

THE CONSEQUENCES OF THE  
HUMAN RIGHTS AND GOVERNANCE DEFICIT IN KYRGYZSTAN

TESTIMONY BEFORE THE  
TOM LANTOS HUMAN RIGHTS COMMISSION

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A significant deficit of human rights and good governance is at the core of the dramatic events we have witnessed in Kyrgyzstan this year: the overthrow of the authoritarian and corrupt regime of ex-President Kurmanbek Bakiyev, significant tensions in the relationship between the United States and Kyrgyzstan, the struggles of the interim government in Bishkek to establish its legitimacy and govern the country, and, most recently, the horrific inter-communal violence in the south that has left hundreds, perhaps thousands, dead, and hundreds of thousands displaced from their homes.

At present, the greatest challenge facing Kyrgyzstan is a lack of security, particularly in the South. The recent violence there clearly indicates that the security forces do not have the capacity to assure peace and tranquility. The violence also demonstrates that the interim government does not fully control all elements of the security forces, some of which are accused of participating in the violence. The events of the last weeks have added to the problem by creating a complete lack of trust in the security services, and indeed in state institutions in general, on the part of many Kyrgyz citizens, particularly ethnic Uzbeks.

Let there be no mistake. In spite of the optimistic rhetoric of the interim government, what we are witnessing today is not yet a return to normalcy. Without assured security, we could very easily see a renewal of violence, perhaps not just in the south. The proposed dispatch of OSCE police monitors is a good first step, but the international community needs to do more to help provide security and ensure that humanitarian and reconstruction aid finds its way to those for whom it is intended. Unfortunately, while the international community has begun to ramp up efforts to address the humanitarian disaster in Kyrgyzstan, no country or international organization appears eager to play a leading role in efforts to provide greater security. And yet, it is clear that, if unaddressed, the current lack of security, and the overall human rights and governance deficit threaten Kyrgyzstan's future. As such, they also threaten vital U.S. interests in the country and the greater Central Asia region, including efforts to stabilize Afghanistan, combat terrorism, foster the growth of democracy, and assure access to the region's abundant natural resources. The U.S. shares at least some of these strategic goals with other key external actors, including the European Union, Russia, and China. It is, therefore, incumbent on the United States to take a leading role in galvanizing a more robust international response both to

the current crisis and to helping deal with the institutional weaknesses that have plagued the country since independence.

### The Fall of the Bakiyev Clan

The timing and the swiftness of the fall of the Bakiyev regime surprised many. The method of its fall did not. In 2005, the previous regime of President Askar Akayev was also brought down by a popular uprising. There are significant differences in the events of 2005 and 2010. In particular, in 2005 local elites played an essential role in organizing and directing people, whereas this year's uprising appears much more to have been a bottom-up affair. Nevertheless, the motivating factors were very similar. In essence, the long-suffering people of Kyrgyzstan ran out of patience with increasingly corrupt, increasingly authoritarian governments that were unable to guarantee them basic social, political, and economic rights.

Beginning with the passage of a new Constitution in 2007, the Bakiyev government increasingly consolidated power, first in the institution of the presidency, and then in the Bakiyev clan. Parliamentary elections were rigged, with the government going through a series of convolutions to ensure that a second party joined the president's party in parliament, but not the party that won the second greatest number of votes. Violence and even murder became significant elements on the political scene, with journalists and even the president's former chief of staff dying in "accidents" or crimes that were never solved. Basic rights, including freedom of assembly and freedom of religion, were increasingly curtailed as the government passed new, restrictive laws similar to those that were being passed under the guise of fighting violent extremism everywhere in the region.

The regime became increasingly brazen after President Bakiyev's re-election last summer in clearly rigged elections did not generate any significant degree of public unrest. The president reorganized the government, putting all of the most important agencies under his direct control. He put his son Maksim in charge of a new Development and Investment agency, giving him almost unfettered opportunity to control all major economic activity in the country and extract rents to line the clan's pockets. This took place at a time when many Kyrgyz citizens were facing a decline in living standards as the result of a precipitous drop in remittances from relatives who had gone abroad, largely to Russia, in search of work. Prior to the onset of the global economic crisis, these remittances accounted for almost 20% of Kyrgyzstan's GDP, and a far larger share of household income for many poor families. According to the World Bank, these remittances fell by 15% during the first half of 2009 compared to the same period in 2008. For many Kyrgyz, the last straw came this winter when the government announced significant increases in electric utility rates at the same time that it privatized a major utility valued at well over \$100 million for the price of only \$3 million to a company widely believed to be controlled by cronies of Maksim Bakiyev.

Just a few weeks before he was overthrown, President Bakiyev summoned a Kurultai, or gathering of the peoples of Kyrgyzstan, at which he stated openly that Western-style democracy was not appropriate for Kyrgyzstan. The opposition called for its own counter-Kurultais to be held throughout the country on April 7. On April 6, a small crowd gathered in the town of Talas in northwestern Kyrgyzstan. Violence between police and protesters broke out, and the security

forces rapidly lost control of the situation. Fearing the spread of violence, the government responded by arresting the leadership of the political opposition. As a result, when demonstrations broke out the next day in Bishkek the crowds were unrestrained and violence quickly ensued. Although some security forces, including snipers dressed in what appeared to be U.S.-supplied uniforms, fired on demonstrators in front of the government building, other units decided it was not worth their lives to confront the crowds for the benefit of the Bakiyevs, and that same day President Bakiyev fled the capital.

### The United States and Kyrgyzstan

The fall of the Bakiyev regime showed a spotlight on the U.S. relationship with Kyrgyzstan during his rule. Many Kyrgyz, including leading members of the interim government that took power in Bishkek after Bakiyev fled, accuse the United States of sacrificing its values and the good of the Kyrgyz people to an all-out effort to appease the Bakiyevs and prevent them from closing down the U.S. airbase at the Manas airport outside of Bishkek. Manas is a key transit point through which troops transit into and out of Afghanistan, while planes flying out of Manas are also used to refuel U.S. aircraft flying missions in Afghanistan. In early 2009, President Bakiyev announced plans to close the base during a visit to Moscow, where he was promised significant Russian economic aid. In the end, Bakiyev reversed this decision in exchange for a large increase in the annual U.S. payment for use of Manas, which was renamed a Transit Center rather than a Base in a transparent effort to appease those in Moscow to whom Bakiyev had promised to close the base.

Critics of the U.S. policy towards Kyrgyzstan during this period point to the fact that the United States failed to publicly condemn major human rights violations, including murder, failed to provide moral support to the opposition or civil society leaders, and continued to shut its eyes to the fact that the contract for the supply of jet fuel to the Manas base, a contract worth more than \$250 million last year, was widely believed to be a mechanism to funnel money to subcontractors controlled by the Bakiyevs. Administration officials counter that they continued to address human rights violations with the Bakiyev government through private, diplomatic channels. They also note the overriding U.S. interest in stabilizing Afghanistan, and the patent difficulty of doing business with the Bakiyev government. Still, when one compares the brief and tepid press release put out by the U.S. Embassy in Bishkek following last year's presidential elections and the much more detailed and forthrightly critical statement issued by the U.S. Embassy in Dushanbe following Tajikistan's badly flawed parliamentary elections this February, it does very much appear that the United States pulled its punches in Kyrgyzstan in order to protect the Manas base. Moreover, as the members of the Commission know better than most, politics is about perception, and the widespread perception in Kyrgyzstan today is that the United States sacrificed its support for universal human rights and propped up an authoritarian regime because it was in the U.S. geo-strategic interest to do so.

What are the lessons we should draw from this experience? First and foremost, it is a mistake to assume that authoritarian regimes are as stable as they claim to be. The Bakiyevs convinced the United States that they would be in power indefinitely. Thus, it was seen as essential that the United States neither do nor say anything that would offend the regime. As it turned out, however, the Bakiyev government was not at all stable, and with it gone the

widespread perception in Kyrgyzstan that the United States was too close to the regime has come back to haunt U.S.-Kyrgyz relations and perhaps even threaten the future of Manas.

To its credit, the United States government has begun to address some of the shortcomings that marked the U.S. policy approach prior to April 7. In particular, the decision to announce a new tender for the supply of jet fuel to the Manas base is a sign that the United States is seeking to address the perception in Kyrgyzstan that both the Bakiyev and Akayev regimes found ways to profit from the contract. It is essential, however, that the United States go farther, ensuring as much transparency as possible regarding the terms of the eventual new contract, the contractor and any sub-contractors. Moreover, the U.S. government should also work to persuade the Kyrgyz government to institute transparency measures of its own in order to demonstrate that any proceeds from the contract that accrue to Kyrgyzstan are being used for legitimate purposes of state, and not to line the pockets of a small group of insiders. The interim government has already indicated an interest in improving transparency, most notably by indicating it would continue with the process of validation under the Extractive Industries Transparency Initiative (EITI) and by drafting a resolution on further transparency measures in the vital fuel and energy sectors. This initiative, which is modeled on EITI, will feature a voluntary Monitoring Council, regular public reporting of sector costs, revenues and cash flows, the use of escrow accounts and other transparency mechanisms to promote the proper management of cash flows in the fuel and energy sectors.

A second lesson is that while there is clearly a role for quiet diplomacy in addressing human rights violations, there is also a cost when the United States fails to speak out in public in the face of particularly egregious cases. In particular, public silence can easily lead foreign publics to conclude, as have many in Kyrgyzstan, that the United States is not really concerned by human rights violations, particularly in countries where key American strategic interests are in play.

The United States also needs to apply the lessons it has learned in Kyrgyzstan to its relations with the other highly authoritarian regimes in Central Asia. The countries of the region are different in many ways, but all suffer to a significant degree from the same human rights and governance deficit that has afflicted Kyrgyzstan. Moreover, the two largest countries in the region, Kazakhstan and Uzbekistan, face leadership transitions at some point in the not too distant future. Both face the inherent instability of political systems that are dependent on a single leader, but which do not have any rules for determining what happens when that leader inevitably departs from the political scene.

### The Violence in the South

In the early morning hours of June 11, inter-communal violence broke out in Osh, Kyrgyzstan's largest city and the regional center for the South of the country. Ethnic Uzbeks, who make up some 15% of the country's population, are concentrated in the South, where the Soviet-drawn boundaries in the fertile and densely populated Ferghana Valley make no allowances for the historic realities of where various ethnic groups actually live. Ethnic Uzbeks have attained a leading position in the economic affairs of southern Kyrgyzstan, but the political life and governmental structures of the South are dominated by ethnic Kyrgyz.

Tensions were particularly high in the South, the home region of the Bakiyev clan. Upon leaving Bishkek, Bakiyev fled to Osh and then to his home town near the provincial center of Jalalabad in an effort to rally support. Although this effort failed, many ethnic Kyrgyz in the South remained concerned that their circumstances would deteriorate in a post-Bakiyev Kyrgyzstan. Some ethnic Uzbek leaders, meanwhile, saw the demise of the Bakiyevs as an opportunity to improve their community's political position. A series of smaller violent incidents, including the burning of the Bakiyevs' homestead, led up to inter-communal rioting that produced fatalities and caused the interim government to declare a state of emergency in the south on May 19.

The United Nations has concluded that provocateurs sparked the most recent wave of violence in the South. The interim government blames the Bakiyevs, charging that they hired mercenaries to stir up ethnic trouble in an effort to prevent the new authorities from holding a constitutional referendum scheduled for June 27 designed to establish the legitimacy of the interim government. Whatever the role of provocateurs, however, it is also apparent that the interim government was preoccupied and did little to engage with and address the legitimate concerns of those living in southern Kyrgyzstan, be they ethnic Kyrgyz or Uzbek.

The violence that began on June 11 resulted in massive destruction of property and created some 400,000 internally displaced persons and refugees. The Kyrgyz security forces were unable to control the situation. Moreover, there are numerous credible allegations that some units and individuals stood by and allowed the violence to take place or even took part. There are also reports that the local authorities supported armed gangs organized by local criminal figures, including some prominent in the drug trade. Even members of the interim government have admitted in candid moments that they do not fully control the security forces, stating that some members of the police and military remain loyal to the Bakiyevs rather than to the interim government. An independent, international investigation into the violence is essential to clarify the situation and pave the way for a trial of those who sparked the violence. Without this, it will be impossible to truly rebuild either trust in the state among the victims of the violence or inter-communal harmony. Such an investigation must include an international component, as it is unclear if the Kyrgyz authorities are capable of carrying out an objective investigation on their own. Local authorities have, for example, arrested and allegedly tortured well-known human rights activist Azimjon Askarov for attempting to record evidence of human rights violations by Kyrgyz security forces.

The investigation should also look into the fate of the approximately 100,000 ethnic Uzbek citizens of Kyrgyzstan who fled across the border to Uzbekistan. Reports indicate that most of these people have returned to Kyrgyzstan, even though many of them no longer have homes to which to return. Numerous allegations that these refugees were cajoled or fooled into returning to Kyrgyzstan by Uzbekistani officials also need to be investigated.

The violence has produced a complete collapse of faith in the security forces and, indeed, all state institutions on the part of the Uzbek community and many other citizens of Kyrgyzstan. Uzbek leaders appealed to the government not to remove improvised barricades protecting Uzbek neighborhoods in the South, for fear that with them down, and with the security services not to be trusted, they would be defenseless. Nevertheless, the government moved in to remove

the barricades, arguing it had a responsibility to confiscate arms that had fallen into the hands of those inside the barricades and that all Kyrgyz citizens should have access to the entire country. In the process at least two civilians in the town of Nariman were killed, which further increased distrust in the Uzbek community.

In the days immediately following the slacking off of violence in the South, humanitarian aid was piling up at Osh airport and in Bishkek, but could not be effectively delivered due to a lack of security. There were also reports that aid was being misdirected by the local administration in Osh, finding its way onto markets or into the hands of cronies rather than to those most in need. While the situation has stabilized and some refugees and IDPs have begun to return home, what we are witnessing is a very fragile stability. Given the weakness and questionable loyalty of Kyrgyz forces, only an international force can provide real security in southern Kyrgyzstan today. The proposed dispatch of OSCE police monitors is a good first step, but they will be few in number and unarmed; unable to prevent a relapse into violence should local forces again clash.

The international community needs to move now to organize the creation of a security force that can protect the people of southern Kyrgyzstan and ensure that humanitarian and reconstruction aid finds its way to those for whom it is intended. Unfortunately, no country or international organization appears eager to play a leading role in efforts to provide greater security. Given both the current humanitarian need and its own strategic interests in a stable Kyrgyzstan, the United States should take a leading role in galvanizing a more robust international response.

### The Struggles of the Interim Government

During the two months between the fall of Bakiyev and the violence in the South, the interim government in Bishkek struggled both to establish its legitimacy and effectively govern the country. In what will surely be a controversial move, the leadership of the interim government decided to disband the parliament and the Constitutional Court, arguing that the parliament was compromised because its members were chosen in fraudulent elections, and that the Constitutional Court was compromised by its complete subordination to the Bakiyevs. Unfortunately, these were the only two institutions that, under the provisions of the final Bakiyev-era constitution, could have conveyed legitimacy on the new government. Instead, the interim government decided to seek legitimacy through a referendum on a new constitution. Unfortunately, the drafting of the constitution and preparations for the referendum took ten weeks, during which the legitimacy of the interim government was open to question both at home and abroad. The need to establish legitimacy also complicated the situation following the violence in the South, as the government felt obliged to move ahead with the referendum even though it was clear that many displaced persons in the South would not be able to exercise their constitutional right to participate. Moreover, as a result of the lack of stability in the South, the Organization for Security and Cooperation in Europe (OSCE) was unable to deploy the large team of short-term monitors it had planned to monitor the referendum.

Nevertheless, the interim government did proceed to hold the referendum on June 27. The voting took place without violence. According to Kyrgyzstan's Central Election

Commission (CEC), turnout was just under 70% with almost 92% of those who voted supporting the new constitution. Due to the violence in the South, however, the OSCE was unable to deploy the large team of short-term advisors it had planned, making it difficult to fully judge the extent to which the vote met international standards. The OSCE did have a small team of long-term observers in country, and their initial report was mixed. The report praised the general preparations for the vote given the short time available and the efforts made by the interim government to ensure transparency of the process. It also commended the government's efforts to enfranchise those who had been displaced, but also noted that given the pervasive atmosphere of fear turnout was lower in the South. The OSCE also criticized the format of the referendum question, noting that by wrapping three issues – support for the constitution, for the naming of Roza Otunbaeva as president until December 31, 2011, and for dissolving the Constitutional Court – into a single question, the referendum deprived voters of a full choice. Regarding the conduct of the voting and the vote count, OSCE reported that, based on a very small sample, the voting was generally well administered, while the vote count was somewhat more problematic.

While the referendum went off well given the difficult circumstances, the fact that it was held so soon after the violence may have left a significant number of Kyrgyz citizens in the South feeling disenfranchised. As the purpose of the referendum was to convey domestic and international legitimacy on the interim government and prepare the way for election of a new parliament in the fall, this is unfortunate. It is incumbent on the authorities, with the assistance of the international community, to do everything possible to address the shortcomings in the referendum process in time for this fall's parliamentary elections.

The new constitution adopted through the referendum marks a significant departure from Kyrgyzstan's most recent constitutions, which invested authority largely in the president. Under the new constitution many powers have been divested to the Prime Minister and the parliamentary majority he or she will command. Whether or not this system will work remains to be seen, however proponents argue that given the demonstrated failures of a presidential system in Kyrgyzstan it is an experiment worth trying.

Whatever the system of government, however, Kyrgyzstan faces significant challenges in the field of governance. Many civil servants left or were forced out in 2005, and the process has repeated itself again in 2010. The Kyrgyz government faces a major deficit of human capital, of trained, effective civil servants. The Open Society Institute is partnering with the State Department to support the American University of Central Asia, a key institution for developing a new generation of leaders for Kyrgyzstan. But the international community needs to do more to assist Kyrgyzstan through capacity building programs and budgetary assistance so that the government can pay its employees a living wage. Kyrgyzstan is blessed with one of the strongest civil societies in Central Asia, in part due to capacity building assistance provided by the United States and other international donors, including the Open Society Institute, in the first years after independence. Unfortunately, after 2005, the United States shifted its focus away from support for civil society. This trend needs to be reversed, as with proper support Kyrgyz civil society is capable of playing the essential role of government watchdog, raising the alarm should a future government begin to revert to the authoritarian ways of its predecessors. Moreover, given the lack of human capacity within the government, civil society can be an important resource for providing advice on key policy and governance issues.

While dealing with the immediate humanitarian disaster, it is incumbent on the United States government to be working now on plans to support whatever government is formed in Kyrgyzstan after this fall's parliamentary elections. That government will not have an enviable task, starting its term of office just as winter sets in. The United States needs to be ready with a substantial program of aid to help the new government demonstrate to the people of Kyrgyzstan that it is capable of addressing their concerns, of protecting human rights, and providing good governance. If the new government is unable to demonstrate this in the short term, it may not have a long term future. After two popular uprisings in five years, the fate of Kyrgyzstan is very much on the line, and with it U.S. strategic interests in the stability of Afghanistan, the fight against global terrorism, and the development of a democratic, market-based, and peaceful Central Asia.