

## **INTRAC Central Asia: social movements case studies**

### **Organising Railway Workers and Land Migrants: another side of civil society in the Kyrgyz Republic**

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#### **Introduction**

Since the political events of early 2005, which culminated in the fleeing of President Askar Akaev and his subsequent replacement by Kurmanbek Bakiev, there has been an upsurge in direct action taken by informal groups within Kyrgyzstan's society to promote the interests of their members. Many of these groups are not registered as non-governmental organizations and do not receive donor funding. However, they clearly fall within INTRAC's working definition of civil society: 'associations that exist outside of the state or market which maintain a degree of autonomy and independence and have the potential to provide alternative views, policies and actions to those promoted by the state and market.'

This study takes an in-depth look into two such groups, both of which have largely succeeded in meeting their goals. The first of these is the "Union for the Protection of Railway Workers",<sup>1</sup> which registered as a trade union in 2004, and became involved in an acrimonious dispute with the management over recognition of their union and pay in 2005-2006. The second of these is an informal group, headed largely by women from rural areas, who occupied land of dubious ownership in Bishkek in April 2005, and then spent two years trying to legalise the houses they built on the site. Both groups were made up of ordinary citizens who started organising without any significant political connections. At certain points they chose to cooperate with the authorities, while at other times they felt compelled to take radical action, or to be clandestine in their activities, to combat what they saw as a system that prevented their legitimate rights and interests from being realised.

The paper will look at the range of strategies the groups employed to try to fulfil their aims, as well as their relationships with other sectors of civil society and government structures. The study is largely based on four interviews carried out with actors involved in the disputes, and on the Early Warning Bulletins of Foundation for Tolerance International.<sup>2</sup>

#### **Railway workers:**

The Union for the Protection of Railway Workers (UPRW) is led by Ernis Dokenov, who works as a sleeping car attendant for Kyrgyz Railways. He became an activist for workers' rights in 2001. In January that year Argenbek Malaev, a railway specialist by training, was replaced as head of Kyrgyz Railways by his predecessor Isa Omurkulov, a member of parliament with a business background outside the sector. According to Dokenov, during Omurkulov's previous tenure in the post, there had been delays in payments of salaries and bonuses to workers, while during the six months Malaev was

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<sup>1</sup> For clarity, this Union will henceforward be referred to as the UPRW, as no official English translation seems to exist

<sup>2</sup> [www.fti.org.kg](http://www.fti.org.kg)

in charge salaries and bonuses were paid, and unproductive administrative staff removed. Soon after Omurkulov's reinstatement, the five people working in his sleeping car became organised, and started to study the country's labour code.

The workers initially decided in 2001, on the advice of Toktaim Umetalieva, director of the Association of NGOs, to register their association as a Public Union, or NGO, called "Protection of rights of railway workers". In the beginning there were 36 people involved. However, the group soon found that NGO status was not appropriate for its circumstances. By law, an NGO had no rights to interfere in the work of another organisation, in this case Kyrgyz Railways. The NGO could not engage in collective bargaining with its members' employers, and only take any action after violations of rights had occurred. Nothing could be done about threats of dismissal or low salaries. The members were also unable to secure donor funding for the work of the NGO.

For these reasons, and drawing on its increased knowledge of labour law, the group decided that it was necessary to form a trade union. A Workers' Trade Union of Railway Workers had existed since 1992, but was largely seen as being in the pocket of the management and not answerable to the workers' needs. Dokenov and his colleagues formed their trade union secretly, as they were afraid that the management could simply phone the Ministry of Justice and ask them not to register it. As a member of parliament, Omurkulov would have had good contacts in the Ministry. On 7 July 2004 the UPRW was registered and could now go about its activities openly. However, unsurprisingly, Kyrgyz Railways refused to recognise the new Union. Nevertheless, the Union went about seeking payment of delayed salaries. When they threatened legal action, the employers conceded and paid the debts, as well as compensation for late payment, later in the year.

In February 2005, Omurkulov left Kyrgyz Railways to concentrate on the March parliamentary elections. He was replaced by Nariman Tuleev, another businessman without experience in the railway sector. While sceptical at first, Dokenov's Union applauded Tuleev's dismissal of unproductive administrative staff, and wrote to him personally to thank him for it. However, soon after, the relationship deteriorated and Tuleev started to oppose the work of the Union. According to Dokenov, this was because of a whispering campaign against it by non-union staff. The Union also hardened its stance and demanded Tuleev's removal, citing his seeming conflict of interest with his other job with Kyrgyz Iron, which exports metals to China, and the continuing decay and deterioration of the railway system.

By this time, Akaev had fled the country following a wave of political protest, and a huge range of localised protest actions were taking place around the country, with people seeking to redress perceived wrongs from the Akaev era. The UPRW also resolved to demonstrate to try to have its aims met by what they saw as a potentially sympathetic new government. As a result, Tuleev was dismissed in May 2005, but returned to his post within a week. Afterwards, UPRW members decided to take more drastic action, with a system of rolling hunger strikes. The hunger strikes lasted about a month, and Nazgul Turdubekova, from the Youth Human Rights Group, who was supporting the UPRW notes that the hunger strikers looked extremely emaciated. As the hunger strike was not having any effect, a woman from the group threatened to burn herself alive on the day of President Bakiev's inauguration (14 August). She was talked out of it the day before by civil society representatives. The President then agreed to settle all their difficulties in the days after his inauguration, and the UPRW called off the hunger strike. However, UPRW members waited and waited and heard nothing from the Presidential Administration.

In the meantime, a court case was brought against the UPRW by the Workers' Trade Union of Railway Workers, which claimed that the UPRW was illegal because it did not have enough members, citing a law on Public Unions, which cited that a minimum of 500 members was necessary, while UPRW had initially had 100 members. On 27 October, the official Union won the case in a Bishkek district court. The irony of the case was that it was won on the basis of a law which had been superseded in 1998 by new legislation. This case served to dispel the last of Dokenov's hopes for an end to corruption under the new Bakiev regime. However, it also gave Dokenov the idea to study the legal system more carefully, and the UPRW later launched a range of court cases against media outlets that he felt were misinterpreting their demands.

On 16 January 2006, President Bakiev signed a decree for privatisation of the railway system. According to Turdubekova, there had been no consultation with workers about the plans. The measure was opposed by UPRW, which two days later set up a yurt in front of the railway station, later moving to the parliament building, after spreading rumours of other locations to mislead the security forces, whom Dokenov believed were planning to storm the rally.

Members of the group resolved to commit self-immolation if Tuleev was not removed by 25 January and a range of other demands about reinstatement of sacked workers, payment of salaries, recognition of the trade union and an end to harassment by the National Security Service were not met. According to Dokenov, Tuleev came himself to the rally to talk to Dokenov, and offered various inducements to him to stop the UPRW campaign. These offers were rejected by Dokenov.

After these rejections, according to Dokenov, when Tuleev realised that the union leader was not protesting for personal gain, he laid his cards out on the table, stating that he had been told that Dokenov's actions were being supported by Malaev, who had been unemployed for the past five years. He believed that Malaev was seeking to force him out to take his position. When he was convinced otherwise, he agreed to all of the demands of the UPRW barring his dismissal, in return from an undertaking that future problems would be initially tackled through negotiations, and failing that through the court system. Wages were increased, sacked workers reinstated (including Malaev as deputy head of the passenger service), and the UPRW recognised.

The UPRW has since increased in size to about 1000 members. Dokenov claims it is the only functioning trade union in Kyrgyzstan. Complaints are brought to his office, and he takes them forward to senior management, but he encourages members to use the Labour Code and Law on Trade Unions themselves to seek to resolve minor conflicts with management at the first instance. On 1 March 2007, Dokenov held a press conference in which he denounced continuing nepotism within Kyrgyz Railways. However, he specifically excluded Tuleev from this criticism, stating that the head was taking measures to combat corruption within the organisation.<sup>3</sup>

#### *Role of leader*

Ernis Dokenov is clearly a charismatic and effective leader – to set up from a scratch and mobilise a new effective trade union in the face of the arbitrariness of the system was a considerable achievement, as was the coming to agreement with Kyrgyz Railways' management. Human rights activist Turdubekova states:

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<sup>3</sup> Andrei Tokombaev, *Railroad labor union accuses management of thriving corruption*, 24.kg news agency, 1 March 2007, at en.24.kg

*“He was a simple railroad worker. But he was a leader of them. He really protected the rights of his colleagues. He had a great trust and credibility of weight among his workers. I think people always support a person who is after justice.”*

Dokenov has also been very pragmatic in his approach, trying a wide range of tools, and shifting between accommodation and opposition towards the authorities to achieve his goals.

#### *Interaction with other elements of civil society*

The UPRW seems to have had a broadly positive relationship with the NGO sector in Kyrgyzstan. The initial suggestion to form an NGO, from the Association of NGOs, may not have been appropriate, but it gave a push to Dokenov and his colleagues to seek new ways to tackle their problems collectively, and engage with labour legislation.

Dokenov is very positive about the role of human rights activists during the UPRW’s hunger strikes of 2005 and 2006:

*“They helped us very much. Especially Aziza Abdrasulova [from the NGO Kylym Shamy]. First of all, they gave us advice. She helped us to get publicity. She made sure that our actions became known among the wider population, through the media. She would invite other human right activists. She made sure that we were paid attention to. It was very strong support. I am thankful to them.”*

Turdubekova also highlights the role of Abdrasulova, stating that she had paid great significance to the hunger strike and tried to support it, and had trained the UPRW in human rights law, but had also convinced Dokenov to refrain from taking the drastic action of self immolation. She explained the role of the human rights activists in the process thus:

*“We human right activists went to protect them, and help them realize their right to express their voice. They had not been heard, although their case suggested very serious human right violations... I remember the government decided to transform the ownership of the railroad company into a joint stock company, and this process was not transparent in the eyes of the workers.”*

Turdubekova believes that the railway workers are a good example for others, to show that people can organise to successfully struggle to uphold their rights. “Now when we have conferences about human rights, we often invite representatives of railway workers. We understand that we have to maintain solidarity in these issues.”

Another outcome of the protest has been the forging of links with workers’ movements elsewhere. The UPRW was visited by a delegation from Committee for a Worker’s International, a socialist network in February 2006, and Dokenov told them that he wants to “learn from the experience of the workers’ movement in Europe.”<sup>4</sup>

#### *Interaction with government*

Dokenov feels generally let down by the new government formed by Bakiev, which he feels has let down the people. He is very unhappy with court system:

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<sup>4</sup> Dominic McGrath, *Rail-workers’ life and death struggle*, CWI, 13 March 2006, at [socialistworld.net](http://socialistworld.net)

*“In Akayev’s time there was so much of an authoritarian regime. I’d say that maybe 80% of judges could not be trusted. Now I could easily say that 150% of judges are dishonest. We got it wrong – the government is not the right one, as we had thought. Our hopes were not justified.”*

In the course of an interview, he highlighted instances when the authorities went back on pledges to the UPRW, and also pointed to the fact that National Security Service officers had been positioned to intimidate militants during their protest actions. On 11 December 2007, the UPRW’s central committee announced that it would call on workers to support the Ata Meken Socialist Party, a prominent opposition party, in the country’s parliamentary elections on 16 December. Dokenov had considered starting a new Worker’s Party in 2007, but decided he would rather continue his work with the Union.

One government representative who did seem to have established good relations with the UPRW was Tursunbek Akun, head of the President’s human rights commission. Along with Aziza Abdrasulova, he played a key role in persuading UPRW members to refrain from harming themselves for their cause.

## **Squatters**

Another social movement which has had a high profile in the period after 2005 is the struggle of internal migrants to secure property for themselves in the capital. This struggle has been carried out by a large number of small informal groups called *kooms* (societies in Kyrgyz), which have worked together and separately at different points in their evolution.

### *Overview*

Since the time of *perestroika* in the 1980s, when life in rural Kyrgyzstan became more difficult due to loss of subsidies and when freedom of movement increased in the country, successive waves of internal migrants have moved from rural areas to Bishkek. A number of new suburbs of the city, primarily built up from land plots for individual houses rather than Soviet style high rise blocks, were formed in this way. Most of them were supplied with municipal amenities in the 1990s, largely as the result of successful lobbying by organised groups of migrants.

In the late 1990s, a new law came into force to privatise land ownership. Many people left Bishkek to new plots of land in their rural birthplaces. However, in southern Kyrgyzstan, there was not enough land to go round. The plots given out were too small to be economically viable, and as a result, many people from the south moved to Bishkek in search of a better life. They generally worked in bazaars, and were often forced to live in crowded conditions in existing housing. Reports were made by a department of the mayor’s office responsible for housing issues in 2003 and 2004 recommending the zoning of new land to house the growing population. But, according to a local government official, nobody was working in a coordinated way to regulate claims for land or making investigations and gathering coherent data on empty areas. Meanwhile, homeless migrants looked on as wealthy businesspeople exploited links with the Akaev administration to secure land for elite housing, restaurants and casinos in prime park- and farmland in and around the city.

One of these internal migrants was Aliman,<sup>5</sup> from the southern Batken region. She arrived with her husband and seven children in Bishkek in 1996. They found lodging in the house of an elderly Russian couple in the Kelechek city district, next to the Dordoy Bazaar, in exchange for a small rent and

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<sup>5</sup> Some names have been changed to preserve anonymity

promises to renovate the property. The population of the Kelechek and Dordoy areas was by this time eighty per cent southern. However, the family found it difficult to meet the rent payments and their lack of a permanent address meant that health services and education for their children were difficult to access.

In 1998, Aliman's children met a social worker from a Bishkek NGO, the Centre for the Protection of Children (CPC). The social worker arranged for three of the children to attend evening school, to catch up with some of the education they had missed, and helped them find medical treatment. At the CPC, Aliman also met other women in a similar position to her, and they became close.

Meanwhile, President Akaev lost power in 2005. One of the rallying points of the opposition during the campaign to unseat Akaev had been to profess support to ordinary people who had lost out through corruption. Many of the internal migrants in Bishkek believed that the revolution was "for them" and took part in the protests that saw the central government building overrun by the opposition.<sup>6</sup> Within days of the fleeing of Akaev, land seizures began all around the city.

With the group of women she met at the CPC, Aliman organised seizure of empty land near the area she was living in. The land bordered a cattle slaughterhouse owned by a wealthy local businessman, which had halted work under orders from environmental health officers, due to its proximity to a canal. Part of a mass wave of land occupation around the city, the action began on 11 April. Her group was made up of poor women who had also come from the south – Aliman was elected leader, seemingly for her articulate and dynamic nature. A list was made up within the group of everyone who wanted land, and Aliman claimed that none of the group wanted land to sell on, but rather needed it for their own housing.

The group was all female because the men were working, and the women "knew what it is to have a hard life." Other groups were led by men, however, and Aliman's group did ask four young men for help in measuring out plots. The plots were demarcated by sticks and ropes. The plots were guarded night and day from April to August by group members and their relatives. There were attempts by local government and police to destroy newly-laid foundations in the area, but these were quickly replaced, and so the authorities gave up.

Aliman's children, now grown up, each built themselves houses, in addition to Aliman's house. The houses were built quickly using the *ashar* method, where the community gets together to build, with men labouring and women cooking. Of the fifteen houses built, five were for Aliman and her children. This fact clearly raises issues of equity and power relationships in the housing allocation process among the group. The houses were supplied with electricity when the group collected money for a meter, but water had to be bought from neighbours.

On 12 April, after having toured some of the sites of land seizures, President Bakiev issued a decree on land distribution, which appeared to meet to some extent the demands of the seizers, with promises of negotiations, house building and credit.<sup>7</sup> However, no official clearance was given in the decree for the houses built by Aliman's group. A range of city and district government officials came to visit the site:

*“. . . and asked why we are doing this. We explained to them that we have a great need for land, for we have no house. They listened to us, and understood. They agreed to let us do this. At that time the*

<sup>6</sup> International Crisis Group, *Kyrgyzstan After the Revolution*, 4 May 2005, at [www.crisisgroup.org](http://www.crisisgroup.org), pp15-16

<sup>7</sup> FTI, Bulletin 34, 1 March 2006, [www.fti.org.kg](http://www.fti.org.kg)

*mayor of Bishkek was Askarbek Salymbekov. We were lucky, because most officials agreed with us. They did not resist greatly. “*

A local official confirmed this account:

*The people begged them to approve the lands, explaining that they had been desperate and houseless for many years. The deputies listened to it, and showed some understanding, and said: “Okay, please do not make much fuss. Please behave. We will address your request to the mayor, and if he says yes, then no problem”.*

Local officials did, however, raise concerns about the site of the new housing. They noted the proximity to the slaughterhouse, and also a nearby storage facility for toxic chemicals. By law, residential building should be built at least 150 metres from such facilities. In addition, the area had been zoned for an extension to a trolleybus route, and a turning circle, which had not yet been built.

The group worked closely with two other groups of land occupiers in the Kelechek area, and were courteous and welcoming to officials who came to inspect them. However, the group were opposed by the slaughterhouse owner, who had claimed ownership of the land for a long time. In the past, according to local government officials, he had rented some of it, and he now stated that he intended to commence construction in the site, though nothing had yet been built. He was apparently unable to show Aliman’s group any documents proving his ownership of the area.

The company owning the slaughterhouse told FTI’s Early Warning Project that they secured an order on 12 July 2005, three months after the seizure, to clear the territory within three days.<sup>8</sup> The company’s deputy director stated that the business planned to construct a livestock market nearby, and to build a road to the market, and a sanitary zone around it. On 14 July, a group of people paid by the company attempted to remove the land migrants from the area by destroying some of the temporary houses.

Aliman’s group, however, was also unable for a long time to secure legal recognition for their new houses. This lack of recognition left all members of the group feeling exposed and vulnerable to changes in government policy. This entails getting written authorization from a range of local government agencies. Aliman began this herself, but later delegated the work to a younger man in the group. Seven agencies were relatively quick at granting permission – by June 2005, before the government order to remove them, they had been granted. However, the Architecture Department was tardy at giving the two stamps needed – Aliman suggests that this department had “a good relationship” with the slaughterhouse company.

Land occupiers’ demonstrations in Bishkek appeared regularly in the FTI Early Warning Bulletins from 2005 and 2006. On 26 October 2005, it was reported that 300 members of 26 groups were demonstrating outside government house to demand allocation of land.<sup>9</sup> At this demonstration, Daniyar Usenov, then deputy Prime Minister stated that “not one square metre of land in the city will be given; there will be no redistribution of land given earlier as private property.”<sup>10</sup> Staff from Kylym

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<sup>8</sup> Foundation for Tolerance International, *Early Warning for Violence Prevention Project, Bulletin 3*, 20 July 2005, at [www.fti.org.kg](http://www.fti.org.kg)

<sup>9</sup> Foundation for Tolerance International, *Early Warning for Violence Prevention Project, Bulletin 18*, 2 November 2005, at [www.fti.org.kg](http://www.fti.org.kg)

<sup>10</sup> International Crisis Group, *Kyrgyzstan: A Faltering State*, 16 December 2005, at [www.crisisgroup.org](http://www.crisisgroup.org), p14

Shamy was also present at the demonstration, and handed out legal informational pamphlets entitled “Your right to housing”.<sup>11</sup>

Aliman’s group took part in a number of demonstrations outside government buildings in Bishkek. At one demonstration in the summer of 2007, the deputy mayor said he would satisfy their demands by October. At that time, the group decided to switch their focus to the lobbying of parliamentary deputies, in the hope that this would bear more fruit. On 21 November 2007, two and a half years after the house seizures Daniyar Usenov, now Bishkek Mayor, signed a document “On construction of additional territories in Kelechek settlement.” For the first time, this document legalises the housing built by Aliman and her colleagues. This document will supersede previous instructions of the Architecture Department and allow full legal recognition of the housing built, with the additional benefits this brings. This was on the recommendation of a local government commission, which stated that the slaughterhouse did not meet environmental health standards. The owner was told that he could use his land for other purposes within the regulations.

#### *Role of leader*

In interview, Aliman came across as a confident, strong character. Like Ernest Dokenov, she can be seen to have risen to the challenges of a difficult position and adapted quickly to changing realities by employing a range of strategies appropriate for the moment. Unlike Dokenov’s union, however, her *koom* was able to work in close concert with other groups, feeding ideas off each other. Her role as leader was not high profile, but her tenacity was important in seeing her group win through to their goal.

#### *Interaction with other parts of civil society*

Aliman’s story again highlights a number of different forms of interaction with civil society. As well as its social protection function, the Centre for the Protection of Children seems to have acted unintentionally as a forum for marginalised women to come together to form their own civil society organisation. Kylym Shamy also appears to have played a role in directing the land occupiers’ movement towards awareness of their rights and legal methods of overcoming their difficulties.

The issue of interaction between land occupiers’ groups is interesting. Aliman stated that her group liaised coordinated closely with two others in her district of the city. There were many other groups involved in the events in two waves. A local government official pointed out that seven or eight groups of unregistered Bishkek residents initially took part in the land seizures. When news filtered out around the country, a wave of new migrants poured in during April and May, seeking land in the capital. By this point, the official states, the number of groups involved rose to about 25. The fact that so many took part in the October 2005 demonstration indicates a strong degree of cooperation between them. However, the local government official also indicated that a number of these groups seem to have been led by criminals, intent on seizing land for personal profit.

#### *Relationship with the authorities*

Government structures of various levels have had complex relations with the groups. Aliman’s story indicates that the groups had the tacit support of certain elements of local government, with others opposing them. The national government also seems to have switched its position at various points since the 2005 events – initial support changing to opposition in later 2005, and gradual acceptance of the *de facto* nature of the new settlements by late 2007.

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<sup>11</sup> FTI, Bulletin 18, supra

The groups submitted documentation to a Coordinating Committee, which was established largely by squatters' groups in 2005, in response to mistrust of the government. A number of the members were leaders of the groups. There was some tension between the Committee and local government, which was reluctant to make decisions awarding land to the groups, as requested by the Committee.

### **Conclusions**

Informal groups in Kyrgyzstan's civil society are a sector worth further study. The above two case studies have highlighted groups led by charismatic leaders, who gather together the support of individuals facing similar problems. They both formed more or less spontaneously, on the basis of real needs and concrete interests (such as land, jobs and restoration of rights). Rather than busying themselves looking for grants, they continue to exist for the length of time they are considered useful by their members. Their strength is in the membership rather than funding.

The primary reason for informal groups to undertake drastic actions is the lack of rule of law. Both cases are characterised by vacillations and lack of transparency in government decision making. More transparency in the government would reduce the desire to protest. If citizens trusted the court system to produce just results, they would have more confidence to use this method to redress their problems. Education on the rights of citizens could redirect their mode of campaigning in a more productive direction, without risk to their health or lives.

The groups use a wide variety of methods to promote their causes, switching between radical and quiet actions as the needs arise. They sometimes have to act clandestinely, for fear of other more powerful actors in society. They can be supported by more formal elements of civil society who are prepared to listen to and seek to understand their grievances. In particular, human rights activists have a useful role in helping informal groups seek legal redress for their complaints. Most of the successes of the groups have been through negotiations, during which regulating forces, such as local and national government, and the railway administration, made significant concessions to support the rights and position of the informal group members, and to give them legal recognition.

These groups are important players in the country, fighting for resources, recognition, and restoration of lost privileges. They can have the capacity to develop into stronger political forces, and their leaders may be active in future political life in the country. This is very true in the case of Dokenov, whose union used its human resources to campaign for the Atameken party, in the December 2007 parliamentary elections.

Informal groups seem to take advantage of 'windows of opportunity' in historical moments of the state. In the case of the land squatters, their 'wave of seizures' was clearly related to the 2005 political changes. In the case of the railway workers, the peak of the protest was also 2005 when, as Dokenov said, there was a hope that this change could allow them to be heard. However, Nazgul Turdubekova of the Youth Human Rights Group believes that informal civil society groups are still very active in the country – working on environmental problems in Bishkek, organising teachers in Issyk Kul region, or struggling for the rights and needs of pensioners, for example. This sector seems set to continue to develop and operate, as long as social issues and injustice remain unresolved in the country.