“The border cooperation between Kazakhstan and Kyrgyzstan has both constructive and destructive potential, influencing the prospect of regional processes in Central Asia,” an expert from Kazakhstan, Aidar Amrebaev analyzes border problems, specifically for CABAR.asia.

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There are borders between states that unite nations. However, there are cases when borders create problems, passing not only through land and water, but also through souls, fates and vital interests of people. The Kazakh-Kyrgyz border belongs to the category of informal interaction between the two countries, since it is very sensitive in terms of the relations between the people on both sides...

The formation of two independent states on the wreckage of the Soviet Union, raised an acute question not only about delimiting the national interests of the two countries, domestic political development concepts and foreign policy guidelines, social standards and economic models, cultural identities of the nations, but also revealed internal contradictions between the peoples of Central Asia as a whole by questioning the very existence of regional integrity. Kazakhs and Kyrgyz are an organic part of the overall fabric of the Central Asian regional identity. Historically, the ancestors of modern Kazakhs and Kyrgyz were nomads, and therefore the most dynamic representatives of the region. They have often played a key role in “redrawing the borders” of the region, the degree of tension of processes and the institutional viability of the entire Central Asian community in various formats of emerging statehoods. Today’s passionate impulse, which comes from our nations and affects the identity vibe of the Central Asian region in general, is no exception.

Therefore, our focus on the current condition of the border between the Republic of Kazakhstan and the Kyrgyz Republic deserves close attention. Is it possible to consider it as a peculiar, “internal theme” of two fraternal peoples, who once represented a part of the common space in one form or another, for example, the great nomadic empires of the past or a single Soviet state and its calque in the form of EAEU? Does it currently provide evidence of the viability of our countries, which gained their independence almost 30 years ago in their modern form, or do problems on the borderline indicate disparity in development potentials and imperfection of management in the territories of our countries
fenced by borders? Another fundamental issue is the “shadow” of the possible prospect of “external management” of our borders, which can be aimed at serving not our national interests, but can be used to solve the geopolitical tasks of external “players”? Can we, in this sense, when problems arise at the borders, appeal to the norms of international law or is there a different algorithm for resolving them?

I think that understanding the different sections in relations between our countries, from humanitarian to political and economic, “peppered” by the intervention of external forces in our affairs, is not lacking in investigative sense ...

**Problematic Review: History and Reality**

The characterization of the border between Kazakhstan and Kyrgyzstan is not only a legal precedent, inherited from the recent historical past, when the Soviet authorities arbitrarily traced the borders between the “native” peoples, guided by the imperial ideology of “divide and conquer”, effectively laying a “time bomb” under natural processes of interaction of nations, not only of two countries, but of the entire Central Asian region. Therefore, the issue of borders is a complex, multifactorial phenomenon of our life, reflecting the whole variety of problems of state building in our countries.

It is through the solution of border issues of interaction with other countries that the potential of countries’ solvency, the correlation of national interests, the ability to build civilized, mutually beneficial, compromise relations on the basis of international law are realized.

In the various problems on the border of Kazakhstan and Kyrgyzstan today, one can identify the whole range of issues of nation building in our countries. In particular, these are the differences in the state legal structure and the decision-making process, the level of territorial controllability and responsibility for specific economic projects, alignment and optimization of transport and logistics corridors, the possibility of modernizing the development infrastructure and monitoring the implementation of international agreements, exercising citizens’ rights to free movement from one country to another, supporting cross-border entrepreneurship and trade, stimulating cultural interaction, expanding humanitarian contacts between people, and unhindered information message. Therefore, crises that arise from time to time on the border between our countries characterize the practical systemic shortcomings in the development of our states. Moreover, the lack of an adequate response to the existing contractual framework and the proper fulfillment of assumed obligations, as well as the costs of the political situation, for the sake of which political decisions are sometimes made.
This article will present some problematic issues that arise on the border of Kazakhstan and Kyrgyzstan and offer own expert interpretations of them.

Cases of collaboration and separation

One of the problem areas on the border, from our point of view, is the historical heritage of the colonial past regarding the formation of national borders and the forcible resettlement of the diverse people of the region. Contrary to the popular belief that the border between Kazakhstan and Kyrgyzstan is a problem between Kazakhs and Kyrgyz, in fact it is a matter of political and legal responsibility of two system-forming ethnic groups in our states for the comfortable existence of many diverse peoples who have been brought by a whim of fate to this territory.

The complexity of this problem can be illustrated in the context of the recent tragedy in the Kordai district of the Dzhambyl region in Kazakhstan, where one of the reasons was the “historical voluntarism” of the authorities of the former metropolis, which had a negative impact on the ethno-political picture of the region, now drawing our attention to the phenomenon of “divided nations” and ethnic enclaves within our unitary states.

In particular, we are witnessing a recurrence of an arbitrary, artificial separation of nations, and not only the Kazakh and Kyrgyz, but also many other ethnic groups that do not have their own legitimate state entities on the map of the region. These include representatives of Dungans, Uighurs, and other peoples, who have been an organic part of the multilingual and multicultural space of Greater Central Asia for a long time, but due to the political situation they have not received the possibility of realizing the principles of national self-determination in certain historical circumstances. At the same time, the repressive policies of the Soviet state, which drove here many people into an authoritarian way, with the aim of diluting the future “international community”, had a significant impact on the palette of ethnocultural colors and national ambitions in the region. These include Koreans, Ahiska Turks, Kurds, and many other peoples who turned out to be the will of authoritarian regimes of the Soviet and post-Soviet times on different sides of the new interstate borders. Therefore, it is unlikely that the border between Kazakhstan and Kyrgyzstan, like other borders of the Central Asian countries, are today the borders only between “state-forming peoples”, as it is fashionable to say now. These are borders that are forced to reckon with the truly multicultural reality of the entire region, with different economic types and roles in the division of labor and ways of social adaptation of peoples.
In this regard, it is worth recalling that the Kazakh-Kyrgyz border has repeatedly posed a problem for harmonious interethnic divisions. As an eloquent fact illustrating this, we can mention the “Dungan case”, which has tested the bilateral border “for strength” more than once. Let us recall that until recent events in the village of Masanchi in the Kordai region of Kazakhstan, in 2005 in the village of Iskra in the Chui region of Kyrgyzstan, there were similar clashes between the Kyrgyz and Dungan populations, which culminated in demolitions and the mass exodus of the Dungans across the Kyrgyz-Kazakh border. In this regard, the border between the two states is very unstable, subject to serious challenges from time to time, unresolved ethno-confessional and socio-economic problems in our countries.

It must be mentioned that the problems of cross-border interaction are not only of “Soviet origin” and the humanitarian dimension, but also “overgrown” with many questions of the new era of sovereignty.

These include, for example, the problem of the active commercialization of the interstate border and the criminalization of cross-border operations management accompanying these processes. These questions have become widespread from the very beginning of our countries gaining sovereignty and entering the global and regional market spaces, becoming the object of “desire” of various kinds of businessmen, both national and international, who are trying to “do business” on the imperfection of cross-border procedures and backward legal culture of the population.

It is noteworthy in this regard that the current president of Kyrgyzstan acknowledges that “Kyrgyz customs under different presidents was a kind of illegal “wallet” that they used to realize their political ambitions and illegal enrichment. This situation is mirrored on the Kazakh side of the border. In this regard, the era of the initial accumulation of capital at the dawn of independence in our countries was accompanied by a variety of criminal “showdowns” and political competition of various influence groups on both sides of the border and even in the cross-border space, becoming the object of transnational criminal
business. Obviously, the border is currently experiencing relapses of such a criminal redistribution of influence.

This situation affects cross-border interaction most negatively, becoming a kind of “malignant tumor” for effective economic cooperation between countries.

Another issue is the difference in the political and legal systems in which our countries developed, and which influenced the form and content of bilateral economic relations. In particular, the border between Kazakhstan and Kyrgyzstan since the entry of the Kyrgyz Republic (the first of the post-Soviet states of Central Asia) into the World Trade Organization on December 20, 1998, has become the boundary between the different trade and tariff regimes in which our countries were located. Then Kyrgyzstan received a great impetus for development, becoming the first kind of “island of liberalism” in trade, and then a profitable “transshipment point” for re-exporting Chinese goods to the entire post-Soviet space. It is difficult to overestimate the importance of the major trade markets of Central Asia – Dordoi and Karasu, as well as border infrastructure, legal and illegal of that time.

Subsequently, Kazakhstan’s entry into the Customs Union with Russia and Belarus created a situation in which Kyrgyzstan became a kind of “customs enclave” for illegal trade, “gray export” of Chinese goods in the region.

Then, the entry into force of the Treaty on Kyrgyzstan’s accession to the EAEU on August 12, 2015[1] marked a step towards the formation of a single customs and tariff space on the border of Kazakhstan and Kyrgyzstan, with the goal of gaining the well-known “four freedoms” when crossing the border: freedom of movement of goods, services, capital and labor.

However, this process today is accompanied by difficulties and the construction of various bureaucratic and administrative barriers from interested elite groups in our countries. Every day, over 18 thousand people and more than 600 units of transport equipment cross the border between Kazakhstan and Kyrgyzstan in normal mode.

Despite the established standards of registration for servicing one individual in three minutes, passenger transport – 15 minutes, freight transport – 25 minutes, buses – 35 minutes, in practice, crossing the border takes much more time and is accompanied by significant moral and physical costs.

In addition, most of the crossing points are bilateral, which worsens the situation of foreign travelers and businessmen when crossing the border of Kazakhstan and Kyrgyzstan. Only
recently, a high-level agreement was reached that all 7 crossing points will be multilateral, which should greatly facilitate the fate of foreign travelers. A good opportunity to revitalize and realize the tourism potential of the two countries is the possible accession of Kyrgyzstan to the so-called “tourist Schengen” – Silk Visa, in Central Asia, an initiative which is currently being implemented by Uzbekistan and Kazakhstan. Although this issue is supported by Kyrgyzstan and Tajikistan, accession to it is complicated by transport and logistics problems, including the problem of imperfect border infrastructure.

In particular, currently we are observing a completely dilapidated two decades old border infrastructure in Kazakhstan and Kyrgyzstan. In all fairness, it should be noted that in the bilateral format, an agreement was finally reached on the reconstruction of the main transition between the two countries on Kordai. However, the current condition of border infrastructure is absolutely unacceptable if we want to create a border of friendship and cooperation between peoples and attract new foreign investors and tourists to the region. It is enough to try to cross the border and in practice feel “all the charm” of the existing border regime.

In this regard, as an example and practical recommendation for improving the bilateral “business climate” of countries on the border, we could offer the organization of a free
economic zone on the border of two states, including from Kyrgyzstan the territory of Issyk-Kul, popular among Kazakhstani citizens, and the Almaty region, attractive to many Kyrgyz citizens as well as foreign visitors. Such a free enterprise zone with a preferential tax regime and a common free transport and logistics space for visiting by our citizens and based on Silk Visa for foreigners would allow a real “breakthrough” in attracting investment and tourist flows, giving particular dynamism to the development of both countries. Such a project could be implemented by analogy with the Shenzhen-Hong Kong Free Economic Zone with the popular resorts in Xiaomais and Daomaish in China.

Speaking about the commercialization of the state border between the two countries, the dynamics and specific nature of intercountry cooperation and increasing competition for current trade corridors should be noted.

The China-Kyrgyzstan-Uzbekistan Railway Project: How Much Does Kyrgyzstan Stand to Benefit?

The essence of border relations is the intensity of contacts between countries and peoples, the effectiveness of trade relations, the volume of goods and capital passing through the border. According to our hypothesis, at the moment there is an overflow of commodity and money supply from the transport and logistics corridor from China through Kyrgyzstan to the Central Asian region in the direction of the PRC – Kazakhstan – Uzbekistan, bypassing the Kyrgyz territory. This is due to the fact that Kyrgyzstan, having exhausted its previous preferences, where in the transport and logistics sense it represents a certain “dead end”, in particular, on the path of the Chinese “Belt and Road” initiative.

Evidence of this is the delay in the construction of the China-Kyrgyzstan-Uzbekistan railway corridor, the “freezing” of the construction of the Turkmenistan-Uzbekistan-Tajikistan-Kyrgyzstan-China gas pipeline. In all fairness, it must be said that the entrance of Kyrgyzstan into the EAEU did not make the compensation for the “costs” of slowing down cooperation with China. Moreover, Kyrgyzstan, which is extremely interested in these projects, plays an important role in the curbing process and it is hardly worth blaming Kazakhstan for the vicissitudes of such an attitude to the transport corridors of a
neighbor. Our country has its own pragmatic transport and logistics interests. In particular, the modernization, construction of new lines of railways, pipelines and highways of international level (the project “Western Europe – Western China”), as well as the opening of modern border trade and logistics hubs on the border with China, such as the International Center for Cross-Border Cooperation “Khorgos” “and the transport and logistics center” Khorgos – East Gate “allowed redirecting trade flows from China to the Central Asian region and further through Kazakhstan.

At the same time, the share of Kyrgyzstan in regional trade in the Chinese direction is insignificant and tends to decrease, which can be illustrated from the information of the Ministry of Industry and Infrastructure Development of the Republic of Kazakhstan.

According to these data, in 2019 Kazakhstan earned over 450 billion tenge (1,184 billion US dollars) through transit traffic. "Last year, the volume of transit cargo transported through the country amounted to 19.4 million tons. Including, the volume of transit traffic by rail amounted to 17.5 million tons. In this case, the main destinations are the countries of Central Asia – 75.6%, or 11.5 million tons. In particular, Uzbekistan – 7.1 million tons, Kyrgyzstan – 2.26 million tons, Tajikistan – 1.2 million tons and Afghanistan – 0.26 million tons, while Russia accounts for 2.8%, China – 13.8% and EU countries – 7.1%. The volume of transit traffic by road amounted to 1.93 million tons ”.[2]

Obviously, speaking of the Chinese vector of stimulating cross-border trade and transportation of Kazakhstan and Kyrgyzstan, one of the reasons for the “disruption” of trade flows from China to the region on the bilateral border lies in the plane of competition between our two countries for control over them, in particular, in competition between “customs and transport and logistics infrastructure of the two states. ” “Gray imports” from Kyrgyzstan also play a role, with which the Kazakh side is constantly fighting, as evidenced by the permanent lines (queue) of trucks at the border.

The unbalanced interests of the participants in the Eurasian integration project and the lack of compromise between the countries also affect the tension between Kazakhstan and Kyrgyzstan, as subjects of international trade.

As a matter of fact, the EAEU multilateral project, paradoxically as it may seem, negatively affects the state of bilateral relations, increasing the number of disputes, disagreements and inconsistencies between our countries.

One of the reasons for this on the Kazakh-Kyrgyz border is the fact of competition of external forces who are seeking to draw the countries of the region, including Kazakhstan
and Kyrgyzstan into the orbit of their geopolitical and economic influence. In particular, we mean the hidden rivalry between Russia and China for the formation of a complementary trade and transport-logistics space. The involvement of our states in the Eurasian integration project allowed Russia to build a certain “tariff bastion” on the path of China’s active economic advancement into the Central Asian region.

In turn, China implements the large-scale program “Belt and Road” initiative, which aims not only to implement the geopolitical construction of “Road to the West” with the goal of reviving China as a developed world power, but also to involve the countries of the region in the “community of the common fate of mankind”, including “economic fate”. Despite the weak conceptual development of this initiative, the economic contours for our countries are already obvious. This is, first of all, the investment attachment of the recipient countries to China, participation in the technological, production and transport-logistics chains of the Celestial Empire, and consideration of the possibility of creating a free trade zone with China. This prospect is now facing a confrontation from the United States through “trade and other types of hybrid wars” with China.

Moreover, it is no secret that these forms of sanctions regimes and confrontational technologies are implemented on the territory of Central Asian countries, primarily on the border countries. It is appropriate to recall that, for example, in the recent past, Kyrgyzstan became the object of a kind of “manipulative game” of world powers for influence on the Kyrgyz leadership, through a cynical “bribery and blackmail” about the famous Transit Center at Manas Airport. Today we are witnessing a rather sharp struggle around Chinese projects in the country and another round of promotion of Sinophobia regarding ongoing and potential joint cooperation projects. An example of this is the closure of the Kyrgyz Chinese logistics center in At-Bashi.

It seems that in this regard, we are observing a rather complicated configuration of foreign policy and economic strategies in relation to our countries and the measures proposed to us, consisting of economic and trade protectionism, along with integration initiatives interspersed with liberal openness and “uncontrolled permeability” of borders.
Today, the issues of consolidating the efforts of the countries of the region with respect to external projects implemented in our countries are being updated. An example of “timid steps” in this direction is the annual consultation meetings of the leaders of the countries of the Central Asian region initiated by the new Uzbek leader Shavkat Mirziyoyev. Shortly before the yet another meeting of Central Asian leaders in Bishkek, the current agenda of multilateral consultations in the region includes issues of a coordinated transport and logistics infrastructure in the region, a common food market, transparent customs statistics, a water and energy consortium adaptive to the needs of people of a system of facilitated labor migration, common environmental safety standards and hygiene requirements when crossing borders by people, transporting goods and providing services between countries, introducing a common Silk Visa for foreign tourists to Central Asia. When implementing these projects, the level of tension and inconsistencies at the border of Kazakhstan and Kyrgyzstan can be significantly reduced.

As a matter of fact, the regime of border crossing by truck, customs clearance and the presence of various criminal and semi-criminal schemes on it are still a stumbling block at the border, becoming a subject of consideration at various levels, from the presidents of the two countries to bilateral commissions called upon to resolve relations. In this series, it is worth recalling the well-known confrontation at the border, caused by the “informational and ideological attack” of ex-President of Kyrgyzstan Almazbek Atambayev against the first president of Kazakhstan, Nursultan Nazarbayev in 2017. It is noteworthy that at present there are certain claims on both sides in the sense of dissatisfaction about the existing customs regime, despite the two countries being in a single economic union – the EAEU and the general WTO format.

In particular, recently, President of Kyrgyzstan Sooronbay Jeenbekov during a meeting of the Committee on Industry and Entrepreneurship Development under the National Council for Sustainable Development of the Kyrgyz Republic announced violations of the EAEU agreement by Kazakhstan, which open the way to corruption.[3] In response to complaints
from Kyrgyzstan, the Kazakh delegation on March 6, 2020, during a meeting of the General Council of the World Trade Organization (WTO) at a discussion on the situation on the Kazakh-Kyrgyz border in accordance with the appeal of Kyrgyzstan to the WTO, noted that this claim was not substantiated and should be considered in accordance with the law enforcement practice of the EAEU legislation and discussed at the site of this Organization. The Kazakhstani side believes that the EAEU member states operate within the framework of the Common Customs Territory, and therefore, Kyrgyzstan’s complaint about Kazakhstan’s violation of the provisions of the WTO General Agreement on Tariffs and Trade (GATT 1994) and the WTO Trade Facilitation Agreement is groundless. [4] Thus, currently, there are serious discrepancies in the “spirit and letter of the agreements between the countries within the framework of their participation in the EAEU and the WTO”, the basis of which is mutual distrust and unfair competition.

For the sake of objectivity, it is worth noting that the area of transboundary river regulation, which was predicted as the most conflict-generating sphere of bilateral relations between Kazakhstan and Kyrgyzstan, today, thanks to the highly professional work of the joint commission and the political will of the country’s leaders, is becoming a field of mutually beneficial compromises and joint projects’ designing. In particular, the water resources of the transboundary rivers Shu and Talas are in the public domain. As the President of Kazakhstan Kassym-Zhomart Tokaev notes: “The fate of tens of millions of people, stability and prosperity of the entire region depend on their effective use. The interaction of Kazakhstan and Kyrgyzstan on the Shu and Talas river basins is today a positive example for many countries of the world.” [5]

Along with positive examples of cooperation between the two countries at the border, there are serious “challenges”. These include issues of cross-border crime, drug trafficking, export of extremism and religious radicalism between countries, which requires countries to constantly coordinate their efforts and practical bilateral cooperation in various formats, such as the SCO, CICMA, CSTO, C5 + 1. It should be mentioned that both countries make their constructive contribution to overcoming these “challenges” at international sites by “keeping everything inside the house”, but the really difficult situation at the border requires “breakthrough solutions” from our countries in all these pressing problems.

In conclusion, it should be mentioned that all such collisions take place under the normal functioning of the state border between countries, which do not require special mobilization. However, what about emergency situations in which the border operates in a special mode or is completely closed, as it was during the “revolutionary battles” in Kyrgyzstan in 2005, 2010, during the “Atambaev’s demarche” and the Nur-Sultan reaction in 2017, as well as in a situation of “mass exodus” of the Dungans, from Kyrgyzstan to
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Kazakhstan, then back in 2005 and 2020. Nowadays, in a state of emergency associated with the danger of coronavirus infection in our countries, the border is also “locked”. This is only the beginning...

However, it is obvious to everyone that serious “correction of errors” and coordination of state interaction strategies are needed.

**Sum up and some conclusions**

The border cooperation between Kazakhstan and Kyrgyzstan has both constructive and destructive potential. Moreover, the state of relations between the two countries influences the prospect of regional processes in Central Asia as a whole. Based on the results of the presented material, several preliminary findings and conclusions can be made:

- The border interaction between Kazakhstan and Kyrgyzstan has various dimensions. Among them are general humanitarian, political, economic, geopolitical, environmental and others, which have different dynamics and require, in accordance with this, an interested analysis of emerging problems and the development of adequate algorithms for resolving them on both sides in each individual case.
- The state of relations between Kazakhstan and Kyrgyzstan on the border and the potential influence of the countries on each other depends on the situation in the states themselves, their chosen model of political, economic and cultural development, as well as the historical past, the degree of involvement of the peoples of our countries in modern international cooperation projects.
- In conditions of international turbulence and the Central Asian region’s exit from its “peripheral status”, the border of the two countries is the object of external manipulations and the desire to draw the countries of the region, including Kazakhstan and Kyrgyzstan, into the orbit of the influence of external forces, in particular, the leading world powers -USA, China, Russia.
- The emphasis in expert assessments on the consideration and aggravation of mutual claims and contradictions between states seems to us unconstructive and requires the development of integrated, compromise approaches with a deep, coordinated, integrated, strategic vision of the situation.
- The mode of relations between countries, as practice shows, can be different, from favorable to confrontational. The history of border cooperation between Kazakhstan and Kyrgyzstan over the past thirty years is replete with a variety of precedents for both. In this regard, bilateral relations can be a good case for forecasting, designing and testing future joint projects with other countries of the Central Asian region.
- The presence of problems in the sphere of bilateral interaction on the border of
Kazakhstan and Kyrgyzstan is not fatal and also provides opportunities for their resolution. In this connection, the need for resource mobilization, political will and constructive compromise interaction between peoples, the creation of an effective infrastructure and formats for the organization of cooperation between countries, transparent for public control, is being updated.

This material has been prepared as part of the Giving Voice, Driving Change - from the Borderland to the Steppes Project project. The opinions expressed in the article do not reflect the position of the editorial board or donor.


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