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UZBEKISTAN: COMMITTED LEADERSHIP ON REFUGEES AND ASYLUM KEY TO REGIONAL PROTECTION EFFORTS

By opening its borders to some 100,000 vulnerable ethnic Uzbek refugees fleeing deadly violence in southern Kyrgyzstan, the Uzbekistan government demonstrated rare humanitarianism and respect for international law. After the clashes subsided, Uzbekistan arranged with Kyrgyzstan to encourage the refugees to voluntarily return for Kyrgyzstan's June 27 constitutional referendum. While Uzbekistan and its citizens should be commended for their humane actions they should be encouraged, along with their neighbors, to provide temporary asylum to any refugee at risk and cease any deportation of those still fearing persecution if returned to Kyrgyzstan.

A LINGERING SHADOW OF BYGONE DAYS

During the Soviet era Central Asia was managed in a borderless fashion. Its transportation, energy and irrigation infrastructure was designed to create a high degree of mutual interdependence between the various Republics. With the dissolution of the Soviet Union, newly independent nations arose, their borders slicing through formerly coherent communities of Kazakhs, Uzbeks, Kyrgyz and Tajiks, as well as populations Stalin deported from their historical homelands. The breakup produced mass migrations of ethnic minorities holding Soviet passports. Documents soon became obsolete as nationalistic governments created new citizenship requirements that left some Soviet migrants and their children de jure and de facto stateless.

Uzbekistan was historically one of the region's poorest countries and today has its largest population of 27.7 million people who are located primarily in the south and east. Surrounded by all the countries of Central Asia, it has an authoritarian government focused on self-sufficiency and security, concerned about regional stability and the spread of terrorism. In mid June 2010, unrest and then large-scale violence erupted in Kyrgyzstan's southern cities of

POLICY RECOMMENDATIONS

- The U.S. and the international community should commend Uzbekistan for its timely admission and humane treatment of refugees. The speedy action of the government in granting temporary refuge and rallying public support for comprehensive humanitarian assistance was remarkable and should serve as a model for other states.
- Uzbekistan should continue to provide protection and asylum to any refugee in need of safety regardless of ethnicity, and should also prevent forced returns. The country should become party to the international refugee and stateless conventions to improve the prospects for regional stability and decrease discrimination against those now stateless.
- Uzbekistan should seek the assistance of UNHCR in improving its ability to respond to sudden humanitarian emergencies and to aid refugees.
- Uzbekistan and other countries should utilize available human rights mechanisms as a means to express concerns about what happened in Kyrgyzstan and to encourage a full and impartial international investigation and efforts to end ethnic discrimination.

Osh, Jalal-Abad, Bazarkorgon, and other communities. However the violence started, it quickly developed into a Kyrgyz-Uzbek interethnic conflict. Within 48 hours, attacks caused hundreds of thousands of Uzbeks to flee to Uzbekistan's border, with the sounds of gunfire and blackened skies as evidence of deadly conflict.

REGIONAL RESPONSE TO VIOLENCE IN KYRGYZSTAN

Kyrgyzstan's ethnic Uzbek citizens headed for the homes of relatives or friends throughout the Fergana Valley, taking many across the nearest international border in search of safety. Some crossed informally. Others tried one of the dozen official border crossing points in the Andijan region, six in Osh and six bordering the Jalal-Abad region of Kyrgyzstan. Uzbekistan quickly closed its border for two days at the outbreak, but with hundreds of thousands displaced and massed nearby decided to reopen the border to admit the most vulnerable refugees. More than half of the refugees were children, sent first, in some cases passed hand to hand. Women were next, then the elderly, the disabled, and the wounded. Few men left Kyrgyzstan, some choosing to stay, guarding property, others because they were denied entry. Some reportedly paid to pass to safety.

Uzbekistan thought it was well prepared for an influx of some tens of thousand of people fleeing neighboring countries due to a political or other emergency. But it had not foreseen the flood of refugees. At the peak of the forced displacement on June 15, over 100,000 people had sought refuge, the majority in the Andijan region, the county's most densely populated area.

President Karimov admitted the people as refugees, persons under international law entitled to protection, assistance and safe haven. His government took the responsibility of identifying and responding to their needs: cooked meals, water, shelter, clothing, hygiene, medical care and psychological help for victims of trauma and abuse. Seriously wounded individuals were treated in hospitals in Andijan and nearby towns. Initially, refugees with relatives in the country were permitted to move to their care.

"The border was open to everyone, but we needed time," one source told RI. "We helped women, children, and the injured first. A camp with room for thousands filled up in three hours. A lot of Uzbek citizens took people into their houses. Some individuals went to Tashkent to stay with host families." For the first three days Uzbekistan struggled to provide for the refugees but the country's efforts were

recognized around the world. Photographs that were taken in the region in mid-June show people holding bed-sheet-sized banners saying "Thank you Uzbekistan."

Some 46 camps sheltering between 700 and 6,000 persons were quickly established in government buildings, schools, summer camps and even fields. Uzbekistan called on educators, teachers on holiday, school psychologists, social welfare and health professionals to staff the camps. Close security was maintained. All Oblasts (or administrative divisions) had to provide financial support for the refugees' humanitarian needs and the government encouraged private support, establishing an account for private donations. Within two days, the fund had 7 billion Uzbek som (roughly \$4.5 million) and gifts of food, clothing, blankets and other necessities poured in.

On June 13, the government of Uzbekistan invited the diplomatic community, the United Nations and the International Committee of the Red Cross (ICRC) to visit the refugees and then requested international assistance to bolster its own initiatives. The United States, other donors, the ICRC and the United Nations including the UN High Commissioner for Refugees (UNHCR), the UN Children's Fund (UNICEF), the World Food Program (WFP), and the UN Population Fund (UNFPA) immediately began gearing up their response.

UNHCR, without a permanent presence in the country was challenged to respond to the appeal but within 72 hours it delivered emergency humanitarian assistance through six airlifts starting June 16. They sent in staff with language skills and were able to provide over 200 tons of tents and non-food items (NFIs) which they distributed in the camps with help from local authorities.

One week later, Uzbekistan reached agreement with Kyrgyzstan's interim government and began to encourage refugees to return. Invited Kyrgyz officials visited camps, urging the refugees to come home to vote for peace. Refugees were told they could be admitted now even if they lacked documents; they could get humanitarian aid if they came now and reclaimed their property. By June 22, refugee women and children anxious to reunite with male family members and regain their homes were streaming back. In a humane and expediting gesture, Uzbekistan provided buses to ease travel especially for the elderly, pregnant women, and mothers with young children. Pressure for refugees to return increased, the camps were closing and rumors suggested this might be the only chance to return. The largest returns occurred on June 24.

Observers reported the majority of the returns were voluntary although returnees said that on June 25 there was much stronger pressure. The host government's message was clear, "The problem is over now and you can go home." One returnee said, "I was told by Kyrgyz officials that I would lose my citizen pension if I didn't return." A few individuals were offered money to leave. Refugees International also heard first hand about a few cases of physical threats.

Why the rush to return traumatized refugees to Kyrgyzstan? The interim Kyrgyz government wanted everyone to vote in the June 27 referendum. Many Uzbeks supported the creation of the interim government, and they wanted peace. Fifty percent of eligible southerners voted to support the new constitution and a parliamentary government. In Uzbekistan, some suggested that officials feared the burden of maintaining large numbers of refugees given their limited resources or the arrival of additional refugees or the spread of "a virus called democracy." Whatever the reasons, Uzbekistan declared on June 25 that "all refugees had returned" except for those still hospitalized. It officially closed its border with Kyrgyzstan June 26-27. Uzbekistan thanked donors and sent twenty eight trucks of donated UN and international relief supplies to follow the refugees across the border into Kyrgyzstan.

While large numbers of refugees entered Uzbekistan, significantly smaller numbers of people approached other neighboring countries. Tajikistan kept its border open and reportedly accepted some 500 asylum seekers. Kazakhstan, after closing its border, then admitted a few. Others fled to Russia. Kazakhstan, as President of the Organization for Co-operation and Security in Europe (OSCE), played an important role in brokering OSCE's offers of assistance and its subsequent decision to deploy 52 unarmed police advisors to the south to help Kyrgyzstan re-establish confidence in its police and security services.

ONGOING NEED FOR PROTECTION

While officially all Kyrgyz refugees have left Uzbekistan, as in most conflicts a small number of refugees remain in hiding. These are individuals who legitimately fear for their lives and freedom if forced to return to their country of origin. Estimates of the number of refugees now in Uzbekistan range from one hundred to several thousands. Uzbekistan has no formal refugee law, but in the past permitted some Tajik and Afghan refugees to remain. Even without reliable numbers, it is critical that Uzbekistan be

willing to respect customary international law and permit such refugees to remain at least temporarily and to block deportations of asylum seekers who pose no threat to the country's security. While Uzbekistan is not a signatory to the UN Refugee Convention and Protocol, it is party to other international instruments that recognize human rights, and in its own history has demonstrated the important role that aiding refugees can play in promoting regional stability.

Human rights experts remain concerned that "Refugees are still in great fear, afraid that Uzbekistan may look for extremists among them." Others noted that, "Some refugees from Kyrgyzstan must appeal for humanitarian aid and assistance and need to find safety in third countries. Refugees remaining on the territory of Uzbekistan for over a month are now in limbo, without money and food."

At present Uzbekistan has not undertaken any refugee status determination, nor has it asked the UNHCR to play any formal role in this, although it is considering offers of technical assistance in improving the country's emergency response capabilities. Advocates in the country explained the dilemma facing refugees without documents and passports, since it will be difficult for them to cross into another country to seek UNHCR assistance.

Refugees International heard of a few cases where relatives were able to register their "visitors" with local Uzbek authorities, give a written pledge of responsibility and receive a one to six month stay, at the discretion of local officials. Others suspected refugees are monitored and followed or that the government would try to find those remaining and deport them.

One ethnic Uzbek businessman with valid documents was staying with friends in Uzbekistan. He explained that inter-ethnic tensions have been high for over a year. His friends in Uzbekistan knew about the problems. Explaining recent events, he said, "There was killing and violence for three days. Nobody did anything. I left home on the 12th of June and at first stayed with friends in Kyrgyzstan." He continued, "My wife crossed into Uzbekistan first. She took our three young children with her. At first she stayed at one of the refugee camps. One day she was put on a bus that she was told was going to another camp, but she was actually being sent back to Kyrgyzstan. She had been tricked."

He went back to the border prepared to pay a sizable sum since he knew adult men would not be permitted to enter Uzbekistan. He, his wife and children succeeded in crossing.

“Now our family is separated. My wife and I are in Uzbekistan as are my wife’s parents and others, but my father and mother remained in Kyrgyzstan because they felt they were too old to leave the house. They urged us to leave, saying ‘there is no life possible any more for you here.’”

Despite the fact that this refugee is now outside of Kyrgyzstan, he still feels unsafe. He remembers living through a similar experience in the ethnic violence of 1990. He doesn’t think the presence of OSCE advisors and UN human rights monitors will help. “I believe the only long-term solution is to teach children tolerance.”

Like others, he contacted the UN Office in Tashkent but was given only a hotline number back in Osh which “didn’t help my situation. It is not safe to go back, and I won’t go back. I can stay with friends now but only for a few months as permitted. Friends help with food, and I have some savings. Then I’ll have to find another way. I have a brother in the US, but how can I go there?” he asked.



Another said, “People are afraid the Uzbek authorities might hear of their whereabouts and come the next day to deport them. I was told that 30 or 40 people were deported last week. They begged not to go back to Kyrgyzstan, but authorities said the situation was better and they had to return.” He added, “People in need of protection have to

find a way to get to other countries, but no embassies consider the situation of refugees. To get to the embassy you have to have documents. The local police outside ask for identity documents, and if the person doesn’t have any, they are deported.” Others noted that since 1999 checkpoints have increased dramatically between Fergana, one of the regions close to Kyrgyzstan and Tashkent, Uzbekistan’s capital. Without documents travel is risky.

Most of those RI spoke with in both countries explained minority Uzbek families were desperate to get out of Kyrgyzstan. Travelling from the south to Bishkek to arrange passage to Russia or other points requires crossing numerous checkpoints where Uzbeks must pay “unofficial fees” totaling anywhere from 1,000 to 10,000 Kyrgyzstan som (roughly \$22-220 US). Others said it could cost as much as \$10,000 to be able to leave the country, and that flights from Osh were booked months in advance.

AN IMPORTANT ROLE

The tragic eruption of mass violence in Kyrgyzstan gave Uzbekistan an opportunity to demonstrate its leadership, professionalism and generosity in responding to this humanitarian emergency and in engaging with the UN, its humanitarian agencies and the international community. The UN has been working in Uzbekistan for many years, and although UNHCR was asked to leave in 2005, the UN Development Program, which is primarily focused on poverty reduction efforts has been able to assist a small refugee resettlement program. The International Organization for Migration has been quietly working with Uzbekistan to reduce the scourge of trafficking and hopefully will be encouraged to expand its work.

For Uzbekistan this refugee emergency demonstrated the concern of its citizens for refugee protection as well as the interest of donors in responding to humanitarian need. The UN’s quick response also suggested the significant technical, human and capacity building resources which could be tapped particularly through UNHCR, to strengthen the country’s emergency and disaster response and improve its management of humanitarian programs.

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