

Illegal Settlements and  
City Registration in  
Kyrgyzstan and Kazakhstan:  
*Implications for  
Legal Empowerment, Politics,  
and Ethnic Tensions*

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Central Eurasia Project



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# Executive Summary and Recommendations

This paper examines the scale and significance of illegal and unregistered residents in major cities in Kyrgyzstan and Kazakhstan, and then considers the implications for the strategy of legal empowerment of the poor. In the context of a shortage of urban housing, a fragile rural economy, an expanding urban population, and weak state capacity, land seizures and sales of illegal land plots have been seen as an economic necessity for many years and are likely to continue until structural conditions are addressed. City administrations have started to legalize settlements partly to defuse political and social tensions, and partly to respond to a depressed property market. Illegal and new settlements lack adequate physical and social infrastructure, making residents angry and frustrated and prompting them to block roads and to demonstrate outside government offices. Most poor internal migrants live in cramped and sparse housing conditions and have often responded by seizing farm land to raise their families. The negative results of these seizures are compounded by the fact that land often belongs to richer minority ethnic groups, resulting in an increase of ethnic tensions and clashes mostly in Kyrgyzstan. City administrations do not have the capacity to meet the protesters' aspirational needs, often resorting to rhetorical promises to placate them. Empty rhetoric, however, has often only fuelled a cycle of further anger, resentment, distrust, and protests. Illegal and poor migrants also use the political opportunity of elections to extract promissory concessions from elected officials.

In the cities examined by this paper, unregistered residents are a significant size of the urban population, with estimates varying between 20 to 30 percent. Internal migrants usually face the twin problems of poverty and social exclusion, because they occupy low-paid, casual and semi-skilled jobs and are denied formal access to public goods, such as education, health care, and voting. Middle-class urban residents and state officials often look at them with contempt and disdain, showing little sympathy for their situation.



Unregistered individuals can usually circumvent the city registration system by registering with friends, relatives, and neighbors, buying a city residency permit or obtaining a temporary permit. Furthermore, they often pay bribes to ensure quality access to public goods. In a context of inadequate social infrastructure, poor professionalism, low salaries, and weak institutional capacity, informal payments are a common practice among many urban residents.

The strategy of legal empowerment of the poor is likely to have limited success in reducing poverty and social exclusion found in the cities examined by this study, because it does little to address the following key issues found in these cities: the structural aspects of social inequalities, limited access to credit, segregated labor markets, a chronic urban housing shortage, a fragile rural economy, poor professionalism, a lack of sympathy for the poor, legal corruption, disjointed administrative structures, and weak state capacity. Furthermore, poor residents in cheap adobe houses are often unable to use their property as collateral for a bank loan, and many fear high interest rate charges in excess of 20 percent a month. Nevertheless, measures to formalize settlements and to abolish or simplify city registration processes can complement more extensive structural policies to improve the lives of all citizens, including poor, illegal, and unregistered urban dwellers.

## Recommendations

The following recommendations are separated for international donor agencies, state actors and paralegals, and non-governmental organizations (NGOs), and are targeted for immediate and longer term effects.

### International Donor Agencies

As the nature of internal migration and poverty is complex and structural, policy measures have to avoid quick fixes to deep problems that have emerged and ossified over many years. Although they do not necessarily address structural problems, the first five measures below can be implemented by international donor agencies to ameliorate social, health, and economic problems, and have an immediate impact upon migrant families living in illegal and poor settlements. The last four recommendations are medium-term interventions at the professional, research, administrative, and sectoral levels.

- 1) Establish basic medical clinics in illegal and poor settlements, allowing internal migrants free access to basic and emergency treatment.
- 2) Establish free crèche facilities and day-care centers in illegal and poor settlements, providing young children safe and secure opportunities to play and learn.

- 3) Establish adult educational institutes near illegal and poor settlements, offering poorly educated and unskilled residents courses to learn new skills.
- 4) Establish free legal aid clinics near illegal and poor settlements, giving legal advice to families, and raising awareness of residents' rights and entitlements.
- 5) Launch national and local media campaigns to positively portray residents in illegal and poor settlements, countering the widespread negative images of them in society.
- 6) Support on-going campaigns to abolish or simplify the legislation on city registration to ensure that residents have formal access to public goods.
- 7) Commission independent research into illegal and poor settlements to formulate evidence-based policy, investigating urgent issues.
- 8) Establish a Justice Watch unit to monitor how officials, judges and professionals interact with poor and migrant families, reporting on corrupt and unfair practices.
- 9) Require every business plan or request for funds for urban development to include a section that addresses provisions for illegal and poor settlements.

### State Actors

The recommendations below can do much toward developing public policies to improve the lives of illegal and unregistered residents. The first three recommendations are easy to undertake, and although they will have limited effects, they can provide an important psychological and human rights-related impact. The other eleven recommendations are more structural and long term, and will have a real impact not only on migrants' lives but on the rest of society.

- 10) Legalize existing settlements to ensure that city administrations are obliged to provide physical and social infrastructure, and that residents feel a sense of social belonging to the city.
- 11) Abolish or simplify the legislation on city registration to ensure that residents have formal access to public goods.
- 12) Hold regular public meetings with residents in illegal and poor settlements to discuss issues facing the community.
- 13) Invest in a large social housing program to meet the needs of an expanding urban population and to prevent future land seizures.
- 14) Invest in the rural economy to stem the flow of internal migrants into the cities, making rural livelihoods more sustainable.

- 15) Raise awareness of the problems and difficulties of living in the city, thus discouraging young people from migrating.
- 16) Develop greater professionalism, independence, and ethics in the judicial process to foster sympathy for vulnerable and marginalized groups, allowing for fair and impartial interpretations of the constitution and the law.
- 17) Develop greater professionalism and ethics in education, health care, and law enforcement to curb bribery and corruption.
- 18) Strengthen collaboration between administrative departments to prevent delays in delivering social services to new settlements.
- 19) Regulate and control the informal economy to reduce labor exploitation and abuse.
- 20) Regulate the banking sector to ensure that interest rates are fair, and to eliminate discrimination against poor groups.
- 21) Strengthen compulsory education and post-graduation technical training to ensure that individuals have the training and skills to pursue better employment prospects.
- 22) Establish an effective industrial policy to develop and support high value-added businesses and industries.
- 23) Strengthen and expand the tax base for larger public expenditure and investment on physical and social infrastructure.

These broad recommendations are intended to foster development strategies that tackle the concrete experiences of poor groups and illegal and internal migrants.

### Paralegals and NGOs

Residents in illegal settlements have significant assistance needs that paralegals and NGOs are well positioned to respond to by delivering immediate relief and advocating for social change.

- 24) Paralegals and NGOs could assist international donors and state actors to provide a range of activities and support, such as skills training, legal aid, and primary education.
- 25) Paralegals could assist in the registration process if city governments simplify the process.
- 26) Paralegals and NGOs could support poor rural families to stay in villages by providing assistance through legal aid, social and welfare services, and micro-credit loans.

- 27) Paralegals and NGOs could assist state actors in developing greater professionalism in the judiciary and the public sector by publicizing incidents of malpractice, and by calling for accountability.
- 28) Paralegals and NGOs could assist, advocate, and publicize human rights campaigns that promote respect for the rights of internal migrants, regardless of their registration status.

# Introduction

This paper examines how poor housing settlements in four major cities in Kyrgyzstan and Kazakhstan (Almaty, Astana, Bishkek, and Osh) are sites of illegal practices, state weakness, social and political tensions, economic inequality, and competing moral claims. Lacking tenure security and city residency permits (*propiski*), poor residents struggle to survive without adequate access to education, health care, electricity, and running water, and are treated with contempt by state officials and middle-class urban residents. They are also disenfranchised from electoral politics. While national and city administrations have legalized most new settlements (*novostroyki*), there are still some illegal settlements that pose a number of political, social, and environmental problems. Furthermore, more land seizures by poor groups and incoming migrants are likely to occur, undermining political authority and legitimacy. This study argues that although residential registration in these cities formally restricts basic human rights, its abolition or simplification will not necessarily improve the lives of poor residents or increase their access to social goods and services, because structural inequalities and widespread corruption remain unaddressed.

Although illegal settlements across the four cities share common features (such as social and class inequalities, a shortage of adequate housing, and state corruption), there are some differences in how they are governed, depending upon local economic circumstances, social histories, and political struggles. The scale of property insecurity and lack of registration varies among the cities. Bishkek faces acute problems of illegality, poverty, and instability. Osh, Almaty, and Astana are marked by land seizures and major social tensions. Each city has its own specific history of illegality, resistance, violence, and compromises, as urbanization, migration, politics, and ethnicity take different shapes in each place.

Several international donors (such as the United Nations and the World Bank) argue that poverty can be tackled by enhancing the legal rights of poor groups, such as land and property tenure, protection from labor exploitation, and access to justice.<sup>1</sup> For instance, if poor squatters were allowed to legalize their property holdings, they could use

them as collateral to obtain bank loans, and would have extra incentives to improve their homes without fear of eviction or demolition. But several scholars criticize the connection between property rights and poverty reduction, arguing that social inequalities require more structural measures.<sup>2</sup>

After years of struggling against city administrations and rich property owners, most illegal residents remain defiant and hopeful about changing their status in the city, so as to have human dignity and social recognition. They have learned to negotiate with elected officials, but this is an uneven and frustrating process, shaped by global economic conditions and local political opportunities.<sup>3</sup> They are reflective about their situation, understanding what moral and legal responsibilities the state has toward them, and criticising officials for failing to fulfil their constitutional obligations.

This paper is made up of seven sections. After the Introduction, the paper briefly describes the research design and methods for the study. It then examines the nature and scale of tenure insecurity in each city. This is followed by an examination of how poor residents obtain a city registration and cope without one. The next section traces the roots of political discontent and suggests how the state has tolerated and managed illegality, giving rise to different histories of resistance, violence, and compromises in each country. The subsequent section will investigate how ethnicity can skew conflicts and tensions in Kyrgyzstani cities. The following section then applies these issues to the strategy of legal empowerment of the poor and asks whether legal empowerment can make a valuable contribution toward tackling poverty. Finally, the paper provides a conclusion to the analysis, making recommendations for international donor agencies, state actors, paralegals and NGOs.

# Research Design and Methods

This paper is based on semi-structured interviews conducted by the authors in Almaty, Astana, Bishkek, and Osh with 75 illegal and unregistered residents, most of whom were un-/semi-skilled workers, unemployed and retired, and a few were low-level public sector managers and petty market traders. While the authors did not seek to obtain a gender balance, there was a similar share of men and women in the sample. The authors focused largely on internal migrants, who were either ethnic Kazakhs in Almaty and Astana, or ethnic Kyrgyz in Bishkek and Osh.

Authors used a combination of cold-calling and peer recommendations to obtain the sample, speaking to residents and community leaders, who were well-informed on the history of their settlements and current legal and political struggles. The sample size reflected the methodological aim to gather rich and detailed qualitative data through in-depth interviews. But given the limited sample, the analysis should be seen as an illustrative perspective on tenure insecurity and residential registration.

The interviewees were encouraged to discuss how they survive and cope with the lack of property tenure and city registration, what interactions they have with the city administration, the courts, and NGOs, and what moral and legal obligations they think the state has toward them. The interviews were conducted in Kyrgyz, Kazakh, and Russian, and were digitally recorded, assuring interviewees of their confidentiality. On average, each interview lasted about 30 minutes. The interviews were transcribed and translated into English.

In addition, there were 21 semi-structured interviews with senior state officials, NGO activists, independent lawyers, and staff from international donor organizations. These interviews helped to clarify illegal residents' situations, and to offer other perspectives on land tenure and city registration. The interviews also enabled researchers to ascertain the scale and the nature of unregistered citizens and illegal settlements in each city. NGO activists also explained how the strategy of legal empowerment could assist poor residents.

The four cities were chosen because thousands of internal rural migrants have settled in these locations, many of them without a city residency permit. Bishkek and Almaty have many new settlements, some of which are illegal and have been sites of political clashes and unrest. Osh has volatile ethnic Kyrgyz-Uzbek tensions because of intense pressure for use of and access to land and resources. While Astana does not have significant land seizures, many residents lack residential registration.



# Tenure Insecurity and Illegal Settlements

There are four reasons why internal migrants and poor residents can face tenure insecurity: land seizures, fraudulent sale of land plots, unauthorized housing construction, and unlawful evictions. As illegal settlements become a focus of social discontent, city administrators have attempted to defuse tensions and to regain political legitimacy by titling property and making concessions and promises to residents. While most new settlements have been legalized or have obtained semi-legal recognition,<sup>4</sup> there are still some insecure settlements, where negotiations between residents and local officials have stalled. The following sub-sections examine the scale and nature of illegal settlements in each city.

## Bishkek

There have been three waves of illegal settlements in Bishkek. First, in 1989 educated middle-class residents became exasperated with waiting for state apartments, and seized plots of land to build their own homes. The second wave occurred in the late 1990s, as initial agricultural reforms and land privatization pushed rural migrants into the city.<sup>5</sup> The most significant settlement development occurred during the third wave, prior to and after the so-called “Tulip Revolution” of March 2005. Economic necessity and a shortage of adequate urban housing drove rural migrants and poor groups to seize land or to buy cheap vacant plots. Many of these migrants received false land documents and official assurances, approving their actions. Most of the 53 new settlements were established during the third wave, of which five are illegal. There are also about eight legal settlements, whose previous landowners are contesting the transfer of ownership to settlers. Ak-Jar settlement is the largest with a population of around 15,000. The Altyn Kazyk and Alga Elim

settlements each consist of 400 families, most of whom purchased land plots near the city waste dump. The Adylet Ayry settlement has 200 families. Bugu-Ene is a very small settlement of 10 to 12 summer houses near the Manas airport. Some new settlements have a mixture of legal and illegal plots, because some houses were built in prohibited “red” zones. For instance, Tynchtyk is a legal settlement, but many homes are illegal, because they were built too close to a military camp. There are also very small illegal settlements, such as Jumgal-Ata, Tes-Two, and a dilapidated dormitory, near a meat factory, which is occupied by 25 families.<sup>6</sup>

In the late 1990s, the land at Ak-Jar was informally transferred to a wealthy member of parliament, who wanted to develop the site into a shopping center. He was denied the planning permit, and the site remained unused for several years. During the March 2005 political turmoil, rural migrants seized the vacant land and constructed adobe houses, believing the land had been set aside for housing.<sup>7</sup> Most residents are not necessarily “land grabbers,” because they either purchased land plots from those who had seized them, or had paid money to an organizing committee, which distributed land. The recognized “landowner,” now a former member of parliament, wants the settlers either to pay a considerable amount of money for the land, or to be evicted. After a protracted legal battle with the owner, the residents won a court case at the city level, affirming their right to live on the site. But the landowner has appealed to Kyrgyzstan’s Supreme Court, and the residents fear that he will try to bribe the judges to win the case.

Ak-Jar is like many new settlements and does not receive gas, water, and electricity from utility companies. Residents must either install small electric generators or use car batteries to light their homes, buy gas canisters to cook, and purchase large bottles of water.<sup>8</sup> During the winter, the living conditions can become so unbearable that some residents rent apartments in the city. Furthermore, Ak-Jar lacks social infrastructure (in particular a kindergarten, a school, and a clinic), and as the settlers do not possess a residency permit, families cannot formally access education and health care. Informally, some families buy a city residency permit at a nearby legal settlement, Ak-Bata, so that their children can attend a local school. Some residents have also obtained a city registration, using their relatives’ apartments.

Ak-Jar residents’ primary motivation to legalize the settlement is for the city administration to invest in infrastructure, rather than to achieve tenure security. The administration will not evict them, because rehousing 15,000 people is impossible. The residents use conventional and contentious methods to engage and persuade the administration to legalize the land such as meetings with local officials, written petitions to the president, the prime minister, and the city mayor, pickets outside state buildings, and road blockades. But negotiations have failed to achieve any results, producing disappointment and anger. The residents’ collective anger, frustration, and anxiety have compelled them to undertake

more overt forms of resistance.<sup>9</sup> During the April 2010 uprising, 40 Ak-Jar residents joined residents from other new settlements, demonstrating outside President Bakiev's residence and demanding his resignation. The ensuing bloody conflict in April 2010 with the security services and riot police, resulted in the deaths of 87 people, one of them from Ak-Jar.<sup>10</sup> In November 2010, Ak-Jar residents again became frustrated, and set up road barricades, blocking a main road to Dordoi Market, one of the largest marketplaces in the region.<sup>11</sup> During the negotiations, the city administration promised to supply electricity and water. Although electricity poles were erected, no electricity was supplied to the area. Making promises has become a rhetorical device for officials to pacify and disperse angry protesters. But hope often turns into anger when the administration is unable to meet protesters' aspirational needs, moving them to undertake further protests, which they did in June, August, and September 2011, picketing, blocking roads, and burning tires.<sup>12</sup> On each occasion, officials made rhetorical promises, which were unfulfilled, causing protesters to rightfully resist later on.<sup>13</sup>

After the March 2005 revolution, a group of rich individuals seized the land at Altyn Kazyk and Alga Elim, and asked two organizing committees to distribute land to internal migrants, who were assured that their land plots would be legalized, despite being located near one of the city's rubbish waste sites.<sup>14</sup> Residents had believed that the city administration would bear the significant costs of closing and moving the waste site. The administration has refused to legalize or provide infrastructure to the settlements, arguing that the area is unsuitable for habitation. Nevertheless, some residents in Alga Elim have limited electricity and water after the Ministry of Defense agreed to give support following a request for assistance. Other residents use small electric generators to light their homes. As the living conditions are very difficult during the winter, many residents are forced to rent accommodation in the city.

Families at Altyn Kazyk are particularly embarrassed and upset about living so close to the waste site, and are ashamed of inviting family members to visit or stay. Despite the social stigma, they lack suitable options to live elsewhere, and want the administration to legalize the settlement and provide basic utilities.<sup>15</sup> They also face discrimination and exclusion because they do not have city residency permits and are unable to formally access public goods, such as education and health care.<sup>16</sup> Nevertheless, similar to other urban residents, they often have to pay bribes to send their children to schools and to receive medical treatment. For many years, illegal and unregistered residents have been barred from voting in general elections in the city. In the recent October 2011 presidential elections, it was agreed at the last moment to allow unregistered residents to vote, but they did not have enough time to register on the electoral roll, so they were effectively disenfranchised.<sup>17</sup> Residents in the settlement are often ambivalent about elections; and have become increasingly cynical about political parties and the possibilities for social change.

The land that makes up the Adylet Ayry settlement had belonged to a wealthy doctor, who wanted to use it for farming, but his planning application was rejected. Prior to the March 2005 turmoil, internal migrants were increasingly desperate for land, and some occupied Adylet Ayry, which had been unused for several years. The doctor agreed to sell the land to the migrants through two intermediaries, who transferred the land rights to themselves. The intermediaries then cheated the migrants by selling land plots without registering them as legal owners. When the deception was discovered a couple of years later, the unscrupulous intermediaries demanded substantial additional payments to change the title deeds. Unable to pay, the residents have pursued a legal case against the two intermediaries, but the process has been protracted and some of the plaintiffs attribute the delay to legal corruption. In February 2011, the city court found in favor of the intermediaries, despite the fact that they had been convicted for fraud in another case. In September 2011, the two intermediaries tried to demolish 22 houses using the help of the police, but the residents erected barriers and burned tires to prevent police entry into the settlement.<sup>18</sup> Nevertheless, one house was demolished, causing a significant public outcry against the demolition that temporarily stopped the process. With presidential elections looming in October 2011 and political hostility increasing, elected officials were wary of antagonizing poor constituents, who used the October elections as a political opportunity to picket outside the president's residence, demanding concessions.<sup>19</sup> Illegal residents have little option but to turn to confrontational politics to try to exert their influence and make specific demands, because the market system, international agencies, and NGOs have failed to deliver adequate social and public goods.<sup>20</sup>

There are a number of very small illegal settlements in Bishkek, including a dilapidated and half-furnished Soviet dormitory near a meat factory that has been occupied by 25 migrant families since the early 2000s.<sup>21</sup> Initially the rooms were unfurnished and lacked windows and electricity, but over time the squatters have made improvements—though the building still has no running water and sanitation is poor. At first, the factory's owners seemed untroubled by the families, and even provided electricity, but later as property prices increased, they sought to evict them. The families tried to negotiate with the city administration to legalize the building, and secured a lawyer to represent them and enlisted the support of Aziza Abdirasulova, a leading human rights activist. The families also pleaded with the ombudsman to investigate their case. But these efforts went nowhere. After a few years, the owners and the police forcefully evicted them, throwing the elderly, the sick, and the young out onto the streets in the middle of winter. The residents managed to re-enter the building a month later, and continue to press forward with their legal case against the owners; but the proceedings have been very slow.

# Almaty

A combination of a violent conflict between illegal settlers in Shanyrak and the city administration in 2006 and a downturn in the property market led the administration to start a process of legalizing land plots in 2007.<sup>22</sup> Although most areas have been retitled, there are still some illegal settlements with a population of over 5,000: Kurilishy has 35 families, Bakai has almost 75 families, and Shanyrak has about 700 homes. Most residents were sold fraudulent land documents by dishonest state officials and investors in the late 1990s and early 2000s, though some residents seized their land plots.<sup>23</sup>

Shanyrak consists of several areas that developed during the 1990s when many internal migrants and *oralmans* (ethnic Kazakhs from overseas) came to Almaty, which at the time was the country's capital. Lack of adequate housing and expensive rental prices prompted many migrants to build their own homes after unwittingly purchasing false or partial land documents. For several years, the city administration tolerated the settlers, because they provided cheap labor to the urban economy and there was no means of formally accommodating them.<sup>24</sup> In 2005 and 2006, the administration wanted to evict the residents to allow foreign and local investors to build luxury apartments, shopping centers, and factories as part of a major urban development project.<sup>25</sup> But the global credit crisis forced the administration to change its policy as creditors severely curtailed lending to property developers. An additional factor was political instability, with opposition parties rallying behind the illegal settlers to challenge the state's political legitimacy.<sup>26</sup> As "color" revolutions spread across the post-Soviet space, the government became alarmed about a possible uprising, and sought to defuse social and political tensions in the city.

Since 2009, almost 6,000 plots of land have been legalized in Shanyrak, although in many cases residents' homes are deemed to be illegal for failing to satisfy building standards.<sup>27</sup> The residents lack the means to upgrade their homes because they have low-paid jobs or are unemployed. Unable to register at their addresses, many residents obtain a city residency permit using a relative's address elsewhere in the city, or they obtain a temporary city registration. The city administration has promised not to evict them, or to demolish their homes, but residents are anxious about the slow pace of full legalization, and are distrustful of administrative delays, excuses, and promises.<sup>28</sup>

The Bakai settlement developed when internal migrants seized land plots during the 2000s. Similar to Shanyrak, the city administration attempted to evict them to develop the area, demolishing about 30 homes in 2006.<sup>29</sup> But the planned eviction stopped after sustained resistance and violence in Bakai and Shanyrak.<sup>30</sup> Since 2009, many land plots have been transferred to the settlers, but their homes do not comply with building regulations and are classified as illegal. Residents often live in cramped and sparse conditions, and the settlement lacks physical infrastructure and public services. Although the

city administration has no plans to evict them, the residents fear that when the property market strengthens, the administration will try to demolish their homes on the pretext of unauthorized and illegal buildings. It is unclear how much time residents have to change their status, because the administration is keen to develop the area, but is also wary of pursuing evictions that could ignite political resistance.<sup>31</sup>

The Kurilishy settlement also developed in the 2000s when corrupt officials sold fraudulent or incomplete land documents to internal migrants, many of them elderly residents. On numerous occasions, residents have met officials to demand legalization.<sup>32</sup> In July 2011, they met senior representatives from the United States, Canadian, and British Embassies to discuss their situation. While the city administration remains sensitive to illegal settlements, it also knows that the issue has lost much of its political importance as the attention of many representatives and officials has turned toward middle-class residents, who lost money or apartments during the global credit crisis.<sup>33</sup>

## Astana

There are three settlements in Astana whose legality is contested because residents either seized land, or were sold fraudulent or incomplete land documents by corrupt state officials and investors. The Ondiris and Kirpichny settlements have 65 families each, and the Triangle settlement is the smallest, with 35 families. Until 2008, Koyandy settlement with a population of over 4,000 was also illegal.

The Ondiris and Kirpichny settlements have similar compositions of residents, who came from rural areas to the capital in the hope of finding better economic opportunities. Some residents are employed in the public sector as police officers, technicians, and administrative workers, but most are either petty traders at a local marketplace, or occupy low-skilled jobs, such as cleaners and shop assistants. After seizing unused land in the early 2000s, many residents built basic dwellings using cheap materials and settled down to live in sparse and over-crowded conditions. In Ondiris, electricity is illegally connected to the national grid, and water comes from a few stand-pipes located around the area.<sup>34</sup> Most homes have clay ovens, fuelled by wood and coal. In Kirpichny, houses were built upon wetlands near a marketplace, and the area has a mix of illegal and authorized houses. In illegal homes, electricity is either provided by a utility company, or there is an illegal connection that brings it from another house. Although residents in both settlements have met city officials to press their claim for legalization, and have sought additional support from Zauresh Battalova, a prominent civil rights activist, they are often too preoccupied with economic survival to fight for their rights and to pursue a sustained dialogue with the authorities.

Triangle settlement has semi-legal status because it has a regular supply of electricity and water, and the residents are registered in the city. The residents have undertaken significant home improvements and have decorated and furnished their dwellings. The settlement, however, has illegal land status which is a cause of anxiety among residents who are settled in this community and feel social stigma elsewhere. They are not interested in trying to use their property as collateral, because they already have credit based upon their occupation. With support from Zauresh Battalova, the residents have got the city administration to promise to legalize the area by the end of 2012. Recently, however, they have become increasingly frustrated by the lack of progress.

Koyandy settlement is the result of government policies in the late 1990s and early 2000s, that recruited ethnic Kazakhs (*oralmans*) from China and Mongolia to work in Kazakhstan with a promise of a house and a job. Disillusionment quickly set in among these migrants when they were sent to remote rural towns or were given low-skilled jobs.<sup>35</sup> Many decided to move to Almaty or Astana to seek better economic opportunities. Koyandy became firmly established when several investors sold false land documents to the *oralmans*.<sup>36</sup> There was a degree of public sympathy for them, as they were seen by some as victims of dishonest investors and officials. In part the *oralmans* had become a political embarrassment for the government, which had extolled the values of modernization and progress in the new capital, and was scheduled to chair the Organization for Security and Co-operation in Europe. The national government eventually pushed the city administration to legalize Koyandy in 2008.<sup>37</sup> But the *oralmans* have been disappointed with the results of legalization. It has had little impact on improving their employment opportunities, which remain largely in low-paid casual jobs, such as street cleaners and construction workers. They are cautious about using their property as collateral for loans for fear of repossession because banks charge very high interest rates. In many respects, Koyandy illustrates how legal property rights do not necessarily produce the desired outcomes, when labor and credit markets are imperfect or missing.<sup>38</sup>

## Osh

Although there are no illegal settlements in Osh, some residents face tenure insecurity at the hands of unscrupulous landowners, and some residents' homes are classified as illegal for failing to comply with building regulations. Inadequate housing has tempted poor residents and rural migrants to seize land on two occasions since the outbreak of ethnic violence in June 2010, posing a threat to the city administration's political legitimacy. The administration has prevented land seizures, promising to allocate land to 42,000 people. It is unclear whether the administration has the capacity to fulfil its promise. At an official

ceremony, a high level committee started to distribute land in the run up to the October presidential elections.<sup>39</sup> It was a publicity act to shore up votes for the eventual winner, Almazbek Atambaev, who was struggling to garner support in Southern Kyrgyzstan, where many ethnic Kyrgyz were favoring rival nationalist candidates.

There are three dormitories in the Cheremushki district that consist of about 600 ethnic Kyrgyz residents, who are threatened with unlawful evictions by a powerful property owner. In 2001, the owner privatized the dormitories, which were formerly guest workers' accommodations during the Soviet period. The dormitories are old, dilapidated, cramped, and lack running water and sanitation. The owner refuses to issue rental contracts, so tenants cannot be registered in the city. When tenants protest about their conditions, the owner and her supporters in the dormitories evict or harass and bully them. Even dissenting residents who own their own rooms in the dormitories have been unlawfully evicted. The residents have tried to prosecute the owner, but she has powerful connections and there is a strong suspicion that she bribed the district court to dismiss the case against her.

In November 2010, some Cheremushki residents became so desperate about their living conditions and state corruption that they and other poor residents attempted to seize land in the Zapadnyj district.<sup>40</sup> The two-day occupation by several hundred poor people ended when the city administration promised to distribute new land within a year.<sup>41</sup> Some land has been allocated to a few hundred families, but many residents strongly suspect that the promise to give land to so many people was a rhetorical ploy, aimed at persuading the large, angry crowd to disperse, and at avoiding another ethnic conflict, five months after the June 2010 ethnic violence.<sup>42</sup> The residents feel betrayed and angry, and have embarked upon several protests to put pressure upon the mayor to keep his promise.<sup>43</sup> The administration, however, lacks the resources to meet popular demands, and is reduced to resorting to rhetorical devices (such as nationalist narratives and promise-making) to cope with the crisis of legitimation.<sup>44</sup>

There are two apartment blocks in the Oshskij district that have 50 ethnic Kyrgyz families. The residents were sold incomplete property documents by investors in the early 2000s. The apartment blocks have been deemed illegal for failing to meet safety standards, and the residents lack the means to improve their apartments. Most residents do not have a city residency permit, but want to be registered in order to qualify for new apartments, which are being built by the international donor community following last year's ethnic violence. In July 2011, an official delegation promised to distribute new apartments, but the residents have expressed a mixture of ambivalence, hope, scepticism, and distrust because they have heard similar promises before.

Many poor residents and rural migrants live in dilapidated dormitories, where living conditions are cramped and sparse. The city administration has condemned some of them as uninhabitable, promising to demolish them and to rehouse the residents. But



this seems unlikely because the administration lacks funds and is largely dependent upon international donors to build new apartment blocks.<sup>45</sup> Some ethnic Kyrgyz residents in Oshkiy express anger and resentment that ethnic Uzbek residents, who lost their homes in the June 2010 conflict, will receive new apartments, while the international donor community neglects their long-standing housing needs.<sup>46</sup>

# Unregistered Urban Populations

Ideally, the residential registration system aims to monitor and control migration, ensuring sufficient infrastructure and resources for people's needs in the locality. During the Soviet period, a degree of food security was maintained by restricting urban-rural migration. Since then, there have been attempts to reform the registration system. For instance, in 2002, the Kyrgyz law on internal migration required local authorities to register individuals if they had the permission of the owner of the apartment or house, whereas before the authorities had discretion on whether to register a person, and they could only be registered permanently at the apartments or houses of their close relatives.<sup>47</sup> But the registration system continues to face criticism, because it violates international conventions on human rights and the national constitution on freedom of movement. It also inhibits rural residents from escaping a struggling rural economy, and entrenches abuse and exploitation of unregistered migrants in the city. Formally, unregistered individuals are socially excluded from the urban space, and have restricted access to public goods, social services, and electoral voting. The precarious position of unregistered individuals often forces them to pay bribes in order to receive education and health care. Bribery is a common practice in the public sector, undertaken by registered residents as well to ensure *quality* access to goods and services.<sup>48</sup> The following sub-sections examine how internal migrants usually circumvent the registration system, and what problems unregistered residents face.

## Bishkek

There are about 350,000 unregistered residents in Bishkek (about 30 percent of the city's total population) who have to pay bribes to school directors and hospital doctors to access basic services.<sup>49</sup> The police also extort payments, threatening them with imprisonment.

Relatives are often unable to register them because they either do not want to incur extra communal charges for an additional registered person, or fear that the person will make a claim on the property. Some families pay neighboring legal settlers to register them at their homes, allowing their children to attend schools in the locality. Some elderly residents with a rural registration have their pensions transferred via banks.

The lack of medical access has terrible consequences for unregistered residents and society.<sup>50</sup> Ambulances refuse to go to illegal settlements, delaying treatment sometimes with tragic results. A number of women have lost babies while trying to have home births because hospitals discriminate against them. Residents fear becoming ill and postpone hospital visits. They are unable to pay bribes, and those who are terminally ill face expensive medical bills, causing intense anxiety and stress. There are also concerns that contagious infections and diseases can go untreated, endangering everyone in the settlement.<sup>51</sup> Occasionally, residents rely upon friends and neighbors with some medical knowledge to treat them.

Unregistered migrants are practically disenfranchised as few are able to travel back to their rural district to vote. Without registration, internal migrants lack political clout. Just prior to the October 2011 presidential elections, unregistered residents were granted the right to vote in the city, but their names did not appear on the electoral register, so they were effectively barred from participation.<sup>52</sup> In 2010, there were no restrictions in the nationwide referendum on the constitution, because the government wanted a high turnout to gain legitimacy. In garnering support during elections, elected officials often promise to legalize settlements and to provide better infrastructure.<sup>53</sup> Elections provide an opportunity for new settlement residents to extract pledges from competing politicians, whose platforms combine populism with nationalism. Once elections are over, however, pledges and manifestos are often forgotten.

Sometimes the police stop internal migrants simply with the aim of extracting payments, rather than for any concrete violations of the law. Although the bribes are small, the unregistered migrants resent police behavior and regard police officers with apprehension and distrust. In recent years, the city administration has prohibited the police from stopping migrants who are waiting along a stretch of the main road on the outskirts of the city, looking for day work. The administration tolerates them because they contribute toward the urban economy. Internal migrants often have semi-skilled and low-paid jobs, many of which are in the informal sector.<sup>54</sup> While a city residency permit is necessary to secure professional, prestigious, and salaried work, poor residents, including illegal settlers and unregistered migrants, are excluded from the primary labor market.<sup>55</sup> Structural interventions, rather than legal registration, are needed to improve poor migrants' access to better jobs.

## Osh

It is estimated that Osh has over 50,000 unregistered residents (about 17 percent of the city's total population). Relatives are reluctant to register migrants, because household communal charges can increase, and there are unsubstantiated fears that migrants may make a claim for the property. Kinship has become a problematic source of support.<sup>56</sup> Many residents cannot register, because unscrupulous landowners are unwilling to sign rental contracts in an attempt to hide income from the tax office. Should migrants go to a police station to register, landowners will often evict them. Some migrants obtain temporary residency permits by living in dilapidated dormitories and apartments.

Poverty has a significant impact upon unregistered migrants. Some migrant families are forced to send their children to their grandparents' rural homes for education because they are unable to pay bribes to schools. This can cause children to experience emotional distress and anxiety and become detached from their parents with negative consequences for relationships within the family.<sup>57</sup> Medical problems and illnesses are left undiagnosed or are treated using cheap over the counter drugs. Only in the most severe cases will migrants pay for treatment. Within poor migrant populations, infectious diseases are more likely to go undiagnosed and untreated, and eventually pose an epidemiological risk for the entire city.<sup>58</sup>

While migrants can successfully circumvent the registration system in many aspects of their economic and social lives, property and residential documents have gained increased importance in recent years because only registered families are eligible to be on the official waiting list for new apartments and land plots. It is estimated that about 100,000 residents in Osh need social housing, but only 42,000 of them have the necessary documents to be on the waiting list.<sup>59</sup> Unregistered residents excluded from the distribution process are further marginalized, making them more embittered and stoking greater political and ethnic tensions.<sup>60</sup>

## Almaty and Astana

In both Almaty and Astana internal migrants have several ways of getting registered, including buying a residency permit through newspapers and registering with their relatives. In addition, unregistered residents can apply for a temporary permit valid for a period of six to nine months. Last year, the Almaty city administration granted temporary registration to illegal residents just before the presidential elections so that they could cast their votes for President Nazarbayev.<sup>61</sup> Some migrants engage in patron-client relation-

ships with local politician, promising to support incumbents in exchange for promises of city residency permits.

Formally, residential registration restricts access to schools, hospitals, social services, employment, and electoral participation.<sup>62</sup> Yet despite the allure of these potential benefits, migrants in Almaty and Astana often view the permits as either a bureaucratic inconvenience, or an irrelevance. Instead, families often opt for making informal payments to access better services. For instance, middle-class families give “gifts” to enrol their children at prestigious kindergartens and schools outside their registered locality. They also pay to get treatment at well-resourced city hospitals, rather than at their district medical clinics. In some cases, middle-class families register at their relatives’ or friends’ homes in order to gain access to prestigious schools. Furthermore, families are also expected to make informal payments to school directors and hospital doctors to ensure quality treatment and to avoid delays and refusals.<sup>63</sup>

Another factor fueling ambivalence toward residency permits among poor migrants is the fact that such documents are unlikely to have much impact on their economic situation. Poor migrants invariably occupy the secondary labor market (such as casual work in the retail, construction, and public sectors), and some operate in the informal economy.<sup>64</sup> Poverty, exploitation, and marginality are shaped by structural factors, such as social class, gender, and industrial competition. Rural working class migrants lack the social and cultural capital to enter the primary labor markets of the cities. Furthermore, they are unconcerned about voting, because they regard general elections to be a sham.

# Political Discontent

Illegal settlements reveal deep social inequalities and corruption that have developed during the “transition” period. Such settlements are physical locations and spaces that embody forms of social and political discontent that sometimes spill over into violence and threaten political stability. City administrations have tolerated and managed illegality in various ways depending upon local economic and political conditions. This sub-section discusses the nature of some tensions and conflicts in each country.

## Kyrgyzstan

In the aftermath of the March 2005 “color” revolution, the then President Bakiev garnered electoral support by swiftly legalizing many land seizures in Bishkek and established a good political relationship with poor migrants, though not without attracting legal controversy over the legitimacy of the transfer of ownership.<sup>65</sup> But Bakiev’s popularity declined as rumors and stories of family corruption and extravagant wealth began to circulate in impoverished settlements.<sup>66</sup> High costs of living and frail relationships with Russia—a country that is a source of hope and income for many migrants—resulted in widespread anger and frustration toward the regime. Poor, illegal, and unregistered residents held rallies and protests, which culminated in a bloody conflict with riot police and security forces on April 7, 2010.<sup>67</sup> Many residents from new settlements (at least 40 from Ak-Jar) participated in the violent political uprising that toppled the Bakiev regime. Security forces killed 87 people, and over 1,000 were injured, many with gunshot wounds.<sup>68</sup>

In the days following the clashes with the protesters, the police abandoned the city, giving poor groups the opportunity to loot and destroy major shopping centers for two nights.<sup>69</sup> Shopping centers catering to foreign customers and affluent locals came to

symbolize the country's social and spatial inequalities, and produced class-based anger, shame, and tension.<sup>70</sup> Migrant families also tried to occupy land around the city, in the hope of replicating land seizures after the March 2005 Tulip Revolution. But elements of the city's business elite managed to restore security in the city center through the use of armed volunteers and patrol groups. The new interim government ordered the army to stop and shoot looters and "land grabbers" in an attempt to re-establish order and win confidence and trust from the international community.<sup>71</sup> Nevertheless, some existing new settlements (such as Ak-Ordo and Tynchtyk) expanded with new arrivals of migrant families.<sup>72</sup>

There are three reasons why illegal settlements and internal migration can generate political tensions. First, illegal settlers can intensify their protests, using political opportunities to put further pressure upon politicians and officials to provide physical and social infrastructure. For instance, poor groups have used the election cycle as an opportunity to win concessions for their settlements, but hope turns into despair when politicians' rhetorical promises fail to materialize, moving them to protest more.<sup>73</sup> On several occasions in the 2011 electoral year, residents from Ak-Jar, Jumgal Ata, Archa-Beshik, Ak-Ordo, and other new settlements demonstrated outside state buildings, blocked main roads, and met senior state officials and politicians to demand basic utilities and services, such as electricity, running water, roads, and schools.<sup>74</sup> In August 2011, Ak-Jar residents blocked a main road for the second time that year, claiming that the city administration had failed to fulfil its earlier promise to provide electricity and water. A day later, the then Prime Minister Atambaev publicly reprimanded the mayor of Bishkek and the regional governor for their failures, arguing that the residents had fundamental rights to basic services.<sup>75</sup> He also promised to place Ak-Jar under the administrative authority of the Bishkek City Council, which has the capacity to finance infrastructure in the settlement, though at the cost of other new settlements.<sup>76</sup> It is not surprising that the prime minister intervened. As a candidate in the October 2011 presidential elections, he was trying to garner popular support, especially from poor voters.<sup>77</sup> Ak-Jar protesters had seized political opportunities to rightfully resist and had pointed out glaring inconsistencies between the government's past promises and current policy, entrapping officials in their own rhetoric and prompting top politicians to quickly transfer the administrative controls to the Bishkek City Council.<sup>78</sup> The regime was forced to meet the protesters' demands to maintain its reputation and legitimacy and to avoid losing support. In other settlements, the mayor of Bishkek has promised to build new schools and roads and to provide adequate electricity and sewage in an effort to get re-elected.<sup>79</sup> Funding for these projects, however, is inadequate to satisfy residents' needs, which then generates further frustration and anger. In the context of budget and resource constraints, politicians' promises are a pragmatic rhetorical device to defuse tensions and to disperse protesters. While entrapment was a successful outcome

in Ak-Jar, it is unlikely to work for all new settlements, because of limited state funds and competing demands.

Second, poor migrant families can become so restless and desperate about the lack of adequate housing that they seize vacant land. In November 2010, over 500 people occupied farm land in Osh, claiming that they needed suitable accommodation.<sup>80</sup> The city administration only managed to end the occupation after promising to distribute another area of land within a year. Of the 42,000 people on waiting lists for land plots, only several hundred families have received anything.<sup>81</sup> Lacking finance and land, the city administration has struggled to deliver on its populist promises, and the delays in the distribution process have generated feelings of distrust, frustration, and anger that have prompted poor families to hold several demonstrations outside the mayor's office.<sup>82</sup> As the administration lacks an effective policy on social housing, the temptation to seize land can only increase, especially during an election cycle.

Third, the legal status of many new settlements is still unresolved, because previous rich landowners and neighboring inhabitants are contesting the way former President Bakiev legalized land occupations and transferred ownership to poor settlers. They believe that the process was unfair, and have asked the city administration and the courts to return the land or to award them substantial compensation. For instance, in August 2011, residents in Archa Beshik district threatened to block roads and to demonstrate outside the president's residence in opposition to the legalization of land occupation, which has stopped the planned construction of a main road.<sup>83</sup> The Supreme Court is reluctant to pass judgements and instead returns cases to the lower courts on technical grounds. The courts are often accused of lacking sufficient professionalism, autonomy, and impartiality to make fair and reasonable decisions.<sup>84</sup>

## Kazakhstan

Illegal settlements have been a magnet for opposition parties to openly criticize the political regime for corruption and lack of democracy. In August 2006, there were violent clashes in Bakai and Shanyrak, when the Almaty city administration wanted to evict illegal settlers so that foreign investors could gentrify and develop the area into luxury apartment blocks, shopping centers, and factories. Despite promising not to use force, the administration employed riot police to end the protest in Shanyrak, resulting in the death of one police officer.<sup>85</sup> Opposition parties rallied behind the Bakai and Shanyrak protesters, using the incident as an opportunity to condemn the brutal and repressive use of state power to benefit private economic and foreign interests. Middle-class families also began to sympathize with the illegal settlers, whose basic human rights were violated. In addi-



tion, there was public outcry against powerful, affluent elites, who had unlawfully seized and privatized prestigious and valuable areas, including natural parks.<sup>86</sup>

Economic and political factors have forced the state to tolerate and legalize settlements as a response to its inability to tackle rural poverty or to provide adequate urban housing.<sup>87</sup> The government also feared a “color” revolution similar to the popular uprisings that had erupted in authoritarian countries, such as Serbia, Georgia, Ukraine, and Kyrgyzstan. In an attempt to pacify the protesters in Bakai and Shanyrak and to soothe inflamed political passions, the city administration stopped the eviction orders. The 2007 global credit crisis helped to further ease social and political tensions because developers could no longer finance their projects, resulting in a downturn in the property market. In 2009, a new administrative authority was established in the Alatau district, which includes Shanyrak, and it legalized around 6,000 land plots, a move that also happened to coincide with the presidential election year. The new administrative authority has also promised to legalize the remaining illegal plots.

The issue of illegal settlements is unlikely to generate the same level of social and political discontent as it did five years ago, as the property market remains depressed and the state is sensitive to a political insurrection. New settlements have also lost their political significance because opposition parties and local NGOs have turned their attention toward urban middle-class families who face financial ruin and mortgage difficulties as a result of the credit crisis.

Nevertheless, there are two reasons why internal migration and illegal settlements can produce political conflicts. First, migrants can become so angry about the lack of adequate housing that they will seize land plots, provoking state violence. In May 2011, over 1,000 poor migrants attempted to occupy land in the Talgar district on the outskirts of Almaty. The resulting clashes with the police left 25 people injured.<sup>88</sup> The migrants only agreed to disperse when the city administration promised to locate land elsewhere in the city. But if the administration fails to deliver on its promise, the migrants will feel justified in trying to seize land again, setting themselves up for another confrontation with the authorities. They can only hope that the promise is genuine, because short of land occupation and violent action, they have limited options. Moreover, the strain on urban housing infrastructure will increase, as rural citizens migrate to Almaty and Astana to escape the fragile rural economy. As city administrations lack an effective social housing policy, more land seizures can be expected.<sup>89</sup> In addition, other factors, such as an upturn in the commercial property market and non-electoral years, can motivate city administrations to adopt a hard-line attitude toward illegal residents.

Second, illegal settlers are frustrated over the slow pace of formalization, fearing a change of policy and evictions once the property market recovers. In August 2011, around 30 illegal residents from the Alatau district stormed the land registration building,

demanding that officials legalize their land plots. The protestors rejected arguments by the officials that illegal homes were in prohibited red zones.<sup>90</sup> Without having the options of compensation or resettlement, illegal residents are unlikely to give up their homes. Some residents believe that a violent confrontation is inevitable, citing examples of resistance depicted in the urban legends and stories that have developed since the 2006 Shanyrak clashes, when settlers fought back to defend their homes against riot police.<sup>91</sup> The perception of a noble struggle has also travelled to Astana, where illegal settlers are equally adamant about defending their homes.<sup>92</sup>

# Ethnic Tensions

Poor settlers and migrants are reflective about their situation, often describing how economic inequality and a weak welfare state are responsible for their miserable living conditions. But some residents inject ethnicity into the situation by blaming ethnic minority groups for their poverty and lack of suitable accommodation. Moreover, they can demonstrate anti-foreigner sentiments by expressing anger and bitterness over the failure of the international donor community to deliver basic goods and how foreign investors have seemingly pillaged the country. This sub-section examines the role that land seizures have played in exacerbating ethnic tension in Osh and Bishkek.

## Osh

The internal migrants who populate Osh are usually poor ethnic Kyrgyz, who are ashamed and angry about their cramped and sparse accommodation in dilapidated dormitories and apartments. They want land plots to raise families in spacious conditions. Some migrant families are bitter that Kyrgyz people cannot get land plots in their own homeland. Uncultivated fields and disused sites on the outskirts of the city are a temptation for poor families, who believe that the land is vacant and idle. In November 2010, over 500 rural migrants and poor residents seized a large field belonging to an Uzbek farmer in the Zapadnyj district.<sup>93</sup> The city administration became anxious that ethnic clashes would be reignited, and quickly ended the occupation after two days, promising the ethnic Kyrgyz squatters alternative land sites within a year. Some squatters attempted to justify their actions, making unsubstantiated claims that ethnic Uzbeks are not loyal citizens and that the Uzbek business community is corrupt.

The conditions for ethnic tensions remain largely unaltered, because state and international interventions have failed to tackle housing, urban poverty, the rural economy, and

the corrupting effects that affluent and well-positioned elites have had on politics and elections.<sup>94</sup> Poor Kyrgyz migrants compete against urban Uzbek residents for living and commercial space, increasing the likelihood of ethnic clashes. In August 2011, violence broke out in the predominantly Uzbek town of Aravan, outside of Osh City, when an Uzbek taxi driver stabbed a Kyrgyz taxi driver in a disagreement in the taxi rank.<sup>95</sup> Hundreds of relatives and friends of the injured Kyrgyz man came from neighboring villages and Osh City to exact revenge, looting and smashing Uzbek-owned shops at the main marketplace. Police were deployed to ease tensions and closed off main roads into the town.

The earlier June 2010 conflict in Osh, while sometimes blamed on ethnic tensions, cannot be simply explained by ethnic hatred, as people's everyday identities are shaped by other social structures, such as class, gender, and age.<sup>96</sup> Many factors, including a shortage of adequate urban housing, a weak rural economy, and a wilful manipulation of the ethnic Kyrgyz electorate, contributed toward the ethnic violence. Some Kyrgyz migrants in dilapidated dormitories and apartments were so bitter about their situation and resentful toward the urbanized Uzbek business community that they participated in the looting and destruction of Uzbek homes and businesses at the start of the June 2010 conflict. But much of the violence and damage was inflicted by Kyrgyz men from neighboring villages and towns. In the ensuing violence, Kyrgyz and Uzbek men became trapped in a retaliatory spiral, each side punishing the other for brutal and horrible acts. Segments of the country's economic and political elite also provoked and exploited ethnic tensions for financial and electoral gains.<sup>97</sup>

## Bishkek

Urban middle-class residents in Bishkek view internal migrants with disdain, calling them *myrkas* (uneducated villagers) and believing that they should return to the countryside.<sup>98</sup> As they struggle to survive in the urban context, poor migrants often feel ashamed, humiliated, and angry. Within the poor migrant community, men frequently counter these negative feelings by developing an exaggerated sense of masculinity and nationalism. Some Kyrgyz men target urban minority ethnic groups (such as Uyghurs, Dungans, Meskhetian Turks, and Uzbeks) for abuse and assault.<sup>99</sup> Two weeks after the April 2010 uprising, the Bishkek city administration informed a large crowd of landless migrants that there was no spare land to distribute, sparking anger and disbelief among the crowd. Hundreds of poor ethnic Kyrgyz then marched to the village of Mayevka to seize land belonging to ethnic Meskhetian Turks, who fought back to defend their homes. In the ensuing violence, many homes were burned and several people died.<sup>100</sup> Many among Bishkek's middle class were indignant, and felt that the riot had tarnished the image of the April "revolution."

The interim leaders sent the army to quell the riot and persuaded the thousands of Kyrgyz migrants who had gathered at the village to leave without making any promises or offers of land distribution. The Kyrgyz migrants were disappointed and frustrated that the political uprising had failed to deliver them positive outcomes. Many remarked that the interim leaders sanctioned their own power grabs, but condemned and repressed efforts by poor groups to claim land.<sup>101</sup> Elsewhere in the city, there were reports that poor Kyrgyz made threats against the Uyghur business community, causing some Uyghurs to temporarily leave the country to stay with relatives and friends in Almaty.<sup>102</sup>

Access to land is primarily motivated by economic survival and well-being, but it can become distorted, ethnicized, and politicized.<sup>103</sup> Poor migrants in Bishkek generally do not embrace politics shaped by revolutionary or ideological ideals, because they have little access to notions of or a culture of emancipatory politics as they try to survive in illegal settlements.<sup>104</sup> While they have good reasons to feel hurt and angry, it is easy for them to mistakenly identify the causes of their suffering by blaming foreigners and minority ethnic groups for poverty, unemployment, deprivation, and corruption. Some migrants express a belief that foreign investors (such as Chinese and Turkish businesspeople) have dispossessed them of their birthright, by bribing state officials to purchase land and property at discounted prices.<sup>105</sup> Unable to draw upon class politics for an understanding of their own situation, some Kyrgyz migrants employ a nationalist discourse that blames racialized groups for economic woes, social ills, and personal misfortunes. Moreover, nationalist political parties, such as Ata-Jurt, and rich-criminal syndicates stoke nationalist and anti-Western feelings to increase their own political and economic power.<sup>106</sup>

Ethnic tensions are likely to persist until alternative narratives, such as class-based or anti-neoliberal frames, displace the nationalist discourse in understanding social and economic problems. In addition, a strong welfare state is required to curb the excesses of economic elites and temper the potentially corrupting effects their disproportionate affluence can have on society and politics.

# Obstacles to Justice and Rights

Poor migrants often pursue their rights through officialdom, but face legal and political difficulties, such as legal corruption and unsympathetic officials. Although there are international and national laws and codes to assist illegal settlers and unregistered migrants, state obligations are weakened by conflicting rights and norms, disjointed administrative structures, and a lack of sympathy for poor migrants. The following sub-section discusses how poor migrants access justice and what problems they encounter. It also provides constructive criticism of the strategy of legal empowerment of the poor.

## Accessing Justice

Illegal settlers are often ambivalent about the legal process. They are hopeful about their situation because strong legal and moral arguments and written documents support their case, but are also sceptical about achieving victory because of corruption among court officials. For almost four years, residents at the Ak-Jar and Adylet Ayry settlements contested the land, and despite achieving victories in the lower courts, they have been unable to formalize their homes. In February 2011, the city court ruled that Ak-Jar should be awarded to the settlers, but the land's affluent owner has appealed against the judgement. Despite fears that the landowner may bribe the Supreme Court judges, the residents put great faith in their legal arguments, explaining how they have behaved reasonably at every stage. In the Adylet Ayry case, residents have had several lawyers represent them over the years and have been undaunted by the partisan judicial system. They explain how they have acted reasonably and legally, but there is a strong suspicion that the two landowners have used their connections to influence the city court to evict some settlers. In other settlements (such as Altyn Kazyk and Alga Elim), residents are more sceptical about the legal process,

explaining that lawyers have refused to take on their cases because of political pressure.

When settlers lose patience with the protracted legal process, they resort to political action, such as pickets and road blockades. For instance, Ak-Jar residents have blocked a main road to Dordoi Market at least three times, and have protested on several occasions outside the president's residence and other state buildings.<sup>107</sup> In Osh, residents facing unlawful evictions in dilapidated dormitories lost faith in the judicial system when the regional court ruled in favor of the landowner. The judge allegedly told the residents that he would "sell" his judgement, but they were unable to match the landowner's bribe. Their lawyer has all but given up defending them, largely because they don't have the resources to take the case to the Supreme Court in Bishkek. Frustrated and restless, some residents briefly occupied land in the Zapadnyj district in November 2010.<sup>108</sup> They had become angry and indignant as a promise by the mayor of Osh to redistribute the land came to nothing, and the residents then took it upon themselves to demonstrate outside his office building in September 2011.<sup>109</sup>

NGOs and civil rights activists can represent the interests of illegal settlers and unregistered migrants, advocating and representing their case to the media, the international donor community, and state officials. But they face the same limitations as the residents' own lawyers, and little progress has been made. Some residents acknowledge that civil rights activists and NGOs have tried to help them, though without any results. Rights-based organizations tend to concentrate their work on existing, legally established settlements, and have very little presence in illegal settlements in Bishkek and Astana. In Almaty, however, organizations, such as the NGO Shanyrak, have played a role in mobilizing rallies and pickets.

The Ombudsman Office in Kyrgyzstan believes that illegal settlers are undeserving of support, because they either grabbed land unlawfully, or knowingly bought illegal land plots. It does not offer any assistance to illegal settlers, and is unsympathetic to their situation, which is deemed to be self-inflicted. The lack of sympathy is a common sentiment, prevalent among state officials, judges, and middle-class urban residents.<sup>110</sup> These sentiments and attitudes also contribute to limiting illegal settlers' access to justice and fairness, and leaving them to endure a life of misery without basic goods, rights, and freedoms.<sup>111</sup>

## Ineffectiveness of Legal Obligations

State constitutions in Kyrgyzstan and Kazakhstan outline significant obligations toward illegal and unregistered residents, protecting their rights to land, education, health care, and political participation. But these obligations and rights are either countered or over-

ridden by other concerns, such as budgetary costs, competing rights and claims, weak administrative structures, and a lack of judicial independence.

City officials recognize that they have legal and moral obligations to provide adequate housing and other public goods, but argue that there are insufficient funds to build apartment blocks, schools, and hospitals. In order to defuse social and political tensions, officials make rhetorical promises about physical and social infrastructure to persuade protesters to give up more direct challenges such as land occupation, road blockades, and pickets.<sup>112</sup> Such promises can mollify protesters, who have few options other than hoping that the city administration will deliver. In most cases, however, officials often fall short of meeting the migrants' aspirational demands, leading to distrust, despair, and a loss of political credibility that often prompt migrants to undertake further protests. Promises of infrastructure and resources that are hollow only serve a short-term function: providing a rhetorical device that can manage a crisis and disperse angry crowds. Such promises are particularly common during the high point of an electoral cycle. In one example, a district administration wanted to provide basic utilities to Ak-Jar, and even erected electricity poles, but it had no money to install and run power lines or to lay water pipes. Following a road blockade in August 2011, Prime Minister Atambaev and the mayor promised the Ak-Jar protesters that electricity and water would be provided. Similar promises were also made to other new settlements in the run up to the October 2011 presidential elections.<sup>113</sup> The Mayor later acknowledged that the budget for infrastructure is not enough to complete the project. In another example, the Osh city administration used rhetoric to end the occupation in the Zapadnyj district in November 2010, promising to distribute land to 42,000 residents, most of whom have not received anything to date. When the disgruntled residents gathered outside the state building in September 2011 to picket and demand results, the administration repeated its promise. It is unclear how long the residents' patience will last before more direct action is taken.<sup>114</sup>

State officials usually argue that the rights of the majority and larger social claims can trump migrants' rights to housing and public goods. Illegal settlements are often built near protected zones (such as cemeteries, gas pipes, and heritage sites), and city officials argue that such settlements pose a serious ecological threat to the city, endangering the lives of the settlers and the urban population. For instance, Altyn Kazyk and Alga Aryr are located near a waste site, and the administration fears a city-wide contamination of infectious diseases.<sup>115</sup> It is unwilling to shut down the site to accommodate the illegal settlers, believing that the lives and interests of the city population are greater than those of the two settlements. In addition, state officials argue that safeguarding private property rights and commercial investment is an essential precondition for economic growth and urban development, therefore measures to curtail and penalize illegal settlements are required. In Almaty, the city administration wants more luxury apartment blocks, factories, and



shopping malls to expand its tax base and increase economic activity. The state wants maximum value developments because low-value settlements contribute very little to state tax revenues. City planners also point out that housing needs must be achieved through vertical apartment complexes, rather than horizontally through adobe houses, which do not maximize use of space and are considered unattractive and unmodern by many.

Weak and disjointed administrative structures exacerbate the problem of conflicting rights and claims, because the division of responsibilities is unclear, causing internal disputes, apathy, and neglect. In August 2011, Prime Minister Atambaev reprimanded the mayor of Bishkek and the Chui regional governor for failing to deliver basic utilities in Ak-Jar, urging them to fulfil their obligations within two days.<sup>116</sup> But even after his intervention, it is unclear which administration will finance and provide electricity and water. The Alamedin district administration believes that the mayor's office should pay for the electricity, but the city administration will only do this once Ak-Jar has been legalized. As of yet, the Supreme Court has not heard the case, and will only make a ruling next year. The internal dispute over the administrative responsibilities for Ak-Jar began in early 2011, and shows no sign of ending, despite high-level political intervention. To some extent, administrative indecisiveness forces richer settlers, such as those living in Triangle and Kirpichny, to become more self-reliant and responsible for their own needs, bypassing the state to procure basic goods and services.

Contributing to the potential ineffectiveness of legal obligations is the fact that judges may be unable to make adequate interpretations of the constitution, land codes, and property law in ways that uphold poor and marginalized groups' basic human rights.<sup>117</sup> Supreme Court judges can play a significant role in developing a hierarchy of rights, but they can also be marred in corruption, unsympathetic toward poor groups, lack judicial autonomy, and/or wary of making judgements that oppose state and elite interests.<sup>118</sup> In Kyrgyzstan, there are allegations that candidates for the Supreme Court have to pay and to have powerful sponsors to be nominated and selected.<sup>119</sup> It is then not too surprising that the Supreme Court fails to check the power of the state and the rich. Although there are formal codes and laws to protect vulnerable and poor groups, court interpretations in difficult cases require sympathetic, courageous, and independent judges, who can make reasonable and impartial judgements in a hostile environment.<sup>120</sup> It should be noted that sympathy and the ability to relate to vulnerable groups are not antithetical to reasonable judgements, but are the basis for them. Ideally, in the case of illegal settlements, constitutional rights and duties need to be prioritized, so that the courts can recognize that rights to subsistence and housing are higher than private property rights.<sup>121</sup>

## The Limits of Legal Empowerment

Advocates for the legal empowerment of the poor and other legal rights-based development strategies, such as access to justice, claim that many poor groups, including squatters, lack basic rights and legal protection, perpetuating their poverty, exploitation, and exclusion.<sup>122</sup> If they were to have rights, such as property and labor rights, they could move into the formal and regulated economy, enter better-paid jobs, and face less exploitation and abuse. Furthermore, if they can obtain residential registration in the city that documentation and status will give them equal access to education and health care. Squatters, who acquire legal rights to their homes, can also use their property as collateral for a bank loan.<sup>123</sup> In addition, legal empowerment can be widened to include activities, such as legal education and aid to poor and rural groups and an expansion of their access to state-guaranteed services, bringing them closer to local and national providers.<sup>124</sup>

These ideas are compelling, but there are three factors that can reduce the effectiveness of legal empowerment strategies. First, most illegal settlers and unregistered migrants work in the secondary labor market, lacking skills, education, money, and networks of contacts to occupy more secure and better paid employment.<sup>125</sup> Many of them also enter the informal economy (such as construction, textile, and petty retail sectors), which usually involves poorly paid, economically insecure, and highly exploitative work.<sup>126</sup> Even if migrants were to obtain a city residency permit, their secondary and informal positions would remain largely unchanged, because they do not have the resources and skills to enter the primary labor market, and employers are driven to hire semi-skilled and desperate workers, irrespective of their registration, to operate in seasonal, low value-added and labor-intensive industries. The exploitative and miserable nature of settler's and migrants' working conditions is shaped by wider economic and competitive industrial factors, which cannot be individualized to lacking residential registration.

Second, to access *quality* education and health care, almost everyone in all the cities has to pay bribes to school directors and hospital doctors. Bribe-giving is a common practice in schools, hospitals, universities, police departments, and the courts. Individuals who fail to give an appropriate "gift" either receive very basic service, or are denied the service on some pretext.<sup>127</sup> Making informal payments can protect individuals from poor treatment. To ensure *quality* access to education and health care, both respectable middle-class residents and unregistered migrants pay bribes. Not having a city residency permit is just another pretext for officials to demand a bribe. If migrant laborers had residency documents, officials and people in positions of power would simply find other reasons to ask for a payment to ensure proper treatment. In societies marked by petty corruption due to low salaries, poor professional training, weak oversight, and a lack of infrastructure, teachers, doctors, nurses, police officers, lawyers and others will extort payments from everyone, regardless of whether they have a residency permit or not.

Third, most illegal settlers possess basic adobe houses, which are unacceptable as collateral for bank loans. Residents are also not tempted to take credit because interest rates are often over 20 percent per month, and they do not want to risk losing their homes. Usually, banks give credit to residents based upon their income and occupation, rather than their homes. It is also common for residents to borrow money from friends and relatives, though only a few belong to rotating credit associations. Fundamentally, the credit market and the banking sector are imperfect, so that titling property will not have the desired effects on poverty reduction.<sup>128</sup> The strategy of legal empowerment of the poor assumes perfectly working competitive markets, but real markets are far from ideal, sometimes operating in perverse and adverse ways.

These factors pose challenges to legal empowerment strategies, but by no means neutralize them, particularly regarding the utility of either simplifying or abolishing the city residency registration. If this happens, city administrations will have to formally recognize that there are more people in their cities than they currently acknowledge, thus providing a justification for the need to expand social welfare and public provisions.<sup>129</sup> For instance, if the Bishkek city administration were to acknowledge the 350,000 or so unregistered residents living in the city, then the city population would officially expand to over one million, having major implications for physical and social infrastructure. With a larger population, the state would need to provide more schools, hospitals, and housing. But given the budgetary constraints and weak administrative structures, it is unclear whether an official recognition of a million plus city would necessarily translate into more public spending. City administrations' rhetorical promises on public expenditure that go unfulfilled are likely to evoke hope followed by despair.

Second, registered residents will become an important political constituency for politicians to woo. In order to garner the support of migrants as empowered voters, candidates and officials will have to become more sensitive to their needs, potentially creating a platform for a more progressive politics. But populism and ultranationalism may also develop, as rich elites can potentially pit poor rural Kyrgyz against urban minority ethnic groups.<sup>130</sup> It is also likely that campaigns will be dominated by rhetoric to persuade and manipulate the political audience.<sup>131</sup>

Third, residents' motivations for legalizing their homes are connected with psychological security, a sense of belonging, a legacy for their children, and a desire to conduct home improvements without the threat of demolition.<sup>132</sup> While land formalization may not necessarily generate a take-off in economic growth, it may foster a better morale and outlook. But there may be some undesirable consequences, such as land speculation and price hikes, that push out poor residents as speculators and more affluent people move into the settlements.

Illegal settlements potentially pose a more complicated set of challenges. There are a number of strong reasons to oppose the legalization of settlements. First, it diverts

attention away from the real causes of poverty and social exclusion and the structural aspects of everyday practices and relationships of social suffering. Second, it only succeeds in turning human rights issues into political and administrative problems, without providing new economic resources to ease suffering. Third, some settlements face environmental and health hazards, and many adobe houses lack adequate sanitation systems and water supplies. It would be more economical and environmentally safer to construct social housing complexes. Fourth, while current illegal settlements can be formalized, it is unclear whether future illegal settlements would also be legalized. As the urban population expands faster than new housing units, the pressure for new illegal construction can only increase. Fifth, it can be dangerous to sanction illegal activities, damaging the moral fabric of society and undermining respect for the rule of law.

The potential liabilities of legalization, however, should be carefully measured against several possible benefits. Legalization can be seen as a necessary administrative first step for eligibility for state-guaranteed services and infrastructure and international support and assistance. Second, poor residents may be treated with greater human dignity and respect, and experience a reduction in anxiety, shame or stigma and become less regarded as dangerous, dirty, and lazy. Third, economic activities in the settlements can be encouraged and properly regulated, ensuring greater income and comfort. Fourth, children, pregnant women, and the sick can obtain basic goods and services, without being penalized and disadvantaged by circumstances not of their own choosing. Fifth, legalization would recognize the state's moral obligations toward its citizens, who often protest and resist the harm and injustices caused by the market system. Residents' pickets, demonstrations, and road blockades are ethical and emotional responses in the pursuit of basic necessities and well-being. Their protests are also strategic and instrumental, using political opportunities, such as election cycles, to obtain concessions. The moral economy of protests in Central Asia is grounded in everyday survival, market and state failures, and elite corruption. It is also both weakened and strengthened by official rhetorical promises and devices.<sup>133</sup>

Overall, the strategy of legal empowerment of the poor offers some benefits, such as the focus on access to justice and the promotion of basic human rights. But it fails to adequately conceptualize and address the structural aspects of poverty, social exclusion, and human well-being. Formal rights, *per se*, cannot tackle the structural weaknesses of the economy, social inequalities, imperfect markets, and the unevenness of health care and education. It is better to view land legalization and city residency registration as creating useful conditions for major structural reforms and interventions, which are essential for tackling imperfect credit and financial markets, segregated labor markets, inadequate social infrastructure, poor professionalism among city administrators, a partisan judiciary, weak state capacity, and the corrupting effects of wealthy interests on state and electoral affairs.

# Conclusion and Recommendations

This paper examined the nature and scale of illegal settlements and tenure insecurity in Kyrgyzstan and Kazakhstan, and how residents live in cramped and sparse conditions, lacking adequate physical and social infrastructure. City administrations have started to legalize settlements, defusing social and political tensions, and responding to a depressed property market. The number of people living in illegal settlements is small relative to the size of the urban population—under 20,000 in Kyrgyzstan (1.5 percent in Bishkek) and under 10,000 in Kazakhstan (0.6 percent in Almaty). But the potential for land seizures and violent clashes remains very high in Osh and Almaty. Such seizures can provoke ethnic tensions in Kyrgyzstan, as poor Kyrgyz migrants try to occupy land belonging to minority ethnic groups. In the 2011 presidential electoral cycle in Kyrgyzstan, residents from both legal and illegal settlements picketed and blocked roads in an attempt to win concessions for their settlements. In most cases, politicians and city officials can only deliver rhetorical promises that make residents frustrated and angry and prompt further confrontation. Where settlements are legal or internal migrants have recently become franchised, politicians and officials may make concessions particularly during election cycles that are largely based on cynical calculations about garnering electoral support.

The paper also investigated how current city residency registration requirements restrict migrants' social and political rights, and can increase the amount of bribes that need to be paid to schools, hospitals, and the police to access public goods and services. Unregistered migrants are also effectively disenfranchised from urban politics because their voting is either restricted to their rural constituencies, or they are unable to vote because they are not on the electoral register. While unregistered residents in Kazakhstan are able to circumvent the system by buying a residency registration permit, registering with family members, or obtaining a temporary permit, unregistered residents in

Kyrgyzstan face more difficulties as relatives are reluctant to register them and a temporary permit has limited advantages, so the number of temporary registrations is quite small. It is estimated that about 350,000 people do not have city residency registration in Bishkek, and over 50,000 in Osh.

The strategy of legal empowerment of the poor will have limited impact on poverty reduction and social exclusion. Legalizing settlements and abolishing or simplifying residential registration do not address the structural inequalities and weaknesses that produce social deprivation in settlements. Irrespective of city registration, migrants will continue to occupy low-paid, casual and semi-skilled jobs in the secondary labor market, and many will remain in the informal sector. Employers' ability to exploit registered and unregistered residents relates to their weak fall-back position, and the urban economy's highly competitive labor markets and low value-added, semi-skilled and seasonal industries. Furthermore, the bribery practices that mark schools, hospitals, police departments, courts, and other institutions is endemic, and stems from low salaries, poor professional training, weak oversight, and under-resourced institutions, rather than the residency status of migrants. Moreover, obtaining property rights will not improve poor residents' access to bank loans, because they fear high interest rate payments and repossession. Currently, city administrations struggle to provide physical and social infrastructure to new settlements, irrespective of their legality, because of weak state capacity and limited funds.

## Recommendations

The following recommendations are separated for international donor agencies, state actors and paralegals and nongovernmental organizations (NGOs), and are targeted for immediate and longer term effects.

### International Donor Agencies

As the nature of internal migration and poverty is complex and structural, policy measures have to avoid quick fixes to structural problems that have emerged and ossified over many years. Although they do not necessarily address structural problems, the first five measures below can be implemented by international donor agencies to ameliorate social, health, and economic problems, and to have an immediate impact upon migrant families living in illegal and poor settlements. The last four recommendations are medium-term interventions at the professional, research, administrative, and sectoral levels.

- 1) Establish basic medical clinics in illegal and poor settlements, allowing internal migrants free access to basic and emergency treatment. The clinics would also

conduct health promotion campaigns, raise awareness of contagious diseases, and monitor nutritional intake of babies and young children.

- 2) Establish free crèche facilities and day-care centers in illegal and poor settlements, providing young children safe and secure opportunities to play and learn and develop their cognitive and social skills. The centers would also enable working mothers to find work to supplement their household income.
- 3) Establish adult educational institutes near illegal and poor settlements, offering poorly educated and unskilled residents free day and evening courses to learn new skills to improve their job prospects. The institute would also provide vocational training courses and professional and career advice.
- 4) Establish free legal aid clinics near illegal and poor settlements, giving legal advice to families, and raising awareness of residents' rights and entitlements. The clinics would also assist residents with legal campaigns and court cases to ensure non-violent activism for human rights, and to advocate for social change.
- 5) Launch national and local media campaigns to positively portray residents in illegal and poor settlements, documenting their everyday struggle for human dignity, and countering the widespread negative images of them in society. Media campaigns would also tackle social discrimination against poor and migrant residents.
- 6) Support ongoing campaigns to abolish or simplify the legislation on city registration to ensure that residents have formal access to public goods and to protect their human rights. High level intervention is also required to lobby national governments for change in city registration rules.
- 7) Commission independent research into illegal and poor settlements to formulate evidence-based policy, investigating urgent issues, such as household survival strategies and social problems. Research projects would also contribute toward the national urban planning and development strategies.
- 8) Establish a Justice Watch unit to monitor how officials, judges, and professionals interact with poor and migrant families, reporting on corrupt and unfair practices. This would also raise professionalism and ethical behaviour in the public sector, giving poor and migrant families more confidence in the rule of law.
- 9) Require every business plan or request for funds for urban reconstruction and development to include a section that addresses provisions for illegal and poor settlements. Paralegals could assist to ensure that plans and contracts meet this requirement, and could publicize omissions.

## State Actors

The recommendations below can do much toward developing public policies to improve the lives of illegal and unregistered residents. The first three recommendations are easy to undertake, and although they will have limited effects, they can provide an important psychological and human rights-related impact. The other eleven recommendations are more structural and long-term, and will have a real impact not only on migrants' lives but on the rest of society. Several recommendations may require a wider partnership of state actors, international donors, paralegals, and nongovernmental organizations to achieve desired outcomes.

- 10) Legalize existing settlements to ensure that city administrations are obliged to provide physical and social infrastructure, and to give residents a sense of social belonging to the city. Legalization would also help to counter social discrimination faced by families living in these settlements.
- 11) Abolish or simplify the legislation on city registration to ensure that residents have formal access to public goods, such as education, health care, and voting, so that residents can possess a feeling of social entitlement and justice, rather than being seen as an object of special treatment and charity.
- 12) Hold regular public meetings with residents in illegal and poor settlements to discuss issues facing the community. These forums would allow residents to communicate their grievances and concerns without causing violence and disruptions, and would provide officials with opportunities to liaise with the community on future developments and plans.
- 13) Invest in a large social housing program to meet the needs of an expanding urban population and to prevent future land seizures. This program could be jointly funded by international donor agencies. The housing program would also create employment, generating positive income multiplier and investment accelerator effects in the economy.
- 14) Invest in the rural economy to stem the flow of internal migrants into the cities, making rural livelihoods more sustainable. Commercial projects could be jointly funded by international donor agencies, investing into programs to develop high-quality, value-added products, upgrading processing plants, factories and facilities to improve productivity, creating small and medium enterprises in agribusiness, promoting sustainable ecotourism, providing soft loans and grants to small farmers, and supporting farming and dairy cooperatives.



- 15) Raise awareness of the problems and difficulties of living in the city, thus discouraging young people from migrating. Local village officials can coordinate with NGOs to run workshops, outlining the dangers of internal migration. In addition, the national government can provide rural residents with incentives to stay in villages. For instance, the government can modify the 2008 legislation on eligibility for welfare support (i.e., the Unified Monthly Benefit) that had raised the income threshold for social assistance.
- 16) Develop greater professionalism, independence, and ethics in the judicial process to foster sympathy for vulnerable and marginalized groups, allowing for fair, reasonable, and impartial interpretations of the constitution and the law. In particular, evaluations of judges should be based on whether their decisions accord with the general spirit of the law, rather than whether their decisions have been overturned or not. Furthermore, supreme court judges should be appointed by a panel of impartial experts, overseen by international observers. In addition, paralegals and NGOs could assist in publicizing court decisions in the media, possibly having weekly television and radio programs to review and discuss significant legal cases.
- 17) Develop greater professionalism and ethics in education, health care, and law enforcement to curb bribery and corruption. There should be greater accountability and sanctions for those responsible for or implicated in corruption, as well as social recognition and awards for good professional practices. In addition, paralegals and NGOs could assist in curbing corruption by developing community score cards, encouraging bribery reporting, and supporting community members not to pay bribes.
- 18) Strengthen collaboration between administrative departments to prevent delays in delivering social services to new settlements. Departments could request paralegals and NGOs to identify problem areas, reporting to cabinet ministers and senior civil servants if there is a weak internal reporting system. Paralegals and NGOs could also coordinate with departments to arrange joint committees to tackle problems facing illegal and poor settlements.
- 19) Regulate and control the informal economy to reduce labor exploitation and abuse. Administrative departments should tighten up procedures on business tax regulations and health and safety inspections, ensuring that only legitimate businesses operate and that those flouting the law face large fines and sanctions. The government should also encourage workers to join trade unions and to have collective bargaining, penalizing businesses that obstruct them. Paralegals and NGOs could assist individual workers, trade unions, and businesses in the knowledge of the law, and could advise workers on specific cases against their employers, with strategic litigation being taken if necessary to serve as a test case to the rest of the sector.

- 20) Regulate the banking sector to ensure that interest rates are fair, and to eliminate discrimination against poor groups. Paralegals and NGOs could assist in monitoring banking practices, taking strategic litigation if necessary.
- 21) Strengthen compulsory education and post-graduation technical training to ensure that individuals have the training and skills to pursue better employment prospects. NGOs could assist by providing vocational training and adult learning to marginalized groups and students.
- 22) Establish an effective industrial policy to develop and support high value-added businesses and industries. Some commercial initiatives could be jointly funded by international donor agencies. Re-industrialization requires modernizing plants, encouraging innovation centers, building foreign investment capacity, creating small- and medium-enterprises, promoting high quality, high value-added products, developing a knowledge economy with highly skilled and trained jobs, and providing soft loans and grants to microenterprises and small businesses. In addition, NGOs could assist business leaders in identifying key industrial and commercial areas and investment opportunities.
- 23) Strengthen and expand the tax base for larger public expenditure and investment on physical and social infrastructure. Paralegals could assist administrative departments to identify tax loopholes, avoidance, evasion, and fraud, with strategic litigation being taken if necessary.

These broad recommendations are intended to foster development strategies that tackle the concrete experiences of poor groups and illegal and internal migrants that are the result of complex and unintended outcomes of economic and social structures. The complexity of poverty and migration in Central Asia rejects as simplistic and naive policy-making that views such problems as either self-contained or only tangentially connected to other facets of society.

### Paralegals and NGOs

Residents in illegal settlements are most in need, and paralegals and NGOs are well positioned to deliver immediate relief and advocate for social change.

- 24) Paralegals and NGOs could assist international donors and state actors to provide a range of activities and support, such as skills training, legal aid, primary education, child care, basic and emergency medical treatment, information on human rights and entitlements, and strategic litigation.

- 25) Paralegals could assist in the registering process if the city registration system is simplified. Paralegals could also assist in formalizing the status of illegal settlements once the government allows this.
- 26) Paralegals and NGOs could support poor rural families to stay in villages by providing assistance through legal aid, social and welfare services, and micro-credit loans. NGOs could also assist rural communities to attract commercial investment in the region, and to exploit cultural and natural resources.
- 27) Paralegals and NGOs could assist state actors in developing greater professionalism in the judiciary and the public sector by publicizing incidents of malpractice, and by calling for accountability and sanctions against those responsible for or implicated in corruption.
- 28) Paralegals and NGOs could assist, advocate, and publicize human rights campaigns that promote respect for the rights of internal migrants, independent of their registration status. For instance, according to Article 46 of the Kyrgyzstani Constitution, everyone has a right to housing, and state authorities should create the conditions for the implementation of this right.

It is envisaged that residential groups, professional and trade associations, paralegals, NGOs, international donors, and state actors will collaborate to implement the recommendations, drawing up detailed programs based upon their own understanding, expertise, resources, and capacity. There are sufficient overlaps of goals and concerns to ensure effective collaboration. Policies and strategies should consist of various key components, such as knowledge and skills acquisition, ethical education, professional training, significant economic investment, strategic litigation, social support networks, democratic participation and feedback, performance indicators, internal reviews, and impartial evaluations.

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131. In the run up to the October presidential elections in Osh and Bishkek, Kyrgyz national folklore and symbols became politicised. For instance, in Osh a billboard showing four Kyrgyz yurts covered in Chinese, Russian, Kazakh, and American flags was tore down because it was deemed to offend ethnic Kyrgyz sentiments. In Bishkek, there was a heated public discussion on whether to rename the capital to Manas, after the mythical Kyrgyz hero. A new Manas statute was also erected in the main public square, as some nationalist parties tried to associate themselves with Manas for political gain.
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