

# Early warning — no action?

Sabine Machl<sup>1</sup>

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<sup>1</sup> Dr. Sabine Machl is the Head of the Section Eastern Europe, Caucasus and Central Asia at the office of the OSCE/HCNM and a Senior Adviser to Ambassador Vollebaek. The views expressed in this article are those of the author, not the OSCE/HCNM.

On 12 June 2010, the OSCE High Commissioner on National Minorities (HCNM), Ambassador Knut Vollebaek, issued a formal 'early warning' to the OSCE Kazakh Chairperson-in-Office (CiO), the State Secretary and Minister of Foreign Affairs Kanat Saudabaev. This was only the second time in the history of the HCNM that this instrument had been used.<sup>2</sup> An early warning is a last resort open to the OSCE HCNM to draw the attention to a situation that has gone beyond a level which he is able to contain with the measures at his disposal as is clearly spelled out in the mandate (Arts.13-15):

(13) If, on the basis of exchanges of communications and contacts with relevant parties, the High Commissioner concludes that there is a prima facie risk of potential conflict (as set out in paragraph (3)) he/she may issue an early warning, which will be communicated promptly by the Chairman-in-Office to the CSO [today the Permanent Council].

(14) The Chairman-in-Office will include this early warning in the agenda for the next meeting of the CSO. If a State believes that such an early warning merits prompt consultation, it may initiate the procedure set out in Annex 2 of the Summary of Conclusions of the Berlin Meeting of the Council ('Emergency Mechanism').

(15) The High Commissioner will explain to the CSO the reasons for issuing the early warning.<sup>3</sup>

In other words, the HCNM uses this formal early warning when he no longer sees any opportunity to prevent a conflict by means of quiet diplomacy or with the tools afforded to him according to the mandate.

There has been much speculation about the timing of this early warning and, by means of this article, I would like to set some of the facts straight. Kyrgyzstan, like the other States of Central Asia, is faced with long-term challenges in the area of majority-minority relations. These challenges have, in the last few years, increased in seriousness, primarily as a result of political developments in the region. For quite some time now the HCNM has been concerned that frictions stemming from majority-minority issues could have a substantial negative impact upon the inter-State relations of the region.

The potential for violence inherent in majority-minority relations in Central Asia is best highlighted in the final years of the Soviet Union, when bloody, interethnic clashes broke out in the Ferghana Valley (Uzbekistan and Kyrgyzstan) in 1990. In the years following independence, the governments of the region primarily relied on a firm hand and bureaucratic measures to manage interethnic relations. Little has been achieved with regard to genuine integration, which is necessary for long-term stability. A failure to address the sources of discontent between majorities and minorities has led to the build-up of ethnic tensions and the recent violence we have been witnessing in the case of Kyrgyzstan.

The HCNM's engagement in response to these developments in Central Asia is designed to reinforce the basic principle of international law prescribing that a State may only act within its jurisdiction that extends to its territory and citizenry. In his discussions the High Commissioner repeatedly underlines that the protection of the rights of persons belonging to national minorities is an obligation of the State where the minority resides.

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<sup>2</sup> The first time was at the 229th meeting of the Permanent Council on 12 May 1999 in the case of the former Yugoslav Republic of Macedonia, when the then High Commissioner Max van der Stoep issued a formal early warning.

<sup>3</sup> For the full text of the HCNM's mandate see CSCE Helsinki Document: The Challenges of Change, Helsinki Decisions: Chapter 2. CSCE High Commissioner on National Minorities, available *inter alia* in: *National Minority Standards. A Compilation of OSCE and Council of Europe Texts* (Strasbourg: Council of Europe Publishing, 2007), pp. 35-40.

The HCNM approach to Central Asia is therefore based on the idea of mutual security in the area of interethnic relations through reciprocal respect for the sovereignty and responsibilities of each State, inter alia, respecting the rights of persons belonging to national minorities.<sup>4</sup>

The HCNM has been actively involved in Kyrgyzstan since the Institution's inception in 1993. Central Asia has been a priority for all three High Commissioners and they have all made frequent visits to Kyrgyzstan. Back in 1998 the first High Commissioner, Max van der Stoep, set up a monitoring network in the south of the country to provide monthly confidential reports to the HCNM as well as to the Kyrgyz Government. From the outset special emphasis has been given to the interethnic situation in the south, but more recently coverage has been extended to the north of the country. The reports function as a barometer indicating tendencies and trends in the field of interethnic relations as well as how the nation and the national minorities perceive certain events and respond to developments in the country.

In addition to the recommendations the High Commissioner provides to Kyrgyzstan, a number of other activities have been carried out over the years. In particular in the sphere of education, for example support for multilingual and multicultural teaching as a means to address interethnic relations in the longer term. Since 2005 the HCNM has also been engaged in a large project on multi-ethnic policing, which in 2008 was integrated into the police reform programme of the OSCE Centre in Bishkek.

It is therefore not surprising that Ambassador Vollebaek has been particularly alert to the changing trends in Kyrgyzstan over the last few years and has become deeply worried. During the Bakiev era a policy of nationalism became highly fashionable and the effects of the lack of a policy with regard to minorities and the interethnic situation in the country has become more and more apparent on many fronts. Minorities have been squeezed out of the public sector, many have left the country and the simmering tensions have flared up on several occasions. The memories of the conflict between ethnic Uzbeks and Kyrgyz in and around Osh in 1990 are still fresh in the minds of many people and the common line has been not to talk about interethnic issues and to just hope that everything would be fine.

The lack of policy and the increase in nationalism in the political sphere has been particularly felt by members of the Uzbek community; the majority reside in the south of the country. In November 2009 the High Commissioner travelled to Kyrgyzstan and after his trip he sent a confidential report to the then Greek chairmanship (the standard procedure for the HCNM in contrast to other OSCE Institutions who report to the Permanent Council). He had already concluded at this point that matters regarding interethnic relations in the country were deteriorating at an alarming pace.

Three weeks after the events in April 2010, which brought about the ousting of President Bakiev and the assumption of power by the provisional authorities, Ambassador Vollebaek again travelled to Bishkek and Osh and had a number of meetings not only with the new provisional leaders, but also with many different minority representatives. He visited the village of Maevka where a number of Meskhetian Turks had been targeted on 19 April 2010. Several of their homes were looted and torched by a large crowd. Apparently the houses had been marked beforehand to enable attackers to recognize the minority property as specific targets. As a result of this violence, reportedly five people died, many more were wounded and several houses were burned down. The attackers also seized land belonging to members of minority communities. When

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<sup>4</sup> These principles were brought together by the HCNM in the form of the Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations (June 2008), available at the OSCE/HCNM website <http://www.osce-hcnm.org/>.

the HCNM spoke to the people in Maevka it became apparent that they were living in extreme fear and clearly perceived the violence to be ethnically targeted. Similar violent actions took place in the north of Kyrgyzstan in Tokmok and in other villages.

After this visit to Kyrgyzstan at the end of April 2010, Ambassador Vollebaek assessed the situation to be so serious that instead of preparing a confidential report to the CiO, he asked the Chairmanship for the opportunity to address the next Permanent Council. The speech<sup>5</sup> he delivered during this session on 6 May 2010 highlighted his concerns with regard to the situation in Kyrgyzstan where people had become disillusioned with politics and no longer trusted their politicians. He also alerted delegations to the fact that physical security and the protection of property rights were acute problems and drew their attention to the reports of criminal groups taking advantage of the situation.

Ambassador Vollebaek went on to state that in his opinion 'post-uprising Kyrgyzstan represents one of the OSCE's biggest challenges since the 2008 war in the Caucasus'. He further maintained that the 'increase in nationalism has the potential to threaten interethnic peace in the country'. Underlining the fact that the disregard for interethnic issues had started long before the April 2010 uprising, he gave a short summary of what had happened during the last couple of years.<sup>6</sup> He impressed on the participating States that it was crucial for them to send a message emphasizing the importance of restoring interethnic peace in Kyrgyzstan. He encouraged delegations to reassure minority communities that the international community is aware of their problems and attaches great importance to their resolution.

At the time a number of States felt that his concerns had perhaps been too strongly worded, but unfortunately shortly after this meeting of the Permanent Council, in mid-May, violence broke out in Jalalabad after a power struggle between the Bakiev supporters and provisional authorities who were assisted by some locals, including Uzbeks. When President Bakiev was ousted, Kadyrjan Batyrov (a former Member of Parliament and the wealthy leader of a part of the Uzbek minority) had seized the political opportunity to align himself with the provisional authorities. Unfortunately his manoeuvrings backfired: On 14 May reportedly several houses belonging to the Bakiev family were burnt to the ground and rumours were spread that Batyrov was behind this action. After a few days of increasing inter-ethnic tensions, violent clashes broke out on 19 May which, according to the Ministry of Health, left two people dead and dozens injured.

This and earlier events led the High Commissioner to return to Kyrgyzstan at the beginning of June in order to hold consultations with around 15 leaders from the Uzbek minority as well as the provisional government. The minority representatives asserted that interethnic relations were continuing to deteriorate rapidly and that they had nobody in the provisional government to take on the role of interlocutor. Only three days after the return of Ambassador Vollebaek to The Hague, violent clashes broke out in Osh during the night of 10-11 June, which led the HCNM to issue his formal early warning on the morning of 12 June. There are various narratives of who sparked this violence which left several hundreds if not thousands dead, many more wounded and tens

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5 The full text is available at <http://www.osce-hcnm.org/>.

6 Open ethnic clashes first erupted in February 2006 in the village of Iskra, and later in the village of Petrovka in April 2009. Most recently, the ethnic majority forcefully evicted ethnic Kurds from the town of Kok-Jangak. In January 2010, an ethnic-Kurd had raped a Kyrgyz girl, resulting in the collective punishment of the Kurdish population, which led to a reported 23 out of 28 families leaving the town.

of thousands displaced.<sup>7</sup>

The Kazakh CiO reacted quickly and convened an emergency PC on 14 June, during which the HCNM gave his reasons for issuing the early warning. First of all, the capacity of the provisional government was insufficient to deal with the level of ethnic violence, and the minorities had virtually no trust in the interim leadership. In addition, the provisional government seemed unable to control the situation at a national level and if they did not re-establish the rule of law quickly this could result in the destabilization of the whole region. Even more worrying, the situation had deteriorated to such a degree that soon it would not be possible to turn the tide. Nationalism had become part of people's everyday lives and threatened to break down interethnic relations completely. Finally, national minorities were being subjected to continual harassment and were living in great fear.

In this statement to the special PC,<sup>8</sup> the HCNM proposed a number of concrete measures to address some of the immediate and more long-term causes of the violence. He called for the OSCE to bring the matter to the attention of the UN Security Council, to establish an independent international commission to investigate the interethnic violence that had occurred and to consider a power-sharing agreement that would oblige Kyrgyzstan to include ethnic Uzbeks and other representatives of national minorities in all state institutions, including law enforcement agencies, the judiciary and public administration at all levels. In addition, the HCNM made it clear that he considered it imperative that the 'Kyrgyz provisional government establishes an authoritative institution that is responsible for communication with the different minority groups'.

Having given a short account of the events and indications that led to the HCNM's decision to issue the formal early warning, the actions that have been taken since will now be discussed.

It appears that only international NGO's which work in the sphere of human rights and conflict prevention were quick in taking up the points raised by the HCNM. Many of them have reiterated the points made by Ambassador Vollebaek and some of them have even proffered concrete proposals and suggestions as to how States and international organizations, like the UN and/or the OSCE, should respond.

Unfortunately, at the time of writing this article, not much else has happened. The question of security is no longer as dire as it was, but the situation still remains tense. In general, things have quietened down; the problem, however, is that many are mistakenly interpreting this lull as stabilization. Due to a number of factors this is far from being the case and the situation still remains very volatile. First, the atrocities that have taken place and the ousting of tens of thousands of people from their homes mean that the relations between the nation and the Uzbek minority in particular are extremely strained, with virtually no trust on either side.<sup>9</sup>

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7 Human Rights Watch published 'Where is the Justice — Inter-ethnic Violence in Southern Kyrgyzstan and its Aftermath', on 16 August 2010. The report can be accessed on [www.hrw.org](http://www.hrw.org). HRW conducted an extensive investigation on the ground and based the report on over 200 interviews and established a chronological order of the events. In particular the role of the law enforcement bodies is studied and a number of violations and failures by the authorities with regard to their conduct during the violence highlighted.

8 Available at <http://www.osce.org/hcnm/13354.html>.

9 A number of factors have led to this loss of trust: the exodus of tens of thousands of ethnic Uzbeks from southern Kyrgyzstan, the diverging narratives, conflicting information and the sense of victimization as well as the role of the media in fanning the flames of the conflict.


Second, other minority groups now live in fear after having seen what has happened to the Uzbek minority; they dread that they may be next. Third, as I mentioned at the beginning of this article, it has become quite fashionable in Kyrgyzstan to be openly nationalistic. Statements are made today (in particular by a number of politicians) that a couple of years ago would never have been uttered in public.

On 22 July 2010 the OSCE did finally approve the deployment of a Police Advisory Group (PAG) to Kyrgyzstan and is currently recruiting for 52 members to fill its ranks. Ambassador Markus Mueller, an experienced Swiss diplomat with a great deal of first-hand knowledge of Kyrgyzstan, was chosen to lead this Group. Meanwhile we witness daily protests in Kyrgyzstan against the deployment of PAG and there are very few who counter the skewed arguments being put forward for why this international presence is not needed in the country.

At the time of writing this article, the OSCE Parliamentary Assembly's Special Representative for Central Asia, the Finnish Member of Parliament Kimmo Kiljunen, continues his endeavours to set up an international commission of inquiry to look into the violent clashes that have taken place in the south of Kyrgyzstan in June. In a letter dated 6 July, President Roza Otunbaeva asked him to head such a commission. Although a laudable initiative, at the moment there are no international organizations backing this effort or prepared to give a mandate to the Finnish parliamentarian. The composition and the working methods of such a commission are still under consideration more than two months after the events occurred. It is of paramount importance that a dialogue is started as soon as possible between the different groups as a first step towards reconciliation.

The international community, with the exception of those providing humanitarian aid, has reacted very slowly to this crisis and has let Kyrgyzstan down at this difficult time. It remains inexplicable that the situation in Kyrgyzstan is not on the agenda of the Security Council of the United Nations and begs the question why not a single Member State of the Security Council (or any other State for that matter) has found the situation grave enough to bring it before the Council. People working in and on this particular region understand that stability in this part of the world is not a given and that it will take concerted and sustained efforts to address the many challenges faced by the Central Asian States.

If there is no proper international investigation into what triggered the violence and allowed it to spiral out of control, we shall see more bloodshed in the future. It is essential that those who suffered and who lost members of their families or their friends see those who instigated and carried out the atrocities brought to justice. Only this will provide a sound basis for reconciliation and a truly fresh start for the country. All those trying to gloss over recent events in the hope that the problems would simply go away are gravely misjudging reality.



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Netherlands Helsinki Committee  
Het Nutshuis  
Riviermarkt 4  
2513 AM The Hague  
The Netherlands

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