respondents described examples when victims of theft took the law into their own hands and either punished the perpetrators (when they could locate them) or stole back the same type of goods that were stolen. This approach to border conflicts, however, tends to escalate disputes rather than resolve them.

As noted above, local communities often use simultaneously both formal and informal channels to address local conflicts. In some instances, it is a matter of the aksakals successfully persuading law enforcement officers not to arrest offenders by guaranteeing that the perpetrators will be punished according to customary law. In other instances, people first try to respond to perceived attackers and then summon local police.

⁵⁴ An *imam* is the head of a local Muslim community. *Mullahs* are religious leaders and teachers or individuals who recite the Koran. A *mufti* is an Islamic legal authority who gives a *fatwa* (religious edict) in answer to an inquiry by a private individual or judge. A *qadi* is a judge in Islam whose responsibility is limited to issues connected with religion.

Formal mechanisms have been largely ineffective in managing cross-border water disputes and existing international water allocation agreements have not been effectively enforced. Informal customary mechanisms have restrained conflict and prevented widespread violence, but they do not address the causes of these conflicts, hence the disputes persist. As is the case with disputes concerning the movement of goods and people across borders, the aksakals, imams and local chiefs rely on their age, experience and the trust and respect of community members to restrain violence and prevent violent conflicts in cross-border water disputes. Neither aksakals nor imams, however, often address the underlying causes of water disputes.

Formal Judicial Systems – A Last Resort

Results from the field interviews indicated that people most distrusted and feared law enforcement and security officials. Many consider the police, border officials and the judiciary to be corrupt and laws are perceived as applying only to poor people who cannot afford to pay bribes to escape punishment. These officials are also viewed as abusive and unfair, and perceived as interpreting laws and regulations to suit their own passing whims and interests. In addition, politically motivated raids by security officials into neighboring countries to arrest alleged criminals and intimidate border residents reinforce this distrust and fear.

A Tajik woman's description of how local people view the courts and law enforcement officers in Tajikistan applies more broadly to the region as a whole:

People do not trust the police because they never solve cases. They are corrupt and close the cases while victims suffer even worse from the [investigative] process. Criminals are not always arrested. And even if they are arrested, they often are freed by paying bribes. Nor do people trust the judges. The law is used only against the poor, while people with money can get away.

The structure of most of the police forces in Central Asia has changed little since the Soviet period (ICG).⁵⁵ Many perceive that they have become more corrupt, less responsive to the population, more involved in organized crime and often operate beyond the control of political leaders. Governance assessments in the Kyrgyz Republic and Tajikistan conducted by the ADB suggest that their police forces are too large, with the caveat that many police with too little to do can encourage corruption, particularly when police are poorly paid.⁵⁶ The ADB survey on governance and service delivery in Kazakhstan suggested that even public officials identified the police, customs, tax authorities and the courts as the most corrupt government institutions in the country. Respondents in this study overwhelmingly shared this view of police and judicial corruption, but they pointed out the corruption of the national administration, ministries and parliament more often than other administrative entities.⁵⁷

The UNDP Early Warning Report for Northern Tajikistan and Southern Kyrgyzstan⁵⁸ identified the actions of law enforcement bodies (customs, police, border guards, traffic police, prosecutor's offices, licensing agencies and even veterinarians at the border) as one of the main destabilizing factors in border disputes. Beatings, arbitrary arrests and confiscations were reported by respondents from both Tajikistan and the Kyrgyz Republic. Bribery is widespread and the growing size of the bribes is making trade unviable for local entrepreneurs. People feel powerless

⁵⁵ ICG. 2002.

⁵⁶ ADB. 2004a, and 2004b.

⁵⁷ ADB. 2002.

⁵⁸ UNDP. 2004b.

vis-à-vis law enforcement bodies, since they do not seek redress for crimes committed against citizens.

Customary and Islamic Law: Another Approach to Conflict Resolution

Field interviews in each of the Central Asian states indicted that informal traditional practices based on customary and/or Islamic law are used more often than formal mechanisms to prevent border disputes from escalating. In general, many stressed the need to maintain peaceful relations and therefore they often rely on the authority of male elders, although in a few cases, female elders have some influence as well. Their enforcement relies on the social pressure applied by community members. These mechanisms can mitigate or suppress local-level conflicts, but fail to resolve the underlying issues driving specific conflicts. A conflict thus often re-emerges, as in the case of fights over water during irrigation season.

Due to their patriarchal nature and emphasis on maintaining traditions, informal mechanisms also tend to exclude the perspectives of women, youth and minorities and frequently deny their rights. However, findings also suggest that in urban areas, traditional mechanisms are less a vehicle for conflict resolution, especially among migrants and youth who view customary laws as being out of touch with their changing realities. Some people also suspect collusion between traditional leaders and corrupt government officials. Certain informal institutions are perceived to have been co-opted into the state machinery as a part of national identity formation, such as the *mahalla* in Uzbekistan.

Council of Elders: Rural Moral Authority

In Central Asia, aksakals, or elders, have considerable moral authority within rural communities, and are respected for their good counsel and experience. The council of elders focuses on the enforcement of legal and moral norms based on traditions passed down through many generations. The council works through persuasion and social pressure and aims to peacefully resolve problems and prevent violent conflict. Kyrgyz respondents described their traditional mediation process as follows:

Historically, the ritual of reconciliation was performed when conflict was about to threaten the lives of community members, especially those of women and children. To reconcile parties to a conflict, they were put in a circle and made to discuss their problems, sharing their complaints. The result of such actions could only be—reconciliation.

In several instances however, the aksakals⁵⁹ were characterized as also serving as conservative barriers to initiatives of local government officials and may press local people to spend a great deal of their resources on weddings and funerals, thus keeping people in poverty.

In Tajikistan, aksakals and mullahs are closely associated, if not one in the same, as the local mosques often host meetings of aksakal councils. Nevertheless, while religious leaders may

⁵⁹ Aksakals are usually elected in a village meeting, and traditionally each clan is represented on the council, although this has changed through the years. Members do not receive a salary or gifts for their service to the community. The council deals with disputes over boundaries, water access, theft of livestock and other issues. It may impose fines, which are not paid to the council, but instead put into a village coffer that the community uses as needed. The councils also cooperate with local police. Kyrgyz aksakals, however, expressed concern about the lack of clarity in their role in enforcing formal laws and their need for training and legal information so they can make the right decisions.

mitigate local conflicts in the country, there are also conflicts between the mosques. Differences between religious leaders, for example, played a role in sparking the civil war in Tajikistan in the 1990s, hence tension continues to exist in some communities. However, a U.N. assessment of the environment and security in the Ferghana Valley suggests that Islam is a strong element of stability and constraint in the country that assists the population endure the protracted economic crisis without major violence.⁶⁰

Box 3. Local Elders Resolve Uzbek-Tajik Trans-Boundary Water Management Conflict

Ethnic Uzbek communities that live on both the Uzbek and Tajik sides of a local river are engaged in constant disputes over the allocation of irrigation water. Due to the lack of water on the Uzbek side, some people can no longer make a living on the land and are beginning to migrate to cities, which in turn reduce local labor available for hire. The event described below is typical of the ongoing conflict between farmers of both villages.

In a village located in Dzhizak Oblast of central Uzbekistan at the far southeast corner of the border with Tajikistan, the population is entirely Uzbek. Villages on both sides of the border are inhabited by ethnic Uzbeks who depend on irrigation water from the mountains. The water is distributed through a sluice with a latch that directs the flow to fields on one side or the other of the national boundary. The water reaches the upstream farmers first on the Tajik side. They frequently redirect the water to their potato farms, leaving the farmers on the Uzbek side without an adequate flow of water.

Since 1996, about 200 new families have settled on the Tajik side. These families grow irrigated vegetables, which further reduces the amount of water that reaches the Uzbek side. The farmers on that side maintain that a 400-year-old tradition of *vasika* (the right to use water) gives them 40 percent of the irrigation water. This quota also applied during Soviet times. To ensure that they receive water, farmers on the Uzbek side provide “gifts” to the regional water department, such as engine oil for their equipment. Uzbek farmers also place guards at the sluices at night to prevent farmers on the Tajik side from diverting water during the summer irrigation season.

When two farmers from the Uzbek side were guarding the sluice and found that farmers on the Tajik side had diverted the water to their own fields, they accused the latter of stealing the water, and a fight ensued. A young farmer on the Tajik side received a blow from a shovel that broke his arm.

Aksakals came from both sides of the border to stop the fighting shortly before Tajik law enforcement officers arrived. They persuaded the officers not to arrest the men who had been fighting. The aksakals resolved the conflict in a mosque and a meal was served. Local officials from both sides also met. The head of the Tajik rayon then told his deputies and the water resource manager to make certain that water was delivered to the village in Uzbekistan. A Tajik law enforcement officer subsequently guarded the sluice for a short time, but farmers on the Tajik side of the border continued to divert water to their fields. The conflict subsides each year only when irrigation season passes.

⁶⁰ UNEP. et. al. 2005. p. 39.

Neighborhood Committees as Local Conflict Mediators

Mahallas are neighborhood committees that often deal with disputes, festivities and money collections for the poor.⁶¹ In Uzbekistan, as a result of their promotion by the government, elected mahallas have become an institution of the state.⁶² In other Central Asian countries, the mahallas also play significant, even if not such official roles. Community involvement in monitoring the behavior and decisions of village members vis-à-vis village norms can be a powerful force for dispute resolution and enforcement. Resolving conflicts at the community level can involve many people in arbitration, problem solving and ongoing monitoring of whatever agreement is reached. At the same time, social norms stemming from the community at large can also be a repressive tool for behavior control, particularly that of women and youth.⁶³

Conflict Prevention: Community-Based Self-Help Groups

Self-help groups at the local level not only help resolve social tensions but support the development of social capital and trust to assist in preventing conflict. Research in the Kyrgyz Republic, for example, found that rotating savings clubs, and other self-help organizations and cooperation in building homes or schools play important roles at the community level that assist in building cooperation and promoting local problem solving.⁶⁴ Savings societies provide a means of collecting capital for the non-poor as well as the poor in a context where the banking system does not offer them credit services for major purchases. Also significant to conflict prevention is that these informal groups serve as a basis for information exchange, support and professional advice.

Mutual savings clubs, for example, are a form of insurance among networks of kin, non-relatives and friends. Members of such networks, for example, each contribute a small amount of money when another member has to pay for a funeral or wedding.⁶⁵ Different households also help one another to build houses and barns, or carry out the myriad preparations for prepare for funerals, weddings and other ceremonies.⁶⁶ The impact of self-help mechanisms on conflict management appears to be more effective when used in projects that aim specifically to resolve community problems that generate conflict.

⁶¹Op. Cit.

⁶² Human Rights Watch. 2003. From House to House, Abuses by Mahalla Committees.

⁶³ Op. cit.

⁶⁴ Research by Kuehnast and Dudwick (2002) on social networks in the Kyrgyz Republic indicates that the requirement for cash contributions limits the accessibility of savings groups for the poor. Instead, such societies are becoming mechanisms for advancement of the non-poor. In the Kyrgyz Republic, social networks of the poor in have decreased in size and geographic reach, comprising smaller groups of people who live near each other. Networks of the non-poor, by contrast, have expanded, reflecting the importance of these networks in social and economic mobility. Links between poor and non-poor have taken on the form of patronage relationships.

⁶⁵ Kuehnast, K. and J. Wedel, 2000. pp. 9-10.

⁶⁶ Giovarelli and Akmatova, 2002.

Box 4. Successful entrepreneurs as local conflict prevention actors in the Kyrgyz Republic

Over the past decade, local businessmen in the Kyrgyz Republic have provided “sponsorship” by giving money or equipment to villages to help rebuild local irrigation and other infrastructure. The private sector is often underestimated as an actor in local conflict resolution. Kyrgyz researchers observed that local businesspeople are sometimes able to mitigate conflict by funding the rehabilitation of infrastructure such as irrigation systems. As local elite, they can bring financial resources, equipment, organizational skills and other knowledge to the management of water conflicts and offer assistance by proposing alternative approaches to a given problem. In one Kyrgyz research site, for example, villagers pooled labor, equipment and cash with support from the village mayor, to start clearing the irrigation channel that stretches from the river to the village. In many instances, however, individual farmers, who are concerned first and foremost with survival, employ their own rules to negotiate water access or simply take water by stealth or force.

Many businesses are also vulnerable to rent seeking by government officials. Martha Brill Olcott suggests that state officials in the Kyrgyz Republic and Kazakhstan “leech profits from the private sector,” thereby limiting the growth of the private sector as well as their potential role in ameliorating conflicts. Nevertheless, strategic tapping into private sector resources is a much needed strategy in a region where governments are failing to support the irrigation systems so badly needed by their rural populations⁶⁷

Double-Edged Sword of Community Mobilization and Civil Society

Recent research⁶⁸ points to factors that might help nurture a more constructive state-society engagement for progressive change through less focus on formal public institutions and more attention to the informal arrangements and relationships that underpin them. It is important to revise conventional ideas about civil society as an autonomous sphere or “sector” made up of formal associations that act independently to bring pressure on states and think more in terms of the ability of different interest groups to organize and influence public policy. Rather than the conventional model of separating and formalizing relationships between government policy makers, service providers and consumers, it is important to understand that politics and informal relations of accountability in the region are based on social obligations and identities, rather than formal contracts.⁶⁹

If civil society actors understand the dynamics of power and conflict in Central Asia, participatory, community-driven mobilization development strategies can provide a means to build shared transparent rule systems for solving problems and managing conflicts. Such strategies also offer options for countering corruption at the local level. Community mobilization

⁶⁷ M. B. Olcott. 2005. p. 223.

⁶⁸ According to the Center for the Future State at the Institute for Development Studies, Sussex University, UK, , the “conventional model” provides the framework for the 2004 *World Development Report: Making Services Work for Poor People*.

⁶⁹ Institute for Development Studies (IDS). 2006. “Getting Real About Governance.” *IDS Policy Briefing* 26. March 2006.

programs can, for example, improve community relations with local governments, encourage initiatives that address problems at the community level, bring antagonistic groups together to find solutions to common problems, build community and local government capacity to manage conflict and provide a measure of hope to communities that might otherwise be susceptible to the appeals of violent or extremist organizations.

If, however, there is little possibility that a government will become more responsive to communities, community mobilization projects can actually increase rather than decrease tensions. Community-level programs also cannot address many macro-level issues and policies that exacerbate conflict in Central Asia, such as the disruption of trade due to border closures, corruption, poor governance and widespread economic stagnation.⁷⁰ Macro-level players must simultaneously address these issues at the national level and establish improved linkages between macro and micro actors in the government, civic and business sectors.⁷¹

Donors and International NGOs: Do They Help Or Distract?⁷²

The field research found that although international NGOs are engaged in conflict mediation projects throughout Central Asia, they have made little progress toward resolving conflicts related to “hot spots” or border issues discussed here. Researchers also noted that various international donor efforts to facilitate solutions to border problems, particularly in the area of trade, have been rather localized in impact, ineffective and not sustainable. Kyrgyz researchers, however, felt that unlike the Central Asian governments, donors and NGOs⁷³ in their respective countries took creative, diverse approaches to conflict prevention, mitigation and mediation. Examples of such interventions included technical solutions (e.g., detours to avoid borders), information dissemination, mediation between authorities at various levels, facilitation of cross-border events (e.g., sports competitions) and capacity building on conflict mitigation for local institutions (e.g., *Aksakals*), officials (mayors) and community-based organizations, as well as policy advocacy on cross-border issues.

A positive source of conflict mitigation is the Ambassadors of Goodwill Network, initiated by the Foundation for Peace in Central Asia and funded by the Swiss Department of Foreign Affairs. The Network operates in the Kyrgyz Republic, Tajikistan and Uzbekistan and consists of well-known political and cultural leaders, including journalists and writers, who receive training on conflict management, lobbying and mediation.. They are involved in monitoring the potential for conflict, conflict prevention, lobbying for legislation and discussions with authorities and community members regarding issues of cross-border water distribution.⁷⁴

Among the southern region of the Kyrgyz Republic, NGOs active in community mobilization, water supply, poverty reduction and human rights education appear to have had a stabilizing effect and have mitigated social tension among different communities. UNDP projects in

⁷⁰ USAID. 2003.

⁷¹ Mercy Corps. 2003.

⁷² These projects include the monitoring of potential conflicts, early-warning activities and training. In Kazakhstan, the International Organization for Migration (IOM) provides collaboration and technical support on migration control between Kazakhstan, Uzbekistan, the Kyrgyz Republic and Turkmenistan.

⁷³ NGOs noted by the Kyrgyz researchers included the Institute for War and Peace, the International Crisis Group (ICG), the Foundation for Tolerance International, and the Foundation for Peace in Central Asia. Donors included UNDP and GTZ.

⁷⁴ The approach of the Goodwill Ambassador program is based on the assumption that notable people will have influence with national decision makers, which they can use to raise issues and promote better policies in a non-confrontational manner (International Alert 2006).

Jalalabad and Osh have, for example, trained numerous community-based organizations (CBOs) and provided micro credit for community activities. In spite of the positive assessment by many communities, officials from bilateral organizations express their concerns that such CBO activities established by donor programs are donor dependent and therefore tend not to be taken seriously by community leaders—most communities do not even include them in their planning and problem-solving meetings.

The involvement of international donors and NGOs that fund community-based projects in community mobilization and conflict mediation can also diffuse everyday cross-border conflicts. When resources do not serve an entire community, however, or when the allocation of resources is perceived as unfair, tensions arise between those who receive assistance and those who do not. Although donors have initiated some promising pilot initiatives, certain of these projects have been reluctant to raise questions about repressive border regimes.

CHAPTER 6

CONCLUSIONS AND RECOMMENDATIONS

In Central Asia, the reconstruction of a formerly politically and economically unified region of the Soviet state into five independent states has changed the old “rules of the game” governing daily life, exacerbating conflicts connected to resource access as well as cross-border travel and trade. New state structures are characterized by poor governance as well as pervasive corruption. At the local level, these are particularly manifest in contradictory and frequently changing rules and procedures. And where once ethnic differences in Central Asia was predicted to be a significant conflict trigger, especially in the Ferghana Valley region, the study reveals that it is secondary, in that ethnic-related conflicts usually stem from ambiguous or changing rules about water and border-crossings existing at both the national and local level.

While such “everyday conflicts” were not unknown during the Soviet period, they were generally managed or suppressed by the government, which sharply limited political or civic action in general. For local conflicts that did not pose political threats, citizens could turn to their local Party or government officials. But rural Central Asians often preferred to seek assistance from informal authorities such as aksakals or mullahs. Indeed, Soviet authorities had been forced to confer some legitimacy on such informal institutions and leaders, in part to secure their cooperation in legitimating official Soviet policies and practices. At the same time, socialist institutions also operated according to informal practices whereby roles, rights and responsibilities could be negotiated through personal relationships. These informal relationships and institutions continue to play a significant role in post-socialist Central Asia.⁷⁵

Today, as new property relations, including individual ownership of land, new patterns of access to resources (including irrigation) evolve along with (re)construction of new nation states, the formal and informal rules of the game are in flux.⁷⁶ The best way to characterize the present situation is one of legal pluralism in which multiple rule systems actively compete, resulting in what a Kazakh researcher for this study termed “legal chaos.” The rule systems include pre-Soviet practices, Soviet-era laws, new state laws (which themselves keep changing), local customary law (*adat*) and Islamic canon law (*shariat*), and even the rules and regulations of international donor organizations. The various rule systems are interpreted and administered by a national, regional and local government officials, along with informal authorities such as councils of elders and imams.

The legitimacy and effectiveness of government institutions, however, remains particularly low, and the institutions responsible for maintaining a rule of law and mediating or adjudicating conflict are widely considered particularly corrupt. The resulted “legal chaos” makes the inevitable everyday conflicts difficult to resolve, and leave citizens feeling unprotected and

⁷⁵ World Bank, ESSD. 2003 Social Development in Europe and the Central Asia Region: Issues and Directions. Washington DC, p. 6.

⁷⁶ It is important to emphasize that the situation differs among each of the five states regarding rule of law, although in each country the legal system is highly dependent on the regime and cannot be considered independent. The International Crisis Group suggests that there is unlikely to be serious economic development without further attention to the justice sector. Without an independent judiciary, business people have no recourse in commercial disputes beyond approaches to authoritative informal leaders. International Crisis Group. 2003. *Central Asia: A Last Chance for Change*. Central Asia Briefing. Osh/Brussels.

insecure. Developing mechanisms to resolve local level conflicts or at least prevent their escalation demands a range of policy and program responses, some of which are described below.

Toward Greater Government Accountability

Governments need to carefully differentiate the responsibilities of each level of government and ensure that governments – particularly at lower levels of government – have the authority and resources to actually fulfill their responsibilities. In cases where it is feasible for conflicts to be decided locally (for example, in the case of water conflict between upstream and downstream communities), it makes sense to officially empower local governments with the authority to act without having to resort to central government intervention.

Poor governance, corruption and the culture of mistrust inherited from the past will not disappear overnight. Current approaches to poor governance and corruption stress the potential for social accountability approaches to achieve positive change. Donors can support such efforts in multiple ways, ranging from dialogue with governments to encourage greater transparency (for example, by dramatically broadening access to information about laws and procedures of interest to citizens), and to create a more enabling environment for community based and non-government organizations.

Toward a Rule of Law

Given the coexistence of multiple and often contradictory laws and legal procedures, there is considerable scope in all the Central Asia countries for a fundamental reform of the justice system, now perceived as oppressive rather than effective. To make the justice system more effective in resolving disputes in an equitable – and therefore more sustainable – manner, calls for a thorough understanding of how different kinds of disputes are resolved in practice; how different informal and formal systems interact, particularly at local levels where informal systems play a significant role, and how customary and formal law can be reconciled in a way that responds to the needs of all stakeholders and is consistent with international law as well.

Constructing “Borders With a Human Face”

Many of the conflicts described in this study were catalyzed by lack of clarity about rules and procedures for crossing new international borders. Given that multitude of economic and social ties link the Central Asian states, thought must be given to establishing what the UNDP has called “borders with a human face.” These borders imply public institutions that treat people fairly and equitably according to transparent rules. Constructing such borders is particularly important for people who migrate, some even daily or weekly, in search of work, or who engage in cross-border commerce. Establishing borders with a “human face” requires thorough institutional reform of customs and trade relations, with attention to harmonize the rules and procedures of bordering countries, and streamlining complex, confusing regional and bilateral trade regulations. Reducing restrictions on imports and lowering customs duties would help reduce opportunities for rent-seeking at borders. Such reforms would go far in creating a culture of respect for the law, which would help governments address their legitimate concerns over smuggling, trafficking and the spread of communicable diseases.⁷⁷

Programs of decentralization, municipal reform, and community-driven development provide avenues for integrating citizen participation and feedback. Field examples of cooperation among local mayors, law enforcement officials, and respected local figures such as school directors and

⁷⁷ UNDP. 2005, Chapter 6, the Social Development Challenge.

religious leaders demonstrate ways to educate local citizens and provide ways to monitor local officials. Such relationships could also be established across national boundaries in the form of international linking local water user and farmers associations and federations.

Youth Inclusion and Conflict Reduction

The field studies for this report, together with other recent analyses, identified youth as a very significant at-risk population with a high potential to increase conflict in the region should their options not improve. Incorporation of youth in donor-funded projects in Central Asia supports the World Bank's 2005 *Children and Youth Framework for Action*. To date, the emphasis on the authority of elders has made it difficult to include youth in decision-making project structures. It is likely that real change in this area will require political engagement at all levels to build support for enhancing both the voice and the prospects of the younger generation.

Maintain Policy Dialogue

Conflict-sensitive efforts at the local level must be complemented by country and regional policy dialogue, strategies, and programs that address the macro-level factors underlying everyday conflict. The content and character dialogue, of course, will differ according to the receptiveness of each country to consider reform. Possibilities in Uzbekistan are currently more limited than those in Kazakhstan, the Kyrgyz Republic and Tajikistan. There appear to be few if any prospects of working with Turkmenistan at present. This dialogue should be supported by ongoing monitoring of conflict risk in potential "hot spots," including the densely populated Ferghana Valley as well as borders where trafficking and smuggling are pervasive.

Integrate Conflict Management Strategies into All Projects and Programs

Finally, all projects and programs in the Region should include practical conflict management strategies that take seriously local rules and practices, as well as the way these practices interact with formal local and national systems. Such strategies must seek to build local capacity and create space for local people to develop their own solutions to conflict. In some cases, small scale projects with quick, visible impacts have proven for building trust and overcoming negative stereotypes and suspicions (e.g., toward other communities, groups, local governments and/or international donors).

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