



UNIVERSITY OF CENTRAL ASIA
GRADUATE SCHOOL OF DEVELOPMENT
Mountain Societies Research Institute



AGA KHAN FOUNDATION
(Kyrgyz Republic)



Contextual Factors of the Conflict in Batken Province Kyrgyzstan

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Abstract:

The report aims to provide basic information on conflict dynamics in cross-border communities of the Batken area for partner organisations implementing the project Improving Stability and Better Natural Resource Management in Kyrgyzstan and Tajikistan. The project involves the Mountain Societies Development Support Programme (MSDSP) Kyrgyz Republic and MSDSP Tajikistan; the Roza Otunbaeva Initiative; the Kyrgyz Public Foundation CAMP Ala-Too and UCA. The consortium of partner organisations is led by the Aga Khan Foundation.

The research for this report was based on the premise that conflict in local communities can be attributed to contextual factors such as agricultural crisis, restricted movement of goods across borders, the militarisation of the border, migration, and problems surrounding natural resources management. These factors create certain vulnerabilities that lead to the emergence of tensions and conflict at the level of local communities.

This report was completed within the framework of the project 'Improving Stability and Better Natural Resource Management in Kyrgyzstan and Tajikistan' by the University of Central Asia's Mountain Societies Research Institute (UCA MSRI). The material has been funded by the United Kingdom (UK) Government through UK Conflict Stability Security Fund; however the views expressed do not necessarily reflect the UK government's official policies.

Keywords: conflicts, border communities, natural resources management

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The canal «Dusti» (Friendship),
Vorukh Zhaomat, 2017.

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List of Abbreviations

AA	Aiyl Aimak (айыл аймак) is the smallest administrative unit of division in Kyrgyzstan, with a jurisdiction covering several villages.
ACTED	Agency for Technical Cooperation and Development
ADB	Asian Development Bank
AK	Aiyl kenesh is the legislative body at the level of the ayil aimak
AO	Aiyl okmotu is the executive body at the level of the ayil aimak
APU	Association of Pasture Users (in Kyrgyzstan)
ARIS	Community Development and Investment Agency of the Kyrgyz Republic
CMNR	Community Management of Natural Resources
IWRM	Integrated Water Resources Management
PC	Pasture Committee, the executive body of the Association of Pasture Users
RPADWU	Rural Public Association of Drinking Water Users
GIZ	German Federal Enterprise for International Cooperation
USAID	United States Agency for International Development
WB	World Bank
WUA	Water Users Association Association of pasture users (in Tajikistan)

Glossary

District	Administrative unit consisting of several aiyl aimaks in Kyrgyzstan or zhaomats in Tajikistan
Forest Enterprise	Local State Enterprise for Forest Management
Kayrilman	Official status for the repatriates – ethnic Kyrgyz resettled to Kyrgyzstan after independence
Ketmen	An agricultural tool for manually weeding soil
Murab	Person responsible for water distributing and sharing among end users in village level
Oblast	Administrative unit at the province level in Kyrgyzstan and Tajikistan
Wintering places	Winter pastures with permanent housing
Zhaomat	The smallest unit of administrative division in Tajikistan
Zhensoviet	Local public organization for women and family support on the Aiyl Aimak level
Zhogorku Kenesh	The Parliament of the Kyrgyz Republic

Introduction

This report was completed within the framework of the project «Improving stability and better natural resource management in Kyrgyzstan and Tajikistan» by the Mountain Societies Research Institute at the University of Central Asia (MSRI UCA). The material has been funded by the UK Government through UK Conflict Stability Security Fund; however the views expressed do not necessarily reflect the UK government's official policies.

The project aim is to reduce conflicts related to the use and management of natural resources such as irrigation water and pastures in Kyrgyzstan and Tajikistan as well as in cross-border areas between both countries. The project implements a four-pronged approach:

- Rehabilitate infrastructure for irrigation, drinking water and pasture in conflict-affected regions of Kyrgyzstan and Tajikistan;
- Build the institutional and financial capacity of WUAs, PCs and local government institutions to better manage and operate irrigation and pasture infrastructure;
- Promote the efficient use of water and pasture resources by local communities;
- Provide civic and environmental education and learning opportunities for young children, youth, and informal groups living in conflict-affected areas

The report aims to provide basic information on conflict dynamics in cross-border communities of the Batken area for partner organizations implementing the project «Improving stability and better natural resource management in Kyrgyzstan and Tajikistan». The project involves the Mountain Societies Development Support Programme (MSDSP) Kyrgyz Republic and MSDSP Tajikistan; the Roza Otunbaeva Initiative; the Kyrgyz Public Foundation CAMP Ala-Too and UCA. The consortium of partner organizations is led by AKF.

The research for this report was based on the premise that conflict in local communities can be attributed to contextual factors such as agricultural crisis, restricted movement of goods across borders, the militarization of the border, migration, and problems surrounding natural resources management. These factors create certain vulnerabilities that lead to the emergence of tensions and conflict at the level of local communities.

In public discourse, such conflicts are often viewed through the lens of nationalism and oversimplified as a competition between different ethnic groups for the possession of natural resources. However, the reality of conflict dynamics in border communities is much more diverse and goes beyond issues of land ownership, even though they are often articulated as such.

The analysis presented in this report shows that there are different types of conflict in border communities. In communities located in close proximity to enclaves, the conflict potential is higher than in communities located far from enclaves. The communities close to enclaves are extremely sensitive to border tensions, and this sensitivity can quickly turn into vulnerability in times of escalating conflict. Furthermore, the security regime in areas close to enclaves differs due to a greater concentration of military and border guards. Though conflict modes are often articulated in interethnic terms, they are usually related to a wider range of problems on managerial, institutional, and infrastructural levels.

Methodology

This report is based on data collected through a desk and field study, interviews with experts, and data from the MSRI study «Dynamics in Natural Resource Management in Kyrgyzstan and Tajikistan» implemented in 2016 with the support of DFID. As part of the desk study, the fundamentals of the relationship between conflict and natural resources were analysed, and data were collected on projects and programs implemented in the border areas of Kyrgyzstan and Tajikistan with a focus on conflict resolution. The field-based component of the study was carried out in November-December 2016 and April-July 2017 in the following locations: the city of Batken and the villages Ak-Sai, Uch-Dobo, Kok-Tash, Ak-Tatyr, Ravat, Orto-Boz, Samarkandek, Paska-Aryk, Zhany-Bak, Kara-Bak, Dostuk, Chek, Kyzyl-Bel (Batken district); the town of Istana and the

villages Beshkent, Kulundu, Maksat, and Kok-Tash (Leilek district). Collected data were triangulated. Data that were not cross-checked are identified in the report. Interviews were conducted with a total of 68 people, representing farmers (18), aiyl bashchy (9), local activists (6), members of women's councils (Zhensovet - 7), WUA, and PC members (9), deputies of aiyl kenesh (5), livestock breeders (9), and shepherds (5). Semi-structured interviews were conducted with experts including employees of international organizations implementing projects in border communities (4), academic researchers (2), and government officials (3). At the final stage of the preparation of this report, 2 focus group discussions were held with stakeholders representing border communities of the Batken Oblast (murabs, WUA, PC, LGI), to confirm the main conclusions of this study.

Border, Conflict And Natural Resources: Beyond Theory and Discourse

Natural Resources and Conflicts in Kyrgyzstan's Border Communities

The problems of natural resources and livelihoods in border communities in Kyrgyzstan have been discussed in a number of research papers (Bichsel 2009; Dörre 2015; Hierman, Nekbakhtshoev 2014; Megoran 2006; Reeves 2005, 2014; Wegerich et al 2012). The work of Christine Bichsel is of particular interest, since the author's research area overlaps with the area of the present study. Bichsel (2009) discusses conflicts related to irrigation water in the Fergana Valley with a focus on conflicts between communities living along the transboundary irrigation canals on the Kyrgyzstan-Tajikistan and Kyrgyzstan-Uzbekistan borders.

The first case in Bichsel's study refers to tensions and conflicts between upstream and downstream communities. Within this category, conflicts are mainly of a seasonal nature. Using the example of the Nurgaziev canal (Kadamjai District, Batken Oblast), Bichsel found that 65 days per year are characterized by conflicts over water. These conflicts occur from the end of April to the beginning of June, when glacial melt is reduced and when there is an insufficient amount of water in the canals for irrigation (Bichsel 2009: 51).

In the second case, conflict arises when disputes over land lead to disputes over water. In this case, the water itself is not the original cause of conflict, but becomes a matter of dispute when land is disputed of which water resources are an inherent part. This kind of conflict is closely related to the changing economic life of communities. The gradual transition of Kyrgyz communities from agropastoralism to cultivation that initially started in the Soviet period and which intensified after land reforms in the 1990s has led to increased tensions with neighboring communities that were traditionally engaged in agriculture. The conflict between Ak-Sai and Vorukh can be considered as a conflict over land. In 1970 two communities started to use land on the margins of settlements for agriculture and for house construction. During 1970-1975 tensions between communities increased especially between the new settlements Bakay (Ak-Sai) and Tozhikon (Vorukh). To resolve this conflict, the central government in Moscow offered to arrange an agreement between the two parties in 1975: Ak-Sai would not dispute the lands on which Tozhikon was located, in return for access to water from the Mekhnatobod-Ak-Sai canal to Bakay. However, these agreements were not implemented, and a decision was made to build a water pumping station for Ak-Sai, the electricity supply for which is still subsidized by the government (Bichsel 2009: 29) .

The third case of conflict is associated with unequal access to and unjust distribution of water within communities. Bichsel (2009), referring to the Tash-Aryk canal in Sogment, showed that the gap between poor and rich households is related to access to irrigation water. During the process of privatization of lands from 1992 to 1999, the most profitable fields in terms of irrigation access were given to members of collective farms that had been disbanded in 1991-1994. (This was also noted by Hassan et al (2004)).

Those who were not members of a collective farm at the time of privatization, or households that had moved there after the 1990s, were disadvantaged in gaining access to irrigated land. The access to water was shown to be determined by the modern economic status or previous social status of an individual/a household. This fixed system of inequality can lead to a situation in which poor households with irrigated fields become vulnerable when denied access to irrigation water (Bichsel 2009: 59)¹.

A robust body of data on conflicts in border communities exists in the project reports of non-governmental and international organizations. Conflicts due to access and sharing of pastures are described in the project reports of CAMP Ala-Too (Mestre et al 2013; Ibraimova et al 2015) and the Rural Development Fund (RDF 2010). Partial conflict situations are addressed in monitoring reports of the Foundation for International Tolerance (FTI 2013; 2014). Conflicts in these documents have been classified as follows:

Transboundary conflicts between citizens of Kyrgyzstan and Tajikistan can arise from cattle grazing on border pastures. While Kyrgyzstan bans cattle grazing by foreign citizens, the ban is not unambiguous. On the one hand, the ban is actually disadvantageous to PC of border AA, because it deprives them of additional income which they could gain from Tajik citizens grazing cattle within Kyrgyzstan. On the other hand, this practice provides a justification for Kyrgyz citizens to avoid paying for a pasture ticket. They claim that the presence of foreign cattle is illegal and therefore refuse to contribute to a common pasture use budget. This undermines the credibility of the current system of pasture management based on community management institutions (RDF 2010).

A conflict between landowners and pasture users is due to the damage caused by livestock to farms, e.g. when cattle walk across vegetable gardens on the way to watering places. This type of conflict is widespread and can be solved at the village level, as well as through rehabilitation of alternative roads to pastures (Mestre et al 2013)

There are conflicts between PC and AO on the one hand and forest enterprises on the other. With the introduction of a land tax in 1996, many local authorities were forced to transfer the ownership of some pasture plots to the FE, as local budgets were not sufficient to pay the land tax. There was also a realignment of pasture boundaries due to administrative and territorial reform under which the internal borders of the AA changed several times. However, when the need for pastures increased because of a growing number of livestock, the AA could not regain jurisdiction over the pasture areas that had earlier been given to the forest enterprises. This type of conflict is often resolved in the courts. For example, Samarkandek AA is currently suing Arkinsky Forest Enterprise, and AA Katran has pre-trial proceedings with the same enterprise (Murzakulova and Mestre 2016; Mestre et al 2013)

Though there exist some publications in this field that are based on solid field research, only a few of these are critical and interdisciplinary studies. Noteworthy is also the sectoral division of user groups into water users and pasture users: integrated studies on the experience of communities in both spheres of natural resource use have not yet been carried out.

The types of conflicts and/or tensions described above indicate the multi-layered nature of challenges faced in the management of natural resources. The lack of inter-institutional cooperation between state and community-based organizations leads to a situation in which institutional interests are prioritized over the efficient use of resources. This situation is typical for FE and PC. Kyrgyzstan is currently undergoing an institutional transformation to new management approaches based on community based institutions - WUAs and PC. This process is accompanied by a clash between the interests of various users and institutions managing natural resources.

¹ The conflict situation between the communities of Ak-Sai and Vorukh will be discussed in detail in a separate chapter in this report dedicated to the review of conflict dynamics.

Theoretical Basis: Conflict and Natural Resources

There are two dominant schools of thought regarding the role of natural resources in conflicts. The first school refers to Malthusianism, and contemporary advocates of this approach claim that rapid population growth, environmental degradation, resource depletion, and unequal access to resources, coupled with worsening poverty and income inequality in many of the world's least developed countries increase the risks of clashes and social conflicts (Homer-Dixon 1999; Kahl 2006; Bavinck et al 2014). According to this viewpoint, conflicts arise when the population grows, and when the demand for limited resources, e.g. water, increases.

This view is widely accepted and dominates the understanding of the relationship between conflict and natural resources in the Fergana Valley. An example is the joint study by UNEP, UNDP, OSCE, and NATO, which relies on the work of a group of Swiss researchers led by Günther Baechler². It argues that a complex demographic situation with limited land resources in the Fergana Valley is the main security challenge for the region (Luigi De Martino et al 2005: 9).

Critics of this approach argue that the central notion of Malthusianism - population growth leads to a shortage of resources - is not a given as all resources are limited. Scarcity and conflict are social products which do not depend on demography alone, but also on the political and cultural context (Barnett 2000; Hartmann 2001; Timura 2001).

According to critics of Malthusianism, population growth should not be considered a cause for the scarcity of natural resources and conflicts. Deficiency is a social product that accompanies the development of a culture of mass consumption, leading to inefficient and non-rational resource use. A deficit may be the product of an economic order and express unequal access to resources between rich and poor households. Finally, scarcity may also result from poor management of natural resources. Thus, in the study of conflicts, it is necessary to look at the relationships between the social, economic and cultural order, going beyond the mantra of population growth creating conflicts over natural resources due to scarcity.

The second school of thought, opposed to Malthusianism, points to abundance of natural resources as a cause of conflict (Collier 2000; Collier and Hoeffler 1998, 2004). The publication of a number of studies by Collier and Hoeffler (1998, 2004) was followed by a debate about the relationship between conflicts and natural resources. Based on the analysis of statistical data from civil wars in the XX century, Collier and Hoeffler showed that factors such as the availability of natural resources may actually increase the risk of conflict. Countries richly endowed with natural resources have experienced a so-called 'resource curse': corruption, economic stagnation, conflicts over the control of revenue from the sale of resources. There is a long list of conflicts that have been financed by the exploitation of natural resources. To name just a few: diamond mining in several African countries has financed insurgent movements and long civil wars; in Cambodia the Khmer Rouge and government troops alike used timber as a source of income for warfare; and oil fields in Iraq are used by ISIS to support their military operations in the Middle East. Both the position on resource abundance as well as the position on resource scarcity have been met with widespread criticism in the academic community (Homer-Dixon et al 2003). Some scholars maintain the opinion that a relationship between natural resources and conflict exists only in the case of energy resources (Fearon 2005; Fearon and Laitin 2003). Other researchers caution that such generalizations should be avoided, since conflicts have been associated with a wide range of natural resources (de Soysa and Neumayer 2007).

In this report, irrigation water and pastures are considered as resources forming the basis of the economic activities of border communities. At the same time, these two resources are also the basis for cross-border interaction between Kyrgyzstan and Tajikistan.

2 Dr. Baechler led the Environmental Conflicts Project (ENCOP) research group, the results of which are based on a neo-Malthusian approach that has been widely debated. For more information on the project see: Baechler 1998. *Why Environmental Transformation Causes Violence: A Synthesis*. Environmental Change and Security Project Report, Issue 4 (Spring): 24-44. Available at: <https://www.wilsoncenter.org/sites/default/files/ACF1497.pdf>

Conflicts around renewable resources, such as water, between upstream and downstream states in Central Asia have become more acute since the collapse of the Soviet Union. These disputes have generally been viewed through the lens of political realism, a school that points to the disparity between hydrological systems and state borders as a potential cause for ‘water wars’.³ However, studies investigating this particular relationship have shown that conflicts over renewable resources do not necessarily lead to large-scale conflict (Binningsbø et al 2007; Tøset et al 2000; Theisen 2008; Wolf 1998). Conflicts over renewable resources usually involve a relatively low level of violence (that is, below the threshold that allows the situation to be identified as a large-scale confrontation) (Tøset et al 2000). Moreover, it appears that conflicts over renewable resources are caused not so much by the scarcity of these resources than by problems associated with their distribution (Theisen 2008).

Borders as a Political Discourse

The transformation of Soviet republics into sovereign states led to the emergence of a nationalizing border mode (Reeves 2014). The main rationale of this mode was that ethnic borders should coincide with national borders (Anderson 1991; Marat 2008). According to this mode, land is perceived ideologically: not as an agricultural resource, but as a symbolic embodiment of statehood.

However, creating a border along both ethnic and national lines is difficult, if not impossible, to implement. It is important to note here that in the case of the Ferghana Valley and Central Asia more generally, the concept of ethnicity was constructed during the Soviet period, and it becomes obvious that the USSR tied the administrative division to infrastructures that were designed on the basis of geographical rather than cultural landscapes (Reeves 2014; Matveeva 2017).

Thus, the problem of borders in the discourse of nationalism is related not so much to the physical design of the territorial periphery but rather to the creation of new nation states – Kyrgyzstan and Tajikistan. Following this logic, it can be concluded that the drivers of conflict in the border areas may be located elsewhere, either in the political center, or at a location geographically distant from the place where the conflict is actually occurring.

Border issues in Kyrgyzstan have a strong influence on political struggles. The protest in Aksy, which culminated in the death of five local residents, was followed in 2002 by the request not to ratify an additional border agreement with China concerning the Uzengue-Kush area which had been submitted one year earlier (Kerimbekova and Galitsky 2002). Opposition deputies of Jogorku Kenesh tried to cancel the 1996 Border Treaty, which had already been ratified by both countries in 1998. The reason for the protest action in Aksy was the arrest of Azimbek Beknazarov, an MP from Aksy, who was a member of the party opposing President Akaev, and who disagreed with the President’s parliamentary decision on Uzengue-Kush.

After the Aksy tragedy, the issue of borders received high public attention from media, NGOs, and political activists. At the national level nationalistic groups in media and politics launched a discourse about “an unfair solution to the border issue”, which in a certain political contexts such as elections or the political struggle between opposition and authorities was used as a means to mobilize the population.

During the 25 years following independence, Kyrgyzstan’s presidents were able to resolve border disputes with China (during Akayev’s presidency) and Kazakhstan (during Bakiev’s presidency). However, negotiations with Tajikistan and Uzbekistan continue with varying dynamics. In 2005, following the ousting of President Akayev and the change of power in Kyrgyzstan, the negotiation process with Uzbekistan froze and was only revived in 2016.

3 Criticism of this approach is presented in a number of works. For more detail see Bichsel 2009.

The talks between Kyrgyzstan and Tajikistan have been more dynamic, although there have also been lengthy periods when negotiations did not progress. The process of negotiation is particularly complex when it comes to the densely populated areas along the border, over which the negotiation process often stumbles.⁴

The Kyrgyz-Tajik border runs east from the Alay Range and along the Zaalaysky, Zeravshan, and Turkestan ranges, before turning to the north and running through the Fergana Valley to the point of junction of the three borders of Tajikistan, Kyrgyzstan and Uzbekistan. The Kyrgyz-Tajik border is more than 900 km long, A stretch of 500 km has recently been agreed on by the two parties.

Negotiations about border issues between Kyrgyzstan and Tajikistan began, in 2000, when the Intergovernmental Commission on Border Delimitation and Demarcation was established. Bilateral negotiations began in 2002. Up until now, the negotiation process has not yielded tangible results, and existing conflict situations have led to a freeze on negotiations, and the attempts to revitalize this process have not always been supported by both parties (AkiPress 2014, IA 24kg 2015).

Prof. Salamat Alamanov, one of the leading experts on border problems in Kyrgyzstan, has issued a pessimistic assessment of the negotiation process between the two countries: “The level of mutual understanding and trust has reached its lowest level. We met with Tajikistan [during the period 2012-2014], seven of those meetings were between governmental delegations. However, during this period, only 64.2 km were agreed upon, of which only 15.8 km were approved at the level of government delegations. Only 48.4 km were described at the level of topographic and land management working groups. Hence, even frequent meetings are not evidence of the effectiveness of the talks⁴⁵. The negotiation process has not progressed since that time.

The difficulties of negotiations are augmented by the fact that each party relies on different sets of documents and maps. Kyrgyzstan’s former First Deputy Prime Minister Abdirahman Mamataliev, noted that: “Every time we meet [with the delegation from Tajikistan], we have different interpretations of the available documents. We propose to take the 1991 agreement as a legal basis, and they start showing the map of 1924 and 1926, so there is no progress” (KirTAG 2014).

The political discourse in Kyrgyzstan often uses borders as a tool for stirring up public discontent over border disputes as was the case during the Aksy event. Sometimes this discourse is fueled by hyperbolic statements that do not instill confidence into the negotiations held at the national level. For example, in 2015, President Atambayev declared that Kyrgyz border negotiators had signed secret documents that were damaging to national interests. He did not specify which documents, but his statement was circulated widely and undermined the negotiation process, especially in the eyes of the residents of border areas.

It should be noted that the residents of Kyrgyzstan’s AA located in close proximity to the Vorukh enclave have expressed their distrust towards the central authorities over several years. The main complaint of the residents of aiyl aimaks Ak-Sai, Ak-Tatyr and Samarkandek is the lack of attention paid by central authorities to solving the problems of these communities. Complaints such as these can be officially articulated through the submission of a “Request for Appointment”, as for example in May 2014, when residents of Ak-Sai village detained the Deputy Prime Minister and refused to let him leave the village. The villagers wanted the central authorities to reappoint Mamat Aibalayev, the oblast’s 1st governor to the position of governor.

In Kyrgyzstan, the topic of borders has become a discourse in its own right and there are a number of politicians who reproduce the discourse for their own benefit. The issue of borders is mobilized by many regional politicians for their own purposes. This does not seem to be replicated in Tajikistan. There were

4 According to expert estimates by Prof. Salamat Alamanov, the head of the group of negotiators from the Kyrgyz Republic. From an expert interview conducted in Bishkek, November, 2016.

5 Slovo Kyrgyzstana 2014. Bypass road. Why did it also turn out to be a dead end and stumbled upon mortar fire? 28 January. Available: <http://slovo.kg/?p=29479>

attempts on the part of the expert community to instigate a debate about “unfair decisions” during the course of Tajik-Chinese border negotiations, but this topic was tabooed by the authorities. At the same time, there is an open discourse in Tajikistan regarding territorial delimitations carried out during the early Soviet period, which uses the decision to make Samarkand and Bukhara parts of Uzbekistan as an example of historical injustice committed in solving border issues.

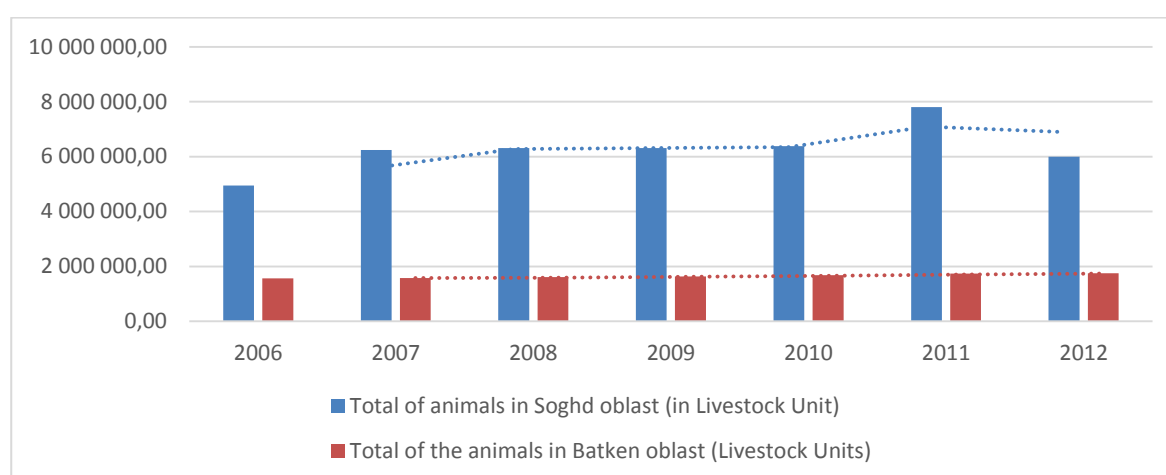
Thus, in both Kyrgyzstan and Tajikistan, there are discourses that fuel a sense of injustice among the population with regard to how border problems are being solved. The intensification of this discourse leads to a situation in which leaving the border issue unresolved (as is currently the case of the Kyrgyz-Tajik border) begins to look more attractive, as it allows the maintenance of the status quo as a strategy with the least cost to both parties.

Batken and Sughd: Case Studies of Conflict⁶

The Batken and Sughd oblast differ greatly in size (Batken: 17,000 km²; Sughd: 25,400 km²) and population (Batken: 0.42m; Sughd: 2.35m), but both rely heavily on crops and cattle breeding in the rural areas of both oblasts. Migration is an important source of livelihood.

Sughd Oblast is the only oblast in Tajikistan that relies on external sources for water. At the same time, it contains the largest area of cultivated land in the country: 21% of all irrigated agricultural land and 9% of rainfed agricultural land. The remaining agricultural lands are pastures, of which 63% are rainfed, and 8% irrigated (Wolfgramm et al 2011). According to official data, in 2010 there were 0.723m hectares of pasture in the Sughd region, reflecting a slight decrease from 0.796 hectares in 2005, most likely due to changes in land use patterns (Bann, et al 2012). In 2012, cattle accounted for 70-75% of the livestock in the Sughd and Batken Oblasts.⁷ Although the species composition of livestock is similar, the two regions differ regarding livestock numbers. Sughd Oblast has four times the number of livestock than Batken Oblast (700 000 vs 200 000), and the total number of livestock is increasing faster in Sughd than in Batken. These figures are derived from official sources and may underestimate the actual number of livestock.

Graph1. Dynamics of livestock (in livestock units) in Sughd and Batken oblasts



⁶ This section is based on Murzakulova and Mestre 2016. Dynamics in the management of natural resources in the border communities of Kyrgyzstan and Tajikistan. MSRI UCA. P. 10-11. Available at: <http://www.ucentralasia.org/Resources/Item/1148>

⁷ The calculations are given in Livestock Units in accordance with Kyrgyzstan’s regulation standards, in which one horse or cow is considered the equivalent of 5 sheep or goats.

Conflict Dynamics

Conflict dynamics in border communities are characterized by a varying intensity of tensions over natural resources. Geographically, the most acute tensions occur in the Batken Oblast around the enclave of Vorukh, involving Kyrgyzstan's Ak-Sai, Ak-Tatyr, and Kok-Tash communities. Tension intensity often follows the seasons, especially in border villages on the Kyrgyz-Tajik border (Kyrgyzstan's Samarkandek, Kyzyl-Bel, and Kara-Bak villages). Economically depressed zones including Kyrgyzstan's Maksat village, generally experience only a low level of tensions.

It should be noted that the tensions associated with access to and management of natural resources are not a new phenomenon and were already occurring during the late Soviet period. Agricultural resettlements practiced in the Soviet Union during the 1930-1990s, regulated by the Propiska⁸, changed radically in the post-Soviet period with the introduction of the Land Reform of 1992 in Kyrgyzstan. New settlements sprang up when people began to settle in places of their choice, free from government supervision. The construction of new settlements coincided with the post-Soviet economic crisis of the 1990s when the state was unable to provide these new settlements with even basic goods. Lack of water, lack of roads, and shortage of irrigated land were a common experience in such territories at this period. As new settlements appeared on the margins of border villages, they came to be perceived as the result of demographic pressure by neighbouring villages. Emergence of new settlements aggravated tensions around matters of water allocation or cultivation on land, the ownership of which is disputed by the border communities of both countries since independence.

A Multi-Layered Conflict: Ak-Sai Village Kyrgyzstan – Vorukh Enclave Tajikistan

The case of the Ak-Sai-Vorukh conflict illustrates how the political decisions made since the early Soviet period have caused long-term tensions between the communities of Vorukh and Ak-Sai. The policies of settling nomads and semi-nomads, and the territorial demarcation and collectivization in the 1930s brought about a radical change in the design of settlements and in the administrations that managed this territory. The mismatch between administrative and economic borders, and the forced transformation of the traditional way of life of local communities led to long-term tensions that erupted into open conflicts in 1975, 1982, 1988, and 1989.⁹

Traditionally, both communities interacted on the basis of the different economies of semi-nomadic livestock keepers and settled farmers, which consisted of mutual exchange often leading to dependency on the other group. The Kyrgyzs were engaged mainly in cattle breeding, and the Tajiks in agriculture. (It should be noted here that in the pre-Soviet period, people defined their identity not in ethnic terms, but in tribal or social terms or according to their places of origin). Kyrgyz communities were transhumant so settlements were not permanent, and land ownership was regulated by traditional law (Kozhonaliev, 1963).

With the establishment of Soviet power, an active policy of settling nomads began in the 1920s and 1930s. Populations were forced to live in winter huts, which were later transformed into villages. During collectivization, the territory of Ak-Sai village became part of the collective farm named 100th Anniversary of Lenin, specializing in livestock. In 1964, the Batken district was formed, and large-scale infrastructure projects were implemented. The construction of the Tortkul reservoir in 1963-1972 promoted the development of new lands and the creation of new villages (Wegweich et al 2016).

8 Propiska was the Soviet institution for the registration of permanent residence, and was the state system for controlling population migration, the basic principle of which was to rigidly bind citizens to their permanent place of residence.

9 Based on an interview with the elders, Bichsel (2009) notes 1930 as a reference to the earliest known conflict between communities. For more details see Bichsel 2009. Conflict Transformation in Central Asia. Irrigation disputes in the Fergana Valley. P. 30.

In the 1950s and 1980s, state-planned agricultural relocation in the Tajik and Kyrgyz Soviet republics was carried out in parallel with the construction of water infrastructure (the Kayrakum Reservoir was constructed in Tajikistan in 1950) and the development of virgin and fallow lands. In the 1960s, resettlement occurred internally within the republics with e.g. the resettlement of people from mountainous and foothill regions to land newly developed for cultivation, while in the second half of the 1970s and especially in the early 1980s intra-district resettlement was practiced (Abdurashitov 2014). This policy led to rapid population growth in Vorukh and Ak-Sai, and new buildings began to appear at the periphery of these villages. Access of these villages to irrigation, roads, land and social objects was and remains limited. The political transformation of the 1990s, in which newly independent states emerged and borders were transformed into national boundaries, was superimposed on these social and demographic processes.

In order to visualize historical changes within the framework of the present study, a comparison of the satellite images of the territory of the Ak-Sai and Vorukh communities was made using spatial analysis. The situation of land development and resettlement around the year 1970 (Figure 1, 4) is presented based on data received after digitizing images from the Corona J-3 satellite provided by the US Geological Survey. These data are compared with data obtained by digitizing the high-resolution cosmic images of 2016 (Figure 2, 5) provided by DigitalGlobe (<https://www.digitalglobe.com/>). A comparison was initially made by using the cluster approach, where both communities are considered together without taking into account the administrative borders of their territories. It should be noted that the method is not aimed at providing quantitative data on population size or area of expansion of land belonging to each community. This method allows visualization of the changes in land use that occurred due to the expansion of settlements in the last 46 years. Figure 3 shows the dramatic expansion of settlements and the transformation of agricultural land into residential land.



Figure 1.
Area of land used for residential purposes in Ak-Sai in Kyrgyzstan and Vorukh in Tajikistan, 1970.



Figure 2.
Area of land used for residential purposes in Ak-Sai in Kyrgyzstan and Vorukh in Tajikistan, 2016.



Figure 3. Changes in area of land used for residential purposes in Ak-Sai village in Kyrgyzstan and Vorukh village in Tajikistan, 1970-2016.

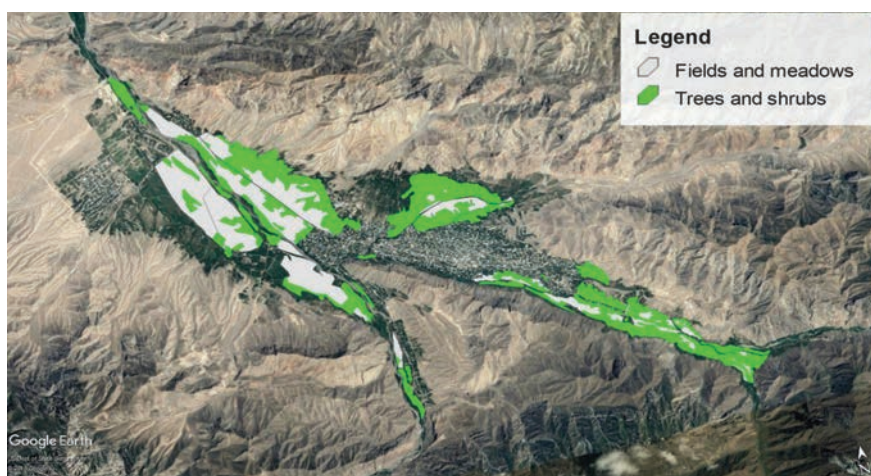


Figure 4. Area of land used for agricultural purposes in Ak-Sai in Kyrgyzstan and Vorukh in Tajikistan, 1970.

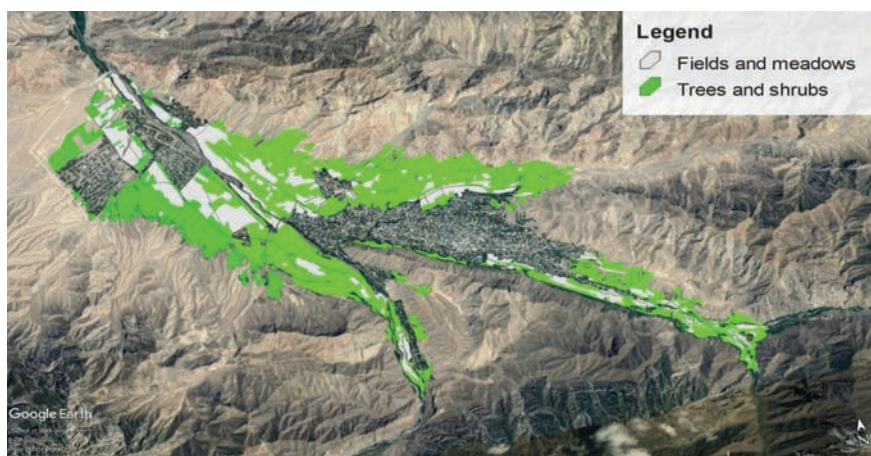


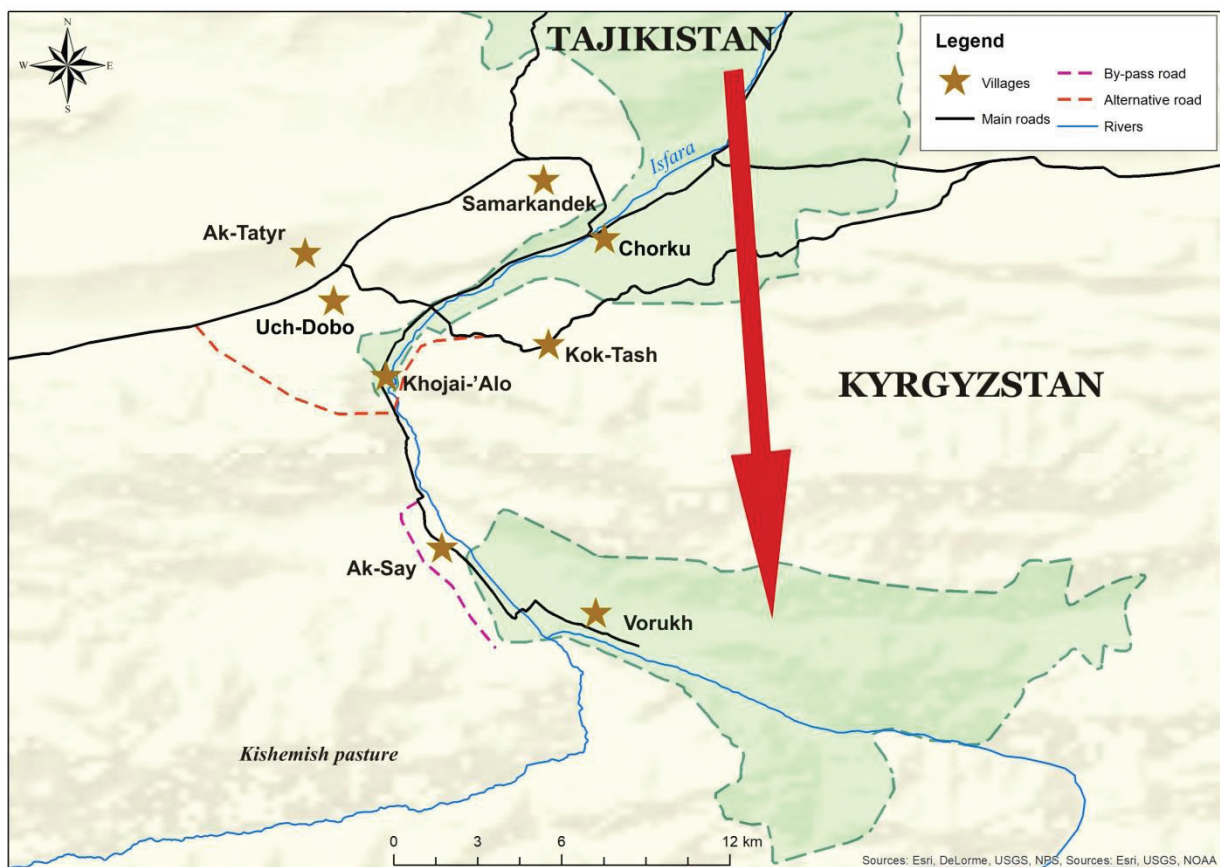
Figure 5. Area of land used for agricultural purposes in Ak-Sai in Kyrgyzstan and Vorukh in Tajikistan, 2016.

The most burning issue for these communities today is access to the Tushkandyk, Kishemish, Ular and Gerevs-hin pastures. Traditionally, these pastures were used jointly, but numerous skirmishes during livestock grazing and reports of livestock theft, escalating in 2013, resulted in Kyrgyz shepherds now using the road passing through Vorukh to bring their animals to the pastures. In doing so, they are accompanied by border guards. There is tension between Vorukh and Ak-Sai throughout the period when animals are moved to the pastures.

Although past incidents between communities have been resolved through a combination of mediation and pressure from the authorities, at present both communities are dependent on the same natural resources and to exert pressure on each other.

Construction of the Ak-Sai – Tamdyk – Kishemish Bypass Road

An armed conflict occurred in 11 January 2014 between Kyrgyzstan border guards and Tajikistan border guards over construction of the Ak-Sai – Tamdyk - Kishemish bypass road. This is the most important conflict because it is the only conflict that has led to the unilateral closure of the border by Kyrgyzstan. The border was closed for two months during this period. For comparison, the Kyrgyz-Tajik border had never previously been closed and worked normally even during the civil war in Tajikistan (1992-1997). The armed conflict occurred on January 11, 2014 between the border troops of both countries. As a result of the incident, 5 people were injured on the Kyrgyz side and 6 people on the Tajik side (KCHR 2014). The Government of Kyrgyzstan claimed that Tajik Special Forces intentionally fired at the head water intake of the Ak-Sai AA of the Batken Oblast. The Tajik government, however, described the incident as a provocation by Kyrgyzstan, which had started to build a new road on territory claimed by both countries. Zhumaboy Sanginov, First Deputy Governor of Sughd Oblast, talking about the incident, said, “The construction of an alternative road, which residents of the Kyrgyz village are talking about, should be made only on the basis of intergovernmental agreements based on the delimitation and demarcation of the border. This is our position.” (Radio Azattyk 2014). This position reflects the fears that the new road, constructed by Kyrgyzstan, would affect settlements within the Tajik enclaves of Vorukh and Chorku, as access to their summer pastures would be closed. These fears were reinforced by the fact that in 2013, Kyrgyzstan had built a bypass road around the Uzbek enclave of Sokh. This measure was a response to the strict border regime maintained by Uzbekistan, under which citizens of Kyrgyzstan passing through to Batken were subjected to border checks. Furthermore, citizens of Kyrgyzstan who had residence permits in Batken were forced to buy a transit visa at the Uzbek embassy. (This practice was in effect until 2007, when the visa regime between the countries was canceled). The road through the Sokh enclave was the only road connecting Batken Oblast to the rest of the country. At the same time, the road was a source of income for the residents of Sokh, as they could earn money from the sale of gasoline and food for transit vehicles. Against this backdrop, the construction of the Ak-Sai – Tamdyk - Kishemish road was viewed as an attempt to apply a policy similar to the Sokh decision on Vorukh.



Map 1. The Isfara River Valley

Disclaimer: Any information on this map was derived from OpenStreetMap geodatabase. The border demarcation process between Tajikistan and Kyrgyzstan has been tackled by an intergovernmental commission. MSRI cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied accompanying this product.

The conflict between border patrols led to a surge in tension between the Ak-Sai and Vorukh communities. In the border villages, squads of civil defense groups began to mobilize.



Photo 1. Poster on the wall: Water is the source of life. There are traces of gunfire on the wall below the poster. Water intake, Ak-Sai 2014. Photo by Turmush 2014.

A number of meetings were held between the governments of Kyrgyzstan and Tajikistan, however, despite negotiations, attempts to continue construction of the road were frozen. After the 2014 conflict more tension followed: this did not lead to direct confrontation but undermined confidence at the community level between Vorukh and Ak-Sai.

Conflict in 2015: Kok-Tash, Orto-Boz Villages in Kyrgyzstan - Somonion, Lyangar Villages in Tajikistan

The most serious clash at the community level after the 2014 events in Ak-Sai was the conflict between Kok-Tash (Ak-Sai AA) and Somonion, Lyangar (Zhamoat Choroku) on August 3 2015. During the confrontation, the Tajik side blocked the Batken-Isfana road, and the Kyrgyz side blocked the water for Somonion and Lyangar. According to local media, about 120 Tajiks and 80 Kyrgyz people began throwing stones at each other (Turmush 2015a; Turmush 2015b).

Conflicts between Kok-Tash, Orto-Boz – Somonion, Lyangar occurred several times during the Soviet era – in 1970 and in 1975 - and tensions were common in the post-soviet period during the irrigation season. Differentiating between the members of Kok-Tash, Orto-Boz and Somonion, a Lyangar community, is very difficult as the houses of residents of both countries are arranged in checkerboard order. In this area, an acute shortage of agricultural land is experienced by both parties. Conflicts had already occurred in 1989 and 2000, during violent clashes over land in the Kara area, and another outbreak of violence occurred in 2001. Since the national governments have been unable to negotiate the border, local authorities cannot develop land for agriculture in the disputed area which applies, in fact, to all the land occupied by border villages. This creates an atmosphere of acute tension between the communities. The negotiating process between states is essentially aimed at determining the right of land ownership and does not encourage the joint use of natural resources. This creates an atmosphere of competition, not cooperation.



Photo 2. Residents of Kok-Tash villages at a meeting held by the authorities after the conflict in Mayskoe area. Photo Turmush 2015. Available: <http://batken.turmush.kg/ru/news:244413>

Open conflict in 2015 was provoked when a road that provides access to a Kyrgyz cemetery and which runs through the Mayskoye area, that is contested by Tajikistan citizens and residents from the Kyrgyzstan village of Kok-Tash, was blocked. Relations had been tense for more than 50 years, and the road blockage led to the escalation of the conflict. Elders from both villages were finally successful in resolving the conflict. Border guards of both countries refrained from direct intervention in the conflict, but announced that they were ready to take action if the violence escalated.

The Context of Conflict: a Borders Perspective Analysis

Militarization of Borders

The situation at the Kyrgyz-Tajik border in the years after independence (1991-2000) was rather liberal in terms of allowing citizens to cross easily. However, since 2010, both countries have introduced restrictions. Kyrgyzstan and Tajikistan authorities see strengthening border services as a contribution to the safety of local residents. As stated by Abdyrakhman Mamataliev, Vice Prime Minister of Kyrgyzstan “Ensuring the safety of residents of border settlements is ensured by strengthening the capacity of the border guard service; we are establishing new border posts, outposts, and improving the financing of border services” (KirTAG 2014).

Militarization of the border leads to a higher risk of violence from military border personnel. For example, border patrols have been known to stop residents of border communities and accuse them of having illegally crossed the border. The fact that no one is able to specify where exactly the border lies, makes it easy for border guards to abuse their power and to haphazardly accuse locals.

It should be noted that the regulations and procedures for weapons use in Kyrgyzstan and Tajikistan were inherited from the Soviet period, and thus are based on a time when the USSR was a closed state. These rules allow use of weapons in a wide range of situations and thus border military border personnel have limited restrictions on weapons use.

As the communities on both sides of the border are often closely connected economically and socially through family and kinship ties, border crossings are frequent. It should also be noted that it is difficult to assess the extent of violence exercised on the border by military border personnel as relevant studies have not been conducted. However, the testimonies of numerous local community members suggest that when crossing the border,

they are frequently insulted by border officials, and are subject to extortion and to other types of pressure.¹⁰ Researchers point out that border guards and other security forces at the border have an interest in maintaining the status quo, since a large volume of revenue is produced along the border due to smuggling of gasoline and other goods (International Alert 2006).

The War Between Border Posts

In the early 2000s, in line with the policy of strengthening the state border, both Kyrgyzstan and Tajikistan established numerous border checkpoints. Local residents who crossed the border several times every day were obliged to carry their ID documents, and to undergo an inspection procedure, often conducted in a rude manner.

The Tajik government also established border posts on roads in the Surkh, Yaka-Oruk, Samarkandek, Shurabe, Bedak. In turn, the Kyrgyz authorities established border posts in the Kyrgyzstan villages Min-Oruk, Kok-Tash, Ak-Sai, Kara-Bak and Orto-Boz. The reaction to this was immediate: Tajikistan citizens from Khojai-Alo village attacked a Kyrgyz customs post in the village of Kok-Terek, while Kyrgyz citizens from Orto-Boz and Kok-Tash villages attacked the Tajik custom posts on the Yaka-Oruk village (Matveeva 2017). Following negotiations between governments, the posts were removed, and mobile posts were deployed - these tended to operate in an irregular manner.

The attempt to establish border posts in places close to the border settlements of both parties indicates that border delineation and delimitation is given precedence over sharing infrastructure and resources. Prior to the active militarization of the border areas, disputes were resolved by using a combination of legal and illegal practices. However, since the militarization of the border through e.g. the establishment of border guard facilities, and the deployment of border posts, and border patrols, the border military personnel began to both demonstrate and use force against the local populations. This led to an escalation of tensions which is still going on.



Photo 3. The stones on the roads symbolize the border between Kyrgyzstan and Tajikistan in a disputed area. In such places, border posts were installed during 2000. After the «war of posts», border posts were replaced by mobile border guard groups troops. Paska-Aryk village, May 2017.

¹⁰ Within the framework of our field study, we recorded 40 cases of this from interviews with 68 interview respondents.

“The Land Will Not Eat the Work of the Farmer”: Socio-Economic Transformation and Migration in Border Communities

Transformation of the Economy and Agrarian Crises

The past 100 years were characterized by a colossal transformation of the economic and social order of communities along the Kyrgyz-Tajik border: the transition from a mobile to a settled way of life in the 1930s for Kyrgyz transhumant groups; collectivization and creation of collective farms in the 1930s and 1940s; the development of new agricultural lands in the 1960s and 1970s; the collapse of the USSR in 1991; the economic crisis and the emergence of a market economy. The agricultural sector in Kyrgyzstan and Tajikistan has been characterized by depression and decline. Following independence of both countries in 1991, the number of farmers who received land during the reforms of 1991 and 1999 (Kyrgyzstan), 1992 and 2014 (Tajikistan) remains low, and the majority of able-bodied rural residents has formed a class of labor migrants. Agriculture is no longer the primary income-generating activity for many rural communities, and livestock and crop production in rural border communities are now secondary to labor migration. Rural communities are now predominantly engaged in agriculture for survival rather than for obtaining tangible economic benefits.



Photo 4. Farmer begins to plow the field with a self-made plow. April 2017, Kok-Tash village, Leilek rayon.

At the level of rural communities, the economic depression is accompanied by a decline in the mechanization of agriculture, something which has forced farmers to return to labor-intensive land cultivation practices. The lack of freedom of movement of goods across state borders in the Fergana Valley does not allow for the sale of manufactured agricultural products. Although both Kyrgyzstan and Tajikistan possess water resources and are positioned in the upper reaches of the main water arteries of Central Asia, they experience severe problems with regard to water use. It is estimated that 79% of existing on-farm and 56% of inter-farm irrigation and drainage systems in the Kyrgyz Republic need restoration (FAO Framework Program). Declining infrastructure has been estimated to be responsible for the loss of one-third of all irrigation water (FAO Framework Program). The same is true for Tajikistan (FAO).

The Socio-Economic Consequences of Return Migration

Globally, Tajikistan and Kyrgyzstan rank as the top two countries in terms of population outflow for labor migration. According to ADB estimates, remittances from labor migrants account for 40% and 30% of the GDP of Tajikistan and Kyrgyzstan respectively (ADB Country Partnership Strategy: Kyrgyz Republic, 2013–2017; Country Partnership Strategy: Tajikistan, 2016–2020). The primary destinations for labor migrants are Russia and

Kazakhstan. The economic recession in Russia in 2014-15 led to the return of many Tajik and Kyrgyzstani migrants to their homeland (Sagynbekova, 2017). Although the predicted large-scale outflux of Central Asian labour migrants from Russia did not occur, there is indeed an ongoing outflux due to the measures imposed by Russia on labor migrants - the so-called blacklist. According to the Federal Migration Service of the Russian Federation, a total of 1.60m re-entry bans were issued in 2013-2015 and 513,300 foreigners were expelled from Russia. In early 2016, the total number of migrants banned from re-entering Russia increased to 1.65m. The overwhelming majority of those banned are from Central Asian states: estimates suggest that this includes 1m citizens of Uzbekistan, 0.33m citizens of Tajikistan and 0.12m citizens of Kyrgyzstan (IOM 2016). Labor migrants are placed on the blacklist due to non-compliance with administrative procedures e.g. late registration at the place of residence or late receipt of a work permit and the provision of incorrect documents. However, since many employers avoid paying taxes by employing Central Asian labour migrants it is actually beneficial for them to hire these migrants without providing any legal status for them.

The crisis of 2014 led to a marked decrease in remittances sent over 2014-2015 to both Kyrgyzstan and Tajikistan (47% and 66% respectively). The government of Kyrgyzstan has tried to minimize the consequences of these bans. Thanks to bilateral agreements, the number of Kyrgyz migrants with a ban on re-entry had decreased by 39% by April 2016 (IOM 2016).

According to IOM experts, return migrants affected by the ban on re-entry were not able to improve their well-being because they would have spent their savings to meet the primary needs of households during the period when the ban was in effect. With no integration into the local labor market and low self-employment skills, they are extremely vulnerable, both economically and socially (IOM 2016).



Photo 5. A returning migrant with 15 years of experience in Russia has invested his savings in establishing drip irrigation in his field. In 2017, he planted watermelons.

The border communities engage in external labor migration to Russia. According to representatives of local authorities that we had interviewed in the border villages of Ak-Sai, Uch-Dobo, Kok-Tash, Ak-Tatyr, Ravat, Orto-Boz, Samarkandek, Paska-Aryk, Zhany-Bak,, Kara-Bak, Dostuk, Chek, Kyzyl-Bel (Batken district); Beshkent, Kulundu, Maksat, and Kok-Tash (Leilek district), 40 -60% of able-bodied local residents are engaged in permanent or seasonal labor migration to cities of the Russian Federation.

Our field surveys have partially confirmed the data submitted by the IOM on the impact of return migration. In the seventeen survey villages, 68 respondents were interviewed and 24 cases of return migration were recorded. The main reasons for returning are: blacklisting, deportation, the seasonal nature of work in Russia, the availability of savings that the migrant wants to invest in the home country, health problems (illness of the relatives or the poor state of health of the migrant himself).

Interviewed ex-migrants pursued the following approaches upon their return: The most common approach is to return to agriculture, as expressed in the proverb - The land will not eat the work of the farmer, [Dyikandyn emgegin jer zhebeit]. Several of the interviewed ex-migrants invested in modernization of irrigation, such as installing a drip irrigation system in the fields, and setting up deep-well pumps; The second approach is to combine animal breeding with seasonal trips for work to the cities of Bishkek, Osh and to villages of the Chui Valley during the harvest season. Purchasing and keeping livestock is also a fairly common strategy among migrants. This, however, leads to an increase in the number of livestock and more pressure on the pastures of border villages. The third approach is to remain passive. This is the approach of the most vulnerable segments of the population as confirmed by the findings of the IOM.

Labor migrants from the border villages of Tajikistan make up a significant part of the clients of Batken airport, through which they transit to the cities of Russia via Osh or Bishkek. During the current study, it was not possible to interview migrants from the border villages of Tajikistan. Obviously, migration is an important cultural capital and social experience for residents of border villages. The impact of this experience requires a separate detailed study.

Transborder Migration

As a result of ongoing border tensions, a new type of internal migration has emerged that is characterized by ethnic minorities from along the Kyrgyz-Tajik border moving to mono-ethnic villages of their ethnicity, or to villages where their ethnic group is in a majority (Matveeva 2017). This trend of “ethnic migration” was already underway in the early 1990s during the civil war in Tajikistan (1992-1997), when Kyrgyzstan hosted refugees from all regions of Tajikistan. At the same time, ethnic Kyrgyz from Uzbekistan, China and Turkey also began to show interest in resettling in Kyrgyzstan. Later, in response to the need to award a separate status for ethnic Kyrgyz who expressed a desire to resettle permanently in Kyrgyzstan, Kyrgyzstan’s government adopted the so-named kayrilman (Repatriates) program in 1997. According to this program, ethnic Kyrgyz who are citizens of foreign states can be given the status of kayrilman. This allows them to obtain Kyrgyz citizenship more easily and there is a quota allocated to this group allowing free university education, a plot of land and a pension. These provisions were reinforced by the 2007 Law “On State Guarantees for Ethnic Kyrgyz Returning to Historical Homeland”. However, in practice, aside from access to citizenship, other types of assistance for people who acquire Kyrgyz citizenship under the kayrilman status are often not put into practice (NISS 2016,51). The largest numbers of kayrilmans are located in the Batken oblast. They come from Tajikistan and Uzbekistan.



Photo 6. A family of kayrilmans who moved from Tajikistan, is working its land along the new Bishkek-Isfana road. Ak-Tatyr, May 2017

Kayrilmans commonly move to border villages under the mandate of Kyrgyzstan and buy houses and plots of land along administrative boundaries where both are cheaper.

Thus, border communities are subject to migration processes that lead to a change in the composition and number of the population. However, it should be noted that this picture does not describe the entire border area. For example, in the village of Maksat, the outflow of people is not compensated for by an inflow of kayrilmans.

In the Sughd Oblast of Tajikistan, the most densely populated district is the Isfara district and includes the Vorukh zhamoat. In the Isfara district, migration takes several directions with residents of Vorukh moving to Isfara, Khujand and Dushanbe. After the industrial recession following independence, the majority of residents from small border towns migrated to neighboring zhamoats as well as to major cities within Tajikistan and to Russia for seasonal labor migration. For example the mining border town of Shurab is almost empty today while the neighboring zhamoat Chorku supports a high population density. The lack of land available for constructing homes led to tensions over land at the border zhamoats Varukh and Chorku with Kyrgyzstan's Ak-Sai AA, Ak-Tatyr and Samarkandek. Many interviewed respondents used the term "creeping migration", to describe a situation which is characterized by residents of Tajik border villages constructing homes or purchasing houses of Kyrgyz citizens on disputed territories. However, the real estate transactions between Kyrgyz and Tajik citizens are not recognized by Kyrgyz authorities.

In order to ease tensions, in 2015 UNDP initiated a pilot project funded by the Norwegian government to resettle 250 families from Chorku to Shurab in order to demonstrate the positive effect of resettlement from densely populated areas to sparsely populated areas and to show how conflict could be mitigated by reducing overcrowding. However, it was not possible to solve the problem of overcrowding in Chorku by resettlement alone, and therefore policies should be included that focus on issues of unemployment as well. The lack of alternative income generating activities makes agriculture and labor migration the only available means of subsistence for many in these communities which in turn increases the demand for agricultural land.

Natural Resource Management and Conflict

A New Institutional Framework for Natural Resource Management

In order to understand the complex interactions of border communities with natural resources, it is essential to first understand the current natural resources management model in Kyrgyzstan. In Central Asia, Kyrgyzstan can be regarded as a pioneer in the reform of natural resources management systems. The aim of the reforms carried out in Kyrgyzstan was to transfer the management of natural resources directly to resource-user communities. The decision to decentralize natural resource management was based on the need to transform the legacy of the Soviet past, i.e. the state-dominated natural resource management system inherited from the USSR, which was unsustainable for a newly formed state with a massive budget deficit. Decentralization was promoted by donors and international finance institutions also as a means to privatize natural resources (Sehring 2005; Shigaeva et al 2016; Isaeva and Shigaeva 2017). The land reform 1992-1999 created a new social layer of landowners and individual farmers. Water reform and pasture management reforms have led to the emergence of institutions based on public (community) management – WUAs for irrigation water (created in 1995), Rural Public Association of Drinking Water Users (created 1999), and Association of Pasture Users (created 2009).

These institutional transformations have created a volatile environment in which communities needed to quickly adapt to new rules – a process that should have been allowed more time since it requires the formation of a culture of user participation in management. This process is necessarily accompanied by changing perceptions of natural resource management and by the breakdown of old perceptions of the government and regulating bodies which have previously micro-managed agricultural activities, determining everything from what crops communities should sow, when to drive the cattle to the pastures, and when people would go on holiday

to Sochi (a popular destination of Soviet domestic tourism). With the implementation of the new institutional framework, it is expected that communities are able to independently address the issues of water supply and pasture management without the oversight of a centralized government.

In practice, most communities have faced a whole range of problems following the shift to the new institutional form of natural resource management, and were not prepared to respond to the variety of new management challenges. For example, of the 633 RPADWUs created in villages across Kyrgyzstan, only 40% are still functioning (Dzhaparsadykova, Satimkulova, 2015). According to a study by Sehring (2005), the creation of WUAs was based on a technocratic approach that ignored economic and political realities. The main argument is that the WUAs were created in a top-down approach that did not provide incentives or a supportive environment for the establishment of community-based institutions (Sehring 2005, 6). Another important problem is that the WUAs were created on administrative and not on hydrographic principles.

The rapid withdrawal of the central government in the 1990s led to a situation in which communities were left unsupported and facing acute problems of infrastructure decline, land degradation and conflicts over access and equitable distribution of natural resources.

It can be concluded that with the implementation of reforms, institutions were introduced without taking the capacity of specific communities into account. In part, this occurred because the system was reformed under the influence of donors (the World Bank, ADB, FAO, and grants from the Government of Japan). In the process, reforms were implemented not as a gradual process based on feedback, but as a project intervention, limited in time, and without due participation of the communities themselves at the stage of rule formation. As a consequence, new institutions now face enormous problems of legitimacy in the eyes of resource users in the early stages of their existence. The change of water use rules which implies that water now has to be paid for (Hassan et al 2004) has contributed to this crisis of legitimacy. The crisis of legitimacy that was experienced by WUAs and RPADWUs in the mid-1990s, is currently experienced by the more recently established PCs (Mestre et. al. 2013).

At the same time, it should be remembered that the sectoral approach laid down in the principles of natural resource management of the Soviet period is still part of the new institutional design. While the principles of governance are changing (the state-centric model is replaced by the community-centered model), resource management is not yet carried out in an integrated manner, e.g. water use is separated from land use.

The Case of the Transboundary Irrigation Canal Ak-Tatyr

The problem of managing transboundary canals is acute in the border villages of Batken and Sughd oblasts. The focus of the water reform that has been carried out in Kyrgyzstan since 1995 and in Tajikistan since 2006 is on the creation of a decentralized water management system based on IWRM principles. At the local level, management functions are delegated to community based management institutions - WUAs. In the case of cross-border communities, the water reform has led to a situation in which transboundary canals are managed on several levels - national, regional and local. As transboundary canals provide the communities of the neighboring countries of Kyrgyzstan and Tajikistan with water, they require a high degree of coordination between the water management institutions on both sides of the border. Failures of coordination or inconsistency between different levels of management can lead to tensions between communities located along the canal. The main actors involved in water management from both countries are: Water users – they elect members of the WUA board and murabs, and they pay an Irrigation Service Fee; WUA - the mandate of this organization is maintenance and servicing of the on-farm parts of the canal, WEA (water economy authority) – this institution serves the inter-state part of the canal; local authorities – mobilize people for the seasonal cleaning of the canal; Murabs - they provide access to water resources and allocate water between end users; national authorities – they step in when conflicts over water arise between communities

We will take the Ak-Tatyr canal located in the Batken region, part of which passes through the territory of Tajikistan, as a case illustrating poor coordination at various levels of governance institutions and conflicts over water.

Along the Ak-Tatyr canal, conflicts due to water shortages are a common seasonal phenomenon between AAs of Samarkandek, Ak-Tatyr, Ak-Sai (Kyrgyzstan) and Khoji-A'lo (Tajikistan).

AA Samarkandek is located in the tail reach and is the most vulnerable AA (in comparison with AAs of Ak-Sai and Ak-Tatyr) in terms of the access to irrigation water, as villages that are located upstream of the canal draw water without regard for the interests of downstream AAs. This applies to both Tajikistan and Kyrgyzstan villages. During the summer of 2015-2016, the AA Samarkandek communities (11,000 people) had only twice access to water for irrigating their fields.

The canal management faces two problems. On the one hand, there is fragmentation and inconsistency of management between the local authorities in the border areas of Kyrgyzstan: WUAs and WEAs. On the other hand, there is poor coordination between district water authorities of the two countries: Batken WEA and Isfara WEA.

Local Authorities: Aa Ak-Sai, Ak-Tatyr And Samarkandek (Kyrgyzstan) – Village Khoji-A'lo of the Chorku Zhamoat (Tajikistan)

Local authorities of AAs of Ak-Sai, Ak-Tatyr, Samarkandek have different attitudes to the problem of water shortage. AA Ak-Sai is not involved in solving the problem, since only one village of Uch-Dobo district receives irrigation water from the Ak-Tatyr canal. Uch-Dobo village is at the beginning of the canal and does not experience any acute shortage of water. However, in the event of a dispute over water between farmers in the downstream villages Uch-Dobo becomes the arena of confrontation between the Tajikistan village of Khoji-A'lo, on which it borders and Kyrgyzstan villages. Thus, the local authorities of AA Ak-Sai are involved in solving problems of canal management post factum and sporadically, when water shortage leads to conflict on the territory of Uch-Dobo village.

The middle part of the canal passes through villages that are part of the AA Ak-Tatyr. Local authorities are interested in increasing the capacity of the Ak-Tatyr canal, as this will enable them to develop new plots of land, which, according to local authorities, should stop the outflow of people due to labor migration (from an interview with a deputy of the AA Ak-Tatyr Aiyl Kenesh, November 2016). However, local authorities are not pro-active and limit their activities to mobilizing local residents for the spring cleaning of the canal. They did not collect funds for the rehabilitation of the canal and did not support the activities of the WUA.

Local authorities of AA Samarkandek have the greatest interest in solving the problem of water shortage and in the rehabilitation of the canal. Along with the creation of the WUA, Samarkandek tried to lobby at the regional level for reconstructing of the canal. However, this initiative failed because the budget deficit.

Local authorities in the village of Khoji-A'lo Zhamoat Chorku are distrustful of initiatives for infrastructure development and maintenance works on their territory, because, as shown above in this report, there is a long history of disputes over ownership of agricultural land on this territory.

WUA «Tort Kul Tolkunu»

To start the process of coordinating the interests of the three Kyrgyzstani AAs in the joint management of the Ak-Tatyr canal, AA Samarkandek initiated the establishment of the WUA “Tort Kul Tolkunu” in 1997, which took ownership of the on-farm part of the canal. During the 10 years from 1997 to 2007, the WUA has practically been dysfunctional. As the field survey has shown, the organization changed its chairman every year up until 2015, and there were long periods from 1998 to 2003, when the organization remained without leadership. Working in the WUA is not attractive because Batken WEA is highly indebted due to the irregular supply

of water. Residents of the villages of the three AAs of Kyrgyzstan partially refuse to pay for water, since water supply is not reliable and because the volume is not sufficient, which leads to a high risk of crop loss. Consequently, water users are guided by the principle: no water - no payment.

The problem of water shortage indirectly stems from the critical condition of the Ak-Tatyr canal. Poor condition of the canal infrastructure leads to high losses of water during transportation (of the 11 km of the canal, half is earthen). According to the estimates of local experts, 25% of the water is lost (from interviews with a water engineer of Batken BO3, Batken, June 2017).

WUA “Tort-Kul Tolkunu” does not have sufficient capacity to involve local authorities of the three AAs and the communities in solving problems of canal repair and of the acute problem of water allocation between villages on the territory of Kyrgyzstan. It should be noted that the WUA has faced a huge number of problems: mosaic structure of crops that require different modes of water consumption, poor funding (irrigation service fee) and low professional potential. We would also note that these problems are widespread among WUAs in Kyrgyzstan (Abdullaev & Rakhmatullaev, 2015). Thus, WUA “Tort-Kul Tolkunu” has a water management mandate at the local level, which it cannot implement in practice due to financial and managerial constraints.

Murabs

Murabs are members of a community responsible for distributing water and resolving disputes over water sharing among farmers. They are part of the traditional water management system in Central Asia (Andrianov, 1969; Barthold, 1965). Today, Murabs are employees of WUAs, but in cases of failure of these organizations, as shown by the example of “Tort-Kul Tolkunu”, Murabs work independently.

Murabs are actively involved in resolving disputes over access to water and water distribution between villages and between farmers. Murabs are elected by villagers, and their services are paid for by the population. The murabs interviewed during this study see water shortage as a reflection of the poor technical condition of the Ak-Tatyr canal and of irrational water use by farmers. Murabs see their mandate narrowly, only within a village, where they interact with residents and perform mediation functions in cases of disputes over water.

District Level of Management

The Batken Water district administration manages 4 km of the inter-farm part of the Ak-Tatyr canal that runs through the village of Khoji-A'lo Tajikistan. Trees are planted, and houses are under construction along the canal in this area (4 km). Thus, the water protection zone (4 meters along the banks of the canal) is not observed. This prevents cleaning of the canal, since silt and sand must be removed manually and carried off the river bank, which cannot be done by the one employee of the Batken Water Economy Authority (WEA) serving this section of the canal alone. In addition, specialized equipment for Batken WEA cannot be transported to the canal, since the territory of Khoji-A'lo belongs to Tajikistan, and any repair work in the village requires the permission of the central authorities in Dushanbe.

Isfara Department of the State Administration of Land Reclamation and Irrigation considers 4 km of the canal passing through the territory of Khoji-A'lo as part of its mandate, because the canal passes through the territory of Tajikistan. The village of Khoji-A'lo does not experience any water deficit, because it is located in the head part of the canal. On the contrary, it experiences water abundance, which leads to flooding of houses as the water level in the canal rises. Therefore, the Isfara WEA sees its task in preventing flooding and practices emergency discharges of water into the Isfara River. The Batken WEA, WUA and villagers in Kyrgyzstan are against emergency discharges, and insist on increasing the capacity of the canal by building up the sides of the canal, which in their opinion will solve the problem of flooding of the houses of Khoji-A'lo residents. Isfara WEA as well as residents of Khoji-A'lo do not support the initiative to increase the capacity of the canal since this can lead to disputes over land in this area in the long run.

Governments

After the construction of bypass roads by Kyrgyzstan (Ak-Sai-Tamdyk road), central authorities in Dushanbe are concerned about infrastructure initiatives of their neighbors, as there is a risk that any repair or restoration works done at the expense of the neighboring country may be a potential reason for contesting the territory, on which the infrastructure is located.

The central authorities in Bishkek, like in Dushanbe, see the water shortage and “Ak-Tatyr” canal problem as subordinate to negotiating the border and promise to begin solving it only after the negotiation process is over.

International Organizations and Experience of Project Interventions

Several international organizations have offered their assistance for reconstructing the Ak-Tatyr canal: GIZ, ACTED, WB, and USAID. However, due to the high risk of conflicts, these organizations have rejected project interventions. In 2015, as part of an UNDP initiative, the canal bed in the tail section was cemented, which, however, was not a solution of this problem.

As Christin Bichsel (Bichsel, 2009) notes in her study, project interventions to improve infrastructure for conflict prevention in Kyrgyzstan are often not effective, as they ignore the bricolage in the management of natural resources. That is, improving only the technical condition of the canal is not enough to make progress. It is respect necessary to solve the problems of water management and use at the local level. In this, it is not enough to train only WUA staff. It is respect to involve representatives of local authorities, deputies, as well as influential villagers in the training. Among the first initiatives in this area were project interventions in 2005, when a local NGO “Foundation For Tolerance International” initiated a series of meetings between the staff of the Batken WEA, WUA “Tort-Kul Tolkunu” and local authorities of the three AAs for a dialogue on improving the management of the Ak-Tatyr canal. However, the goal was not achieved (Interview with Gulnara Temirbayeva, Project Manager of FTI, Batken April 2016), and there is no agreed approach to canal management between AAs in Kyrgyzstan.

Cross-border canals require a high level of coordination between various actors of the two countries. Local organizations however, cannot act effectively at this scale, since inter-state issues are not within their mandate.

A situation has developed, in which local organizations refer decisions on infrastructure investments to national authorities. National authorities in turn, issue unresolved border negotiations within the two countries as a priorities and excuse for postponing infrastructure investments. In other words, unless questions of land ownership are resolved between the two countries, there is no interest in addressing water access issues at the local level. Due to the lack of coordination of management and in some periods because of its absence (for example, inactivity of the WUAs in 1998-2003), inter-communal relations deteriorate to the point of conflicts.

Conclusion

This report provides evidence that the formation of international borders between Kyrgyzstan and Tajikistan has aggravated disputes over ownership of agricultural lands, water and pastures. Fifteen years of border negotiations between the governments of Kyrgyzstan and Tajikistan have produced agreements to avoid measures that have been shown to directly or indirectly escalate tension and conflict: a ban on agricultural land development on disputed territories and a ban on the construction of new infrastructure (roads, irrigational canals etc.). Kyrgyzstan has also implemented a moratorium on the use of pastures by foreign citizens.

The increase of conflicts around land ownership has discouraged traditional resource-sharing practices, which were common between border villages for a long time. As it was shown in the case of construction of the bypass road Ak-Sai, Tamdyk, Kishemish the construction of new roads by Kyrgyzstan significantly reduces

access to summer pastures for inhabitants of border villages of Tajikistan. This leads to an escalation of tension between the border villages.

Since independence, Kyrgyzstan and Tajikistan have made security a priority concern in the border areas. While militarization of the border was intended to reduce potential conflicts in border communities, it has, in reality, led to an increase in tensions (Murzakulova and Mestre 2016). The setting-up of border posts near villages or next to farmers' fields has a negative impact on inter-communal relations between the border communities of Kyrgyzstan and Tajikistan.

Border communities are also affected by labor migration from Central Asian countries to Russia and Kazakhstan and also by return migration. Return migrants try to integrate into the local economy, especially agriculture, with the exception of some vulnerable groups who cannot integrate due to lack of savings or adverse environmental conditions.

Border villages are source areas for international labor migration, and at the same time they are attracting migrants. For example, a new type of cross-border migration appears to be occurring in Kyrgyzstan and Tajikistan, in which ethnic minorities move to a community that has most people belonging to their own ethnic group. This type of migration has a negative impact on villages with a mixed population, because migration shifts the balance from community affiliation to ethnic affiliation. This means that community cohesion, which was previously based on the simple fact of belonging to that community, is replaced by a sense of belonging based on ethnic membership.

The introduction of a black list for labor migrants by Russia led to a flow of return migrants to Kyrgyzstan as well as to Tajikistan. As the survey showed, returning migrants adhere to a variety of strategies: Return to agriculture and investment of savings in improving irrigation practices; Internal migration to Chui oblast and the city of Bishkek; Passivity and consumption of savings. The third group is vulnerable. Thus, stimulating employment locally and developing the local labor market are important actions that could strengthen the economic security of the region. Assessing the effectiveness of institutions for community-based resource management institutions, by using transboundary irrigation canals as a case in point, we found that WUAs in border communities have not yet grown into sustainable organizations that can play a leading role in maintaining infrastructure inherited from the Soviet period, or which can act as mediators during conflicts over water access. However, the fact that those WUAs were able to adapt to new institutional rules and harmoniously integrate them into the existing water management structure shows that co-optive water management can work at the local level.

Opportunities for and Limitations of Project Interventions:

Continuing border disputes between countries require a high degree of support for infrastructure project interventions by local community leaders. District or regional authorities issuing a permit for infrastructure interventions is not necessarily sufficient to initiate interventions such as rehabilitating trans-border irrigation canals. It should also be borne in mind that irrigation projects can affect the water allocation between communities, which could create further tensions in border communities. This factor would likely contribute to inhibiting any project interventions aimed at expanding access to water as it was shown in the case of Ak-Tatyr canal. Thus, in border communities with high conflict dynamics, projects are initially limited to repairing existing infrastructure and cannot rely on building a new infrastructure because of the current ban on the construction of new infrastructure on disputed lands, which affects almost all border villages between Kyrgyzstan and Tajikistan.

The most acute conflicts occur in the territory of AA Ak-Sai, Ak-Tatyr (Kyrgyzstan) and Vorukh, Chorku (Tajikistan). Project interventions in the field of irrigation infrastructure and drinking water should be accompanied by multiple meetings with local communities on both sides of the border and discussions should be recorded in meeting minutes.

The following groups should be singled out as project beneficiaries: kairylmans and households with return migrants who are disadvantaged in terms of agricultural development (e.g. due to no access to irrigation water). Both are the most vulnerable groups in border areas from the point of access to natural resources and in terms of economic security.

WUAs in Kyrgyzstan appear not to be sustainable as independent organizations and are largely dependent on project support. Taking into account the co-optive water management model and the capacities of WUA staff, it is necessary to train engaged employees of the AO, RWMD and murabs in villages in which WUAs do not operate in order to achieve sustainable water management at local level.

It is necessary to encourage any form of cooperation between community-based institutions, i.e. the WUA, the PC, and the RPADWU. For example, in many villages, drinking and irrigation water comes from a single source, and therefore the principles of working with drinking water should logically be included in the training component of WUAs.

In border communities, a number of major projects are being implemented through the UN agencies, ACTED and ARIS. It is necessary to initiate coordination meetings with these organizations to increase the efficiency of work in complex areas such as these and to promote information exchange in order to avoid overlap of interventions.

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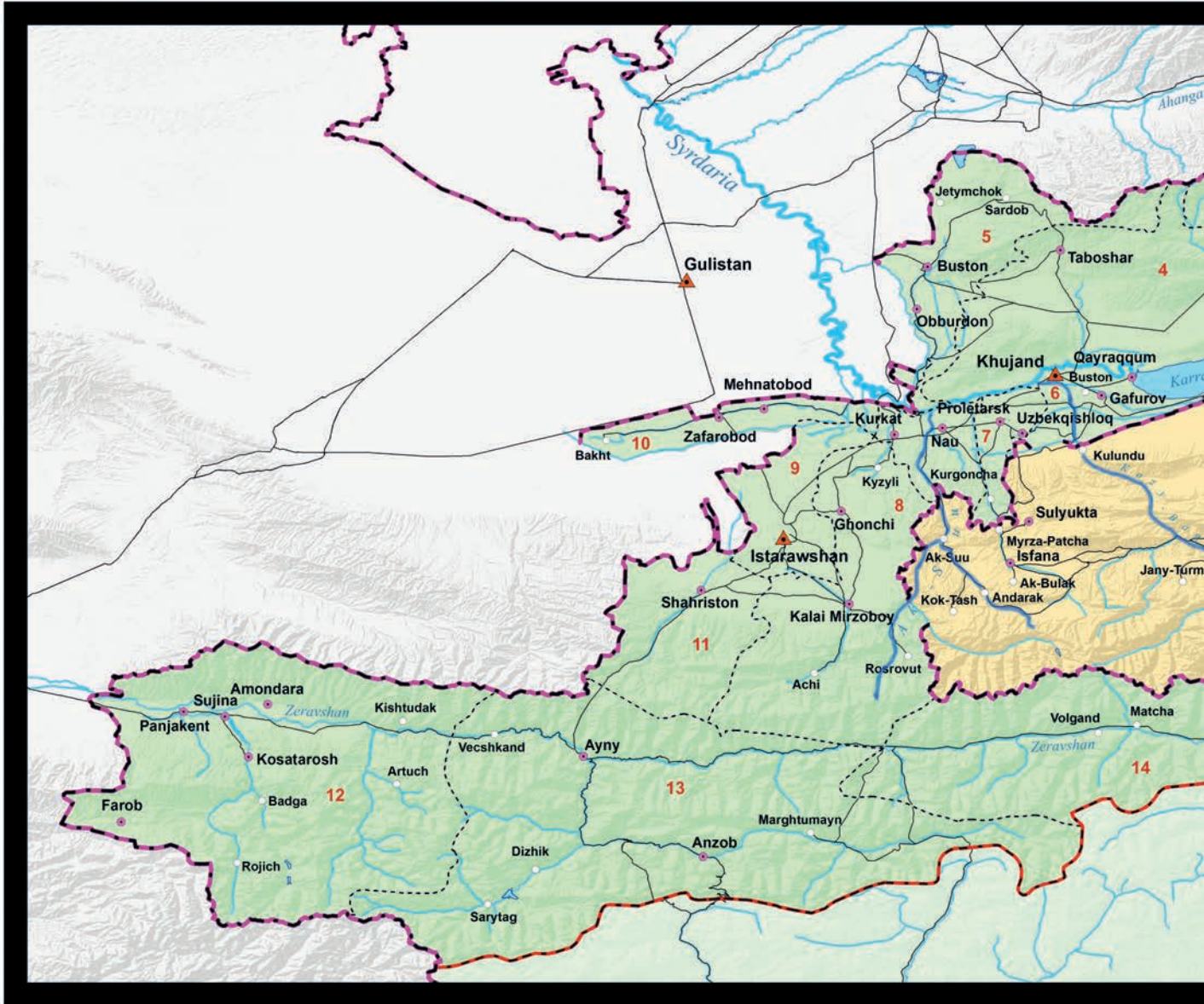
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BATKEN PROVINCE, SOGHD PROVINCE,



The numbers on the map shows the regions

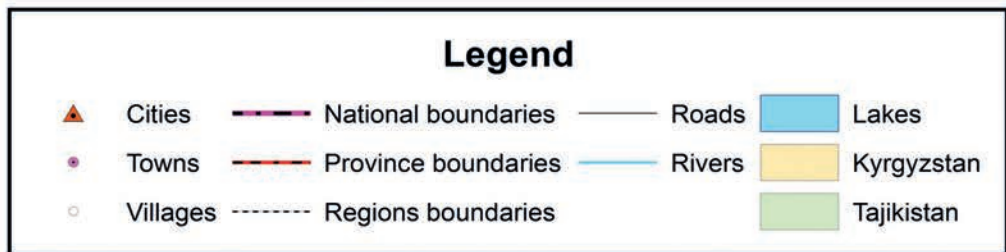
Number	Name of region	Number	Name of region
Tajikistan			
1	Isfara	10	Zafarobod
2	Konibodom	11	Shahriston
3	Asht	12	Panjakent
4	Gafurov	13	Ayni
5	Mastchoh	14	Kuhistoni Mastchoh
6	Jabbor Rasulov	Kyrgyzstan	
7	Spitamen	15	Leilek
8	Ghonchi	16	Batken
9	Istaravshan	17	Kadamjay

1:155000



1 cm is equal 15.5 km

KYRGYZSTAN TAJIKISTAN



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