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## Nation building processes through the Constitutions The Case of Kyrgyzstan

**Keywords:** *Kyrgyzstan, nation, identity, constitution*

**Słowa kluczowe:** *Kirgistan, naród, tożsamość, konstytucja*

### Introduction

The purpose of this paper is to create simplified and schematic picture of fundamental challenges to state security framework establishment. The author recognizes that basic course determining the definition is based on the nation-building process that could be seen in different situations as constructive or destructive, or both depending on interpretation and horizon.

The rationale of the work is based on the usage of the term of the nation-building as the security policy adopted by the state to reinforce its institutional capability as security provider for the population. Consequently, the nation, its definition would be seen as the tool in the state-building process. Subsequently, the definition of nation set by state authorities would determine the character of state, its relation to the whole population, and its different groups.

The article would try to picture nation-building through the analysis of the consequent constitutions of the independent Kyrgyz Republic, and its predecessors. The content analysis would be contextualized by the briefly description of inter-ethnic relations in pre-independence and independence period. The historical context of those processes would be signalized but not deeply explored. The overall aim of the work is to draw mechanism and schematize state-nation relation and identify challenges to the security that would arise from them.

Firstly, the work would briefly introduce Soviet legacy concerning the nation-building that could be seen as the fundament of modern Kyrgyz statehood. The author would

introduce definition of the Soviet nation and the emergence of the national Kyrgyz idea linked to sovereignty. Secondly, the formation of the Kyrgyz national identity policies during two presidencies of Askar Akayev and Kurmanbek Bakiev would be traced. Finally, the author would discuss the formation of the current state ideology driven by the „April 2010 revolution” and inter-ethnic clashes of June 2010.

### Soviet legacy and nation-building process

The background for the current nation-building process of the Kyrgyz Republic is bonded to the Soviet Union’s national policies that could be seen as a complex project of socio-political engineering that encompasses two parallel processes – the nation-building aimed at creation of the Soviet people and the process of self-determination of different nations linked to national delimitation.

On the eve of October revolution Vladimir Lenin recognized that nationalism stands against Marxism. Simultaneously, he supported the right of nationalities for self-determination within Russia and soon after within the Soviet Union. One of the first documents of the Bolsheviks State, the Declaration of the Rights of the Peoples of Russia guaranteed:

[...] equality and sovereignty of peoples in Russia; the right for self-determination, including secession and formation of a sovereign state; abolition of all national and religious privileges and restrictions; free development of national minorities and ethnographical groups populating the territory of Russia<sup>1</sup>.

Lenin understood that development of nationalities is a necessary measure to manage ethnic diversity within single Communist state. Such goals were executed with policy of national delimitation (*natsionalno-territorialnoye razmezhevaniye*) and nativization (*korenization*). However, his ultimate goal was to unite people under communist ideology. Lenin believed that with state enforcement minorities would converge and blend into one single identity<sup>2</sup>. This identity, the Soviet people, was only defined in 1971 by the XXIV Congress of the CPSU as:

[...] a new historical, social and international community of people which appeared in the USSR as a result of social reorganization and bringing together of working classes and strata, of all nations and nationalities. Soviet People had a common territory, economy and culture which was socialist in content, a Union of State of the whole people and a common goal – building up of communism<sup>3</sup>.

<sup>1</sup> Second All-Russia Congress of Soviets of Workers’ and Soldiers’ Deputies, *Report on Peace*, 1917, Marxist Internet Archive, <http://www.marxists.org/archive/lenin/works/1917/oct/25-26/26b.htm> [22.01. 2013].

<sup>2</sup> 20, 26, 35, 42, 44, 45.

<sup>3</sup> Коммунистическая партия Советского Союза, *25-й съезд КПСС (24 февраля – 5 марта 1976 года): Стенографический отчет*, Vol. 1, Москва, Госполитиздат, 1971. Публичная

With signatory of the 1922 Treaty on the Creation of the Union of Socialist Soviet Republics the creation of the single nationality received legal basis. The article 7th of the 1924 Constitution of the Union of Socialist Soviet Republics declared that: “Just one federal nationality is established for the citizens of the member Republics”<sup>4</sup>.

The soviet policy in „divide et imperia” mode was an effective security state policy with strongly declared nation-building component based in multiethnic soviet nation united by the communist idea. The enforcement of this approach could be seen in antidiscrimination statements presented in fundamental law at the beginning of the Bolsheviks’ rule and consequently restated. The 1918 Constitution of Russian Federal Soviet Socialist Republic in the Article 2<sup>nd</sup>, chapter 5<sup>th</sup>, point 22<sup>nd</sup> said that:

The Russian Socialist Federated Soviet Republic, recognizing the equal rights of all citizens, irrespective of their racial or national connections, proclaims all privileges on this ground, as well as oppression of national minorities, to be contrary to the fundamental laws of the Republic<sup>5</sup>.

Accordingly, in the Chapter X “Fundamental Rights and Duties of Citizens”, Article 123 of the 1936 Constitution of the Union of Socialist Soviet Republics we could read that:

Equality of rights of citizens of the U.S.S.R., irrespective of their nationality or race, in all spheres of economic, state, cultural, social and political life, is an indefeasible law. Any direct or indirect restriction of the rights of, or, conversely, any establishment of direct or indirect privileges for, citizens on account of their race or nationality, as well as any advocacy of racial or national exclusiveness or hatred and contempt, is punishable by law<sup>6</sup>.

Finally, the 1977 Constitution in its Chapter XI „Citizenship of the USSR/Equality of Citizens Rights” not only supported equality without distinction based on nationality but also imprinted in fundamental law the guarantee to „use their native language and the languages of other peoples in the USSR”<sup>7</sup>.

In line Lenin’s policies the territorial unit bounded to Kyrgyz national identity was established. Firstly, on 14<sup>th</sup> October 1924 the Kara-Kyrgyz Autonomous Oblast was established within the Russian Federal Soviet Socialist Republic. Subsequently, it was renamed to the Kyrgyz Autonomous Oblast in 1925. On 1 February 1926 its

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библиотека, 1998-2013. Progress Publishers, [http://publ.lib.ru/archives/k/kpss/\\_kpss.html#024](http://publ.lib.ru/archives/k/kpss/_kpss.html#024) [22.01.2013].

<sup>4</sup> USSR. *Constitution of the Union of the Socialist Soviet Republics*, 1924, [http://faculty.unlv.edu/pwerth/Const-USSR-1924\(abridge\).pdf](http://faculty.unlv.edu/pwerth/Const-USSR-1924(abridge).pdf) [22.01.2013].

<sup>5</sup> RFSSR. *Constitution of the Russian Federal Socialist Soviet Republics*, 1924, <http://www.marxists.org/history/ussr/government/constitution/1918/article2.htm> [22.01.2013].

<sup>6</sup> USSR. *Constitution of the Union of the Socialist Soviet Republics*, 1936, <http://www.departments.bucknell.edu/russian/const/36cons04.html#chap10> [22.01.2013].

<sup>7</sup> USSR. *Constitution of the Union of the Socialist Soviet Republics*, 1977, <http://www.departments.bucknell.edu/russian/const/77cons02.html#chap06> [22.01.2013].

status was to the autonomous republic. Finally, on 5<sup>th</sup> December 1936 it became the Kyrgyz Soviet Socialist Republic within the Soviet Union.

The fundamental laws of Kyrgyz entities mirrored those of federal level. In 1929 the Kyrgyz Autonomous Soviet Socialist Republic within RFSSR adopted constitution which is seen as the first Kyrgyz one. In line with the law the Kyrgyz ASSR guaranteed equal right to all its citizens without distinction based on racial or national identification. Moreover, in Article 16 of Chapter I provide national minorities with right for education in own language. Such guarantee is followed by Article 19 that states:

Kyrgyz and Russian are recognized as official state languages of Autonomous Soviet Socialist Republic. All decrees and other judiciary documents issued by the ruling authorities shall be simultaneously published in both languages<sup>8</sup>.

The document recognized Kyrgyz as the titular nation and provided privileged status with equal status to Russian language seen as the language of inter-ethnic communication. At the same time the rights of minorities were kept in line with the Article 16<sup>th</sup>. The 1937 Constitution of the Kyrgyz Soviet Socialist Republic in the sphere of basic laws and citizens obligations directly copied passages from the 1936 Constitution of the USSR<sup>9</sup>.

The 1977 Constitution of the Kyrgyz Soviet Socialist Republic signaled that the soviet identity was formed. In the preamble we could read that „The Kyrgyz SSR is equal republic within the USSR that represents unity of one Soviet people, and bound all nations and nationalities to build communism”. „The Soviet people are legitimate holder of authority in the Republic” (Article 2) and „the state serves for development of all nations and nationalities of the USSR” (Article 19). The Constitution granted equal rights to its citizens and their rights to use national languages (Article 34). Furthermore, the Article 62 of the Constitutions state that: „The obligation of each citizen of the Kyrgyz SSR is to respect other citizens’ national dignity, to strength friendship of all nations and nationalities of multinational Soviet state”<sup>10</sup>.

The multinational soviet identity was transferred to the republican and indirectly put obligation on the titular nation to pursue the multinational model. With political emancipation of the Kyrgyz nation the issue of balancing national identity rebirth with guarantees to other nationalities would be crucial.

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<sup>8</sup> КАССР. Конституция Киргизской Автономной Советской Социалистической Республики, 1929, [http://traditio-ru.org/wiki/Конституция\\_Киргизской\\_Автономной\\_Советской\\_Социалистической\\_Республики\\_1929\\_года](http://traditio-ru.org/wiki/Конституция_Киргизской_Автономной_Советской_Социалистической_Республики_1929_года) [22.01.2013].

<sup>9</sup> КССР. Конституция Киргизской Советской Социалистической Республики, 1937, [http://traditio-ru.org/wiki/Конституция\\_Киргизской\\_Советской\\_Социалистической\\_Республики\\_1937\\_года](http://traditio-ru.org/wiki/Конституция_Киргизской_Советской_Социалистической_Республики_1937_года) [22.01.2013].

<sup>10</sup> КССР. Конституция Киргизской Советской Социалистической Республики, 1978, <http://online.adviser.kg> [22.01.2013].

The Kyrgyz nation self-determination, its sovereignty was not fulfilled declaratively by consequent republican constitutions. The republic designed as the Kyrgyz one did not recall nation sovereignty in its fundamental documents which was seen in lack of distinct provision for the Kyrgyz language which could only be seen in the 1929 Constitutions. The issue was purposely not included in later constitutions and resulted in politicization of the issue. On 23 September 1989 the Supreme Soviet of the Kyrgyz SSR adopted the law „On the state language” that granted the status of state official to Kyrgyz language. The document could be seen as an attempt to support national revival. It must be noted that it did not limit the right to use national languages and recognized Russian language role. However, it is disputable how the introduction of the law affected the security in terms of inter-ethnic relations. In the beginning the law stated that the reasonable behind its introduction is the fact that “Kyrgyz language is the language of indigenous population and majority of citizens of the Kyrgyz SSR”. In line with data of the Statistical Committee of the USSR, ethnic Kyrgyz people at that time composed only 52,4% of total population<sup>11</sup>. Moreover, this group cannot be seen exclusively indentifying the Kyrgyz as their first language due to the role of Russian language. In fact we could that Kyrgyz speakers in 1989 composed minority and the law put at risk fragile ethnic relations in the light of the fall of the Soviet Union.

### Constitutions of the independent Kyrgyzstan

With the emergence of independent state decided to pursue nation-building process in which the Kyrgyz identity would become dominant. In the first Constitution of independent Kyrgyz Republic from 1993 we could recognize an attempt to combine the need to respect multiethnic composition and Kyrgyz national revival:

We the nation of Kyrgyzstan, to secure national revival of Kyrgyz people, protection and development of interests of all nationalities that together with Kyrgyz people compose the nation of Kyrgyzstan; following precepts of our ancestors to live in unity, peace, and accord; to confirm our commitment to human rights and freedoms, and idea of nation state; to firmly fulfill obligation to develop economy, political and law institutions, culture for securitization decent life conditions for all; to declare its commitment to universal moral principles and ethical values coming from national traditions...<sup>12</sup>

The construction of the preamble, even its length could be seen as the political consensus that allowed recognizing the multiethnic state with setting the distinct role for the Kyrgyz nation. The definition of nation set by the authorities guaranteed the national revival of titular nation and set its responsibility as the core of the nation of

<sup>11</sup> <http://www.demoscope.ru/weekly/2005/0197/analit04.php> [22.01.2013].

<sup>12</sup> Кыргызстан. Конституция Киргизской Республики, 1993, <http://aceproject.org/ero-en/regions/asia/KG/kyrgyzstan-constitution-1993-2007>, <http://bishkekinfo.kg/news/504> [22.01.2013].

Kyrgyzstan. Such project could be seen as the constructive and supportive to development of ethnic Kyrgyz. However, other ethnicities hand the nation of Kyrgyzstan was subordinated „to secure national revival of Kyrgyz people” what could be interpreted as the form of forced servilism.

Such apprehension was enforced with the official name the state. The constitution introduced two official name of independent state – the Kyrgyz Republic and Kyrgyzstan. The second name has neutral subtext linked multiethnic feature of state. In oppositon, the name „Kyrgyz Republic” symbolically suggested national-Kyrgyz character of the state. Such distinction is better visible when we put this in regional context and compare with other Central Asian republics. During the Soviet time in line current Kazakhstan functioned as the Kazakh Soviet Socialist Republic. In 1993 the newly independent republic adopted its first post-soviet constitution that presented two equal official names – the Republic of Kazakhstan and Kazakhstan<sup>13</sup>. Kyrgyzstan and Kazakhstan choose two different paths in setting definition of state and nation, and relation between them. Kyrgyzstan’s constitution set the framework of multi-national, unitary state of the Kyrgyz people. On the contrary Kazakhstan adopted multi-ethnic nation-state model where soviet people were replaced with the nation of Kazakhstan, or „Kazakhstanis”. Although, Kazakhstan also pursued polices of ethnic revival of Kazakh people.

Modification of the constitution introduced in 1994, 1996, 1998 and 2003 did not influence the definition of nation. The redactions of the Constitution introduced by the parliament in November and December 2006 stated in the preamble: „We the nation of Kyrgyzstan, to secure the revival and the primacy of the Kyrgyz statehood; do not forget that Kyrgyz unity is fundament of stability and harmony of the nation of Kyrgyzstan...”<sup>14</sup>

The preamble become more concise and eliminated the notion of multi-ethnicity. It underlined that the nation secures the Kyrgyz statehood. Such expression could be seen as discriminating other nationalities, the drift towards ethnic nation state where the Kyrgyz unity is seem as the fundament of stability of the nation of Kyrgyzstan. In other words „the nation of the Kyrgyz Republic” underlined its “Kirgizness”. The preamble of the 2007 Constitution imitated the 2006’s redactions<sup>15</sup>. The accent on the primacy of the Kyrgyz statehood could be seen as the direct result of the 2005 Tulip revolution where President Askar Akayev was ousted. The main threat for the country’s security emphasized by the revolution was regional division between Kyrgyz

<sup>13</sup> Казахстан. Конституция Республики Казахстан, 1993, [http://online.zakon.kz/Document/?doc\\_id=1010212](http://online.zakon.kz/Document/?doc_id=1010212) [22.01.2013].

<sup>14</sup> Кыргызстан. Конституция Киргизской Республики, 2006, [http://energetika.kg/index.php?option=com\\_content&task=view&id=41&Itemid=69](http://energetika.kg/index.php?option=com_content&task=view&id=41&Itemid=69) [22.01.2013].

<sup>15</sup> Кыргызстан. Конституция Киргизской Республики, 2007, [http://online.adviser.kg/Document/?link\\_id=1000852904](http://online.adviser.kg/Document/?link_id=1000852904) [22.01.2013].

people – the conflict between North and South. The definition of the nation could be seen as the action aimed to diminish this division. The definition of nation and statehood set by 2006 and 2007 redactions ignored multiethnic composition of the country which could be seen as destructive in the light of the revolution that accelerated ethnic conflicts within the country.

The immediate effect of the revolution later labeled as „national” were lootings and land seizures conducted by ethnic Kyrgyz on other nationalities. The example was the situation in the village of Mayevka outside Bishkek where Meskhetians Turks were targeted. Moreover, it must be noted that land seizures were later legalized by the government. In this context the constitution could be seen as acceleration of ethno-nationalism.

In April 2010 President Kurmanbek Bakiev was ousted by the second national revolution. As the result of revolution newly constituted interim government decided to pursue the work on the new fundamental law that would limit president’s power. Once more again the revolution resulted with social unrest that escalated in June 2010 when Kyrgyz clashes with Uzbeks in Osh. Despite the instability the authorities decided to conduct constitutional referendum. On 27 June 2010 new constitution was approved. The new redaction has balanced definition of nation:

We, the people of Kyrgyzstan,

- Paying tribute to the memory of heroes who rendered life for freedom of the people;
- Confirming adherence to the goal to build free and democratic state based on respect and protection of human rights;
- Expressing unstinting conviction and firm will to develop and enhance the Kyrgyz statehood, protect state sovereignty and unity of the people;
- Aspiring to root the rule of law as well as ensure social justice, economic welfare and spiritual development of the people<sup>16</sup>.

It must be noted that the preamble did not include the notion of the Kyrgyz nation. The main focus of the preamble is being set on human rights. In this form the law avoids to define the nation as multi or mono-ethnic. At the same time human rights automatically employ mechanism of minorities’ protection.

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<sup>16</sup> *Kyrgyzstan. Constitution of the Kyrgyz Republic*, 2010, [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=254747](http://www.wipo.int/wipolex/en/text.jsp?file_id=254747) [22.01.2013].

## **Proces tworzenia narodu w konstytucjach. Sprawa Kirgistanu**

### Streszczenie

Prawa podstawowe to najważniejsze dokumenty kształtujące tożsamość państwa. Poprzez ustalenie definicji narodu władze interweniują, dokonują przekształcenia społeczeństwa. W nowych niepodległych państwach niestabilnych etnicznie taka definicja jest niezbędna do konstruowania relacji między różnymi grupami i utrzymania spokoju społecznego. Definicja jest symboliczna, ale ma ogromny wpływ na ustalenie stabilności. Konstytucje niepodległego Kirgistanu są efektem konsensusu politycznego, który próbuje połączyć narodowe dążenia narodu kirgiskiego, który jest podstawowym narodem w państwie kirgiskim. Przedstawiony krótki przegląd konstytucji identyfikuje małe zmiany, istotne dla społeczeństwa i jest nadal używany w dyskusji politycznej.