

UDC 94(574)

S. Assanov

Kazakh National University named after Al-Farabi, Republic of Kazakhstan, Almaty

E-mail: seyilbek\_sdu@mail.ru

### The history of the state border of Kazakhstan and Uzbekistan

The history of the administrative-territorial border between Kazakhstan and Uzbekistan starts with the formation of the Soviet state, and the specific designation of the border for the first time was recorded in the years 1924-1925 in the implementation of the national demarcation of the Central Asian republics.

We are talking about the description of the boundaries between the RSFSR and the Uzbek Soviet Socialist Republic, as Kazakhstan at the time was part of the RSFSR. Description of the border was set out in the Annex to paragraph 9 of the Protocol №28 meeting of the Presidium of the All-Russian Central Executive Committee (Central Executive Committee) of the RSFSR of November 9, 1925 and executed by the military topographic maps structures created before the October Revolution, the royal period.

**Key words:** Kazakhstan, Uzbekistan, border, demarcation.

С. Асанов

### История формирования государственной границы Казахстана и Узбекистана

Переговоры по делимитации казахстанско-узбекской государственной границы проводились с февраля 2000 года по август 2002 года и основывались на Алма-Атинской Декларации от 21 декабря 1991 года, Договоре о вечной дружбе между Республикой Казахстан и Республикой Узбекистан от 31 октября 1998 года и других двусторонних документах. В качестве правовой основы для согласования прохождения линии границы между Республикой Казахстан и Республикой Узбекистан и подготовке ее описания, согласно положениям вышеупомянутых документов, была принята административно-территориальная граница, конфигурация которой была определена в соответствии с законодательными актами бывших союзных республик (Казахской ССР и Узбекской ССР) и бывшего Союза ССР.

**Ключевые слова:** Казахстан, Узбекистан, граница, территория.

С. Асанов

### Қазақстан мен Өзбекстан арасындағы мемлекеттік шекараның пайда болу тарихы

Қазақстан мен Өзбекстанның арасында шекараға байланысты дау жоқ. Өйткені, екі мемлекет бір-бірінің аумағын белгілеп алған. Алайда, екі көршілес әрі туысқан халықтардың мемлекеттік шекарасы қалай пайда болды, оның сызылуына қатысты белгілі бір кедергілер туды ма деген сұрақтар төңірегінде деректер жиналған. Қазақстан жағы Өзбекстанға қоятын белгілі бір территориялық даулардың баяғыда бар болғандығы да айтылады. Алайда, Мәскеудің солақай саясаты көптеген шешімдерге араласып, екі елдің арасында белгілі бір салқындық тигізді деуге толық негіз бар.

**Түйін сөздер:** Қазақстан, Өзбекстан, шекара, территория.

Negotiations on the delimitation of the Kazakh-Uzbek border were carried out from February 2000 to August 2002 and based on the Alma-Ata Declaration of 21 December 1991, the Treaty of Eternal Friendship between the Republic of Kazakhstan and

the Republic of Uzbekistan dated 31 October 1998 and other bilateral documents [1].

As a legal basis for the harmonization of the border line between the Republic of Kazakhstan and the Republic of Uzbekistan and the preparation of its de-

scription, according to the provisions of the above-mentioned documents, was adopted administrative-territorial boundary, the configuration of which was determined in accordance with the legislation of the former Soviet republics (Kazakh SSR and the Uzbek SSR) and the former Soviet Union [5].

International legal formalization of the state border of the Republic of Kazakhstan and Uzbekistan initially seemed quite a challenge, given the difficulties of the administrative-territorial boundaries between the neighboring republics.

The history of the administrative-territorial border between Kazakhstan and Uzbekistan starts with the formation of the Soviet state, and the specific designation of the border for the first time was recorded in the years 1924-1925 in the implementation of the national demarcation of the Central Asian republics [1].

We are talking about the description of the boundaries between the RSFSR and the Uzbek Soviet Socialist Republic, as Kazakhstan at the time was part of the RSFSR. Description of the border was set out in the Annex to paragraph 9 of the Protocol №28 meeting of the Presidium of the All-Russian Central Executive Committee (Central Executive Committee) of the RSFSR of November 9, 1925 and executed by the military topographic maps structures created before the October Revolution, the royal period [3].

The process of territorial demarcation took place in a short time, and shall be based on outdated, inaccurate maps of smaller scale. In this regard, the paper turned out moist and teeming with a mass of inaccuracies and ambiguities as to the narrative and the graphical part. Later repeatedly recognized that the border in the description are fully considered historically living conditions and farming population along ethnic lines. Therefore, this document was not complete and did not determine the final form of the configuration of the boundary line. For example, in the preamble to this description was written, «This description of the boundaries is not completely accurate, for with such accuracy can be fixed only on the final consolidation of zoning, but the description made below the boundaries of the Uzbek Soviet Socialist Republic to the Russian Federation and the Turkmen Soviet Socialist Republic is the latest material and, therefore, the most refined than all that were published up to now» [2].

Thus, the first description of the boundary line, produced in 1925, is a project of demarcation to

be further refined in the future. Such uncertainty is strongly required follow-up at the national level specification of a line of inter-republican borders. The economic development of the young republics also necessitates a clear demarcation of the boundaries of management and administrative responsibility.

However, the process of refinement and accurate fixing boundaries delayed for an indefinite period, which contributed to a conflict arises over land. How serious was the issue and how hard he dared. Can be traced, according to archival documents only forward between 1925-1936 years consistently created four parity committee, which did not find a mutually acceptable solution. The first commission, created in 1928 by an act of October 22-24, the same year established the border between the former part and Irdzhar area (later called Pahtaaral area) Kazakh ASSR and Mirzachul area of the Uzbek SSR. The second commission, formed in 1931, the act of June 27, established the border between the Kyzyl-Kum and the southern part of the district Pahtaaral Kazakh ASSR and Djizzak, Farizhs areas of the Uzbek SSR. The border was set at approximately without field visits, but a disagreement between the members of the commission did not have parity. The third commission created in 1934 by an act of April 24, confirmed the boundary line established by the previous Commission. The decision of the commission were also confirmed by the decision of the Central Executive Committee of Kazakhstan dated December 9, 1935. Fourth Commission, a newly established in 1934, has not come to an agreement, as evidenced by its Protocol of 23 November of the same year [4].

In 1936-1937, a new joint committee, which manages to reconcile a significant part of the Kazakh-Uzbek border. The results of the work done is fixed the ruling Supreme Council of the Kazakh SSR and the Uzbek SSR. However, this agreement is a legally secure strict finds as not approved at the federal level. In this regard, the unresolved pass line of the Kazakh-Uzbek border calls the next wave of cross-border commercial disputes. In 1940, the Kazakh side refutes solutions joint committee 1936-1937 years, believing that they have been achieved without taking into account the interests of Kazakhstan. This process resulted in the repression against members of the Kazakh part of the Commission [1].

Beginning of World War II pushed for a while the problem of determining the inter-republican

borders. But it reappears in the postwar period and, in this regard, it was necessary to adopt legislative decision both at the national and at the federal level. February 13, 1956 the Presidium of the Supreme Soviet of the USSR shall take special decree «On partial change the boundary between the Kazakh and Uzbek SSR» [3].

The history of the adoption of the Decree is not quite simple. Initiative to change the boundaries between neighboring Soviet republics came from Uzbekistan in the early 30-ies of the last century. The Central Committee of the Communist Party of Uzbekistan and the Government, decide to apply to the Central Executive Committee of the USSR on the transfer of the territory and population of the Kazakh ASSR Bostandyk district, adjacent to the «Chirchikstroï» in the Uzbek SSR. Moreover, the said decision is not agreed on a preliminary basis with the relevant state and party structures of the Kazakh SSR, and directly sent to Moscow. This unexpected decision has angered the leadership of Kazakhstan [3].

As an example, excerpts from the letter from the Chairman E. Ernazarova Kazakh Central Executive Committee to the Chairman of the Central Executive Committee of the USSR M. Kalinin dated 1934 year: «The Uzbek government, knowing that such policy issues as joining the territory of the other republics, especially with the population of another nationality is a matter of principle, not seen fit to advance on this issue to discuss with the Kazakh government and Kazakh Provincial Committee of the Party. In essence, however, this claim could not be granted for the following reasons:

1. The Uzbek government claims to be the best in economic terms of Bostandyk district ... This approach is absolutely contrary to the wishes of workers Kazakhs living in this part of the territory of Bostandyk district, on the other hand 11 councils, which claims the Uzbek government, by its specific gravity is 70 percent economy Bostandyk district ... the existence of the remaining part of the district of Bostandyk impossible, which is unacceptable to any political or economic point of view.

2. Bostandyk district is the only one in Kazakhstan (except suburban area of the city of Alma-Ata), as the area of fruit and vegetable areas; it is a set of necessary conditions for the further development of the fruit and vegetable sector ...

3. Bostandyk district as a whole – an area of subtropical vegetation (opinion of the Academy

of Sciences), and from this side is associated with a number of scientific institutions of the Kalmyk ASSR.

Accordingly, the Kazakh Central Executive Committee asks to cancel the decision of the Uzbek government in connection Bostandyk district in Uzbekistan» [5].

The title petition misses the Administrative Commission of the Presidium of the Central Executive Committee, which provides enough categorical conclusion: «... consider only claims CEC Uzbek SSR Bostandyk national area of the Kazakh SSR, based only on the national principle, to snatch this one question of the entire chain of other issues and is communication with them – completely wrong, bearing in mind that a much larger number of non-Uzbek (Kazakhs, Kyrgyz, Tajiks and Karakalpak) the population is within the Uzbek SSR, and economically, these areas are identical with the bordering areas of the Kazakh and Kirghiz ASSR Karakalpak region and the Tajik SSR» [2].

Despite this negative opinion of the Administrative Commission of the Presidium of the Central Executive Committee of Kazakhstan and disagreement with this approach to the solution of the border issue, twenty years Bostandyk district still transmitted in the Uzbek SSR.

January 21, 1956, the Resolution of the Supreme Soviet of the Kazakh SSR «On the transfer Bostandyk district and part of the land of the Hungry Steppe from the Kazakh SSR, the Uzbek SSR» and already January 24, 1956 issued a decree of the Supreme Soviet of the Uzbek SSR «On the inclusion of the Uzbek SSR of Bostandyk district and part of the land of the Hungry Steppe transmitted from the Kazakh SSR. «Less than a month – February 13, 1956 – Decree of the Presidium of the Supreme Soviet «On the Partial Amendment to the boundary between the Kazakh and Uzbek SSR» transfer of land from Kazakhstan to Uzbekistan approved at the federal level. March 15, 1956 special government commission of the Kazakh SSR and the Uzbek SSR signed the Protocol on the transfer from the Kazakh SSR, and admission to the Uzbek SSR Bostandyk district and part of the land of the Hungry Steppe. Thus, in a short time to address the issue of the transfer of the vast and populous lands of the territory of a republic in the territory of another country. It is significant that all decisions are taken in a hurry, in the spirit of the time, when the Allied authorities to impose their solutions republican bodies [4].

Further refinements and adjust the route of inter-republican borders be in compliance with the Decree of the Presidium of the Supreme Soviet of the Kazakh SSR dated 20 September 1962 and 26 January 1963, as well as the decrees of the Presidium of the Supreme Soviet of the Uzbek SSR dated 28 January 1963 and 25 May 1963, according to which Uzbekistan was transferred 421.3 thousand hectares of Kirov, Saryagashsky Keles and areas of the South-Kazakhstan region.

September 19, 1963, for approval of these decisions, adopted Decree USSR Supreme Soviet «On the Partial Amendment to the boundary between the Kazakh and Uzbek SSR» application which was the text description of the boundaries between the Kazakh and Uzbek SSR. This legislation is the first document after 1925, determining the exact configuration of the entire inter-republican borders.

The above-mentioned legislation in 1956 and 1963 for a partial change in the inter-republican borders, largely fixed fact of the transfer of considerable land area of Kazakhstan in the territory of Uzbekistan. This approach to the territorial distribution of land, authorized and approved by the Union leadership was perceived as unfair in Kazakhstan and triggered a wave of discontent and dissent.

The above digression into the history of the development of administrative-territorial boundaries between the Kazakh and Uzbek SSR shows complicated history of the formation of the boundary between the neighboring republics and how often taken illogical and unreasonable decisions for its amendment supreme bodies of state authority and administration of the former USSR.

Thus, Article 78 of the Constitution of the former USSR read that the Federal Republic cannot be changed without its consent, and the boundaries between Union Republics may be altered by mutual agreement of the republics, which is subject to approval by the USSR. This requirement was met, as indicated above, taken in the 60-70 years of the last century, three packages of legislative acts of the Kazakh SSR, the Uzbek SSR and the USSR, and on that basis was defined administrative and territorial borders between the neighboring republics. [6]

As you know, the leaders of the CIS countries, after the collapse of the USSR, as the basis of frontiers recognized actual current administrative and territorial borders between the former Soviet republics. Alma-Ata Declaration, adopted in December 1991, stated that all CIS countries recognize and

respect the territorial integrity of each other and the existing boundaries established at the time of the collapse of the USSR. In addition, Article 2 of the Treaty of Eternal Friendship between the Republic of Kazakhstan and the Republic of Uzbekistan dated 31 October 1998 recorded an agreement on the recognition of the existing administrative-territorial borders as the basis of the state border [3].

In these circumstances, the government delegations of the two countries, from the negotiation process on the international legal formalization of the Kazakh-Uzbek border, agreed to carry out the delimitation of the state border on the basis of the administrative-territorial borders between the former Soviet republics: the Kazakh SSR and the Uzbek SSR, established by the legislative acts referred to governing its passage, as well as the corresponding cartographic materials. In a specially adopted the Regulation on organization and procedure of conducting negotiations on the delimitation of the state border between the Republic of Kazakhstan and the Republic of Uzbekistan dated 21 May 2000, the parties identified a list of legislation that established the administrative and territorial boundaries, and also agreed that, if necessary, will be mutually agreed land use documents, materials bilateral later refinements of inter-republican borders, large-scale topographic maps, fragments of large-scale topographic surveys carried out in the course of the delimitation, and other necessary materials [1].

It should again be noted that the two sides were clearly the futility of such approaches, as well as that for the fruitful and constructive dialogue is possible only within the legal framework, which was formed on the basis of inter-republican border. It Kazakh-Uzbek administrative-territorial boundary, as opposed to, for example, the Kazakh-Russian border, was the most regulated and legitimate from the point of view of the requirements of Soviet legislation [2].

In the period when Kazakhstan and Uzbekistan in the Soviet Union administrative and territorial borders were to some extent conditioned and have always been a major obstacle to the movement of the population and management. Many communication objects, buildings, irrigation systems were in common use and people, often living in the same country, went to work in another republic, which was the usual norm of life of former times.

With the collapse of the Soviet Union and the formation of sovereign states legalization borders

with giving them the status of the state border has become extremely important in order to ensure the security and stability of the newly independent states. Giving the existing administrative-territorial border status of the state border necessitates the organization of border, customs, sanitary and other forms of control that are designed to protect the country from the penetration of drugs, weapons, contraband and substandard goods. Naturally, the cross-border population lives on both sides of the administrative-territorial boundaries, it is necessary for an indefinite time to psychologically adjust to the new status of the border [6].

It should be noted important fact concerning the accumulated experience of negotiating delegations on border issues. He has been mixed. Kazakhstan delegation was almost nine years of negotiations on delimitation and demarcation of the Kazakh-Chinese border, as well as actively engaged in negotiations on the delimitation of the border with the Russian, Kyrgyz and Turkmen delegations. In the Uzbek side of this experience at the initial stage of the negotiations was not. On the one hand, the Uzbek delegation was interested in studying the experience of the Kazakh delegation, as it was to difficult negotiations on the delimitation of the borders with other neighboring states. On the other hand, at the initial stage of the negotiations there was some suspicion by some members of the Uzbek delegation related to the fact that the Uzbek party first proceeded to such a responsible business, as international legal formalization of boundaries and, of course, was not familiar with the specifics of the procedure and the negotiation of border issues.

The first round of negotiations on the delimitation of the Kazakh-Uzbek border was held in Tashkent in February 2000. During this meeting, the heads of government delegations of authority certificates exchanged for the right to negotiate and represent the interests of their states. Compiled a list of legal documents on the basis of which should be carried out international legal formalization of the common border. In this case, the contracting parties were guided by the provisions of the Alma-Ata Declaration of 1991 and the conclusion of bilateral agreements on the recognition and respect of territories and boundaries established by the time of the fall of the USSR. Given this circumstance, the parties agreed to hold the delimitation of the state border between the Republic of Kazakhstan and the Republic of Uzbekistan on the basis of the former

administrative-territorial boundaries between the Kazakh SSR and the Uzbek SSR, established laws and other regulations governing its passage, as well as on the basis of relevant cartographic materials [2].

Unfortunately, the Uzbek side has been actively taking steps to unilaterally divest became cover the movement of vehicles and people in some areas of transit roads, road junctions to separate concrete blocks and even set three-meter reinforced concrete pillars, as well as to prepare for the construction of barbed wire. These actions of the Uzbek side created unnecessary tension on the border infuriated the people living on both sides of the border. Most likely, the tough stance of the Uzbek side in the initial phase of the negotiations concerning the unacceptability of compliance with the status quo on the border, was predetermined by its concerns about the fact that the Kazakh side will question the legitimacy of the establishment of the former inter-republican borders.

By November 2001, the two delegations agreed on and described a significant part, more than ninety-six percent of the total intensity of the Kazakh-Uzbek border (total length is more than 2,351 kilometers).

November 16, 2001 in Astana, the presidents of Kazakhstan and Uzbekistan signed the Agreement between the Republic of Kazakhstan and the Republic of Uzbekistan on the Kazakh-Uzbek state border [4].

The preamble of the said Treaty emphasizes that the establishment of the border based on the principles of respect for independence, sovereignty, territorial integrity, inviolability of borders of both states and non-interference in the internal affairs of each other, mutual understanding and mutual trust in the spirit of friendship and good neighborliness, mutual respect, equality and in accordance with generally accepted norms of international law.

Also in the preamble to the parties confirmed that they have for each other any territorial claims and guided by the provisions of the Treaty of Eternal Friendship between the Republic of Kazakhstan and Uzbekistan.

In addition, the preamble of the Treaty parties recognize the inherent right of all sovereign states to take necessary measures for the proper protection of their state borders and the need to maintain the international legal regime to ensure the border, customs, health and other essential forms of control.

September 9, 2002 signing of the Treaty between the Republic of Kazakhstan and Uzbekistan Republica on certain areas of the Kazakh-Uzbek border was put an end to the question of delimitation of the borders between the two states. Its total strength was 2,351 km [6].

It is necessary to outline some aspects of the consideration of the treaty in Parliament, where the two documents on the Kazakh-Uzbek border state had to go through the process of ratification. The Uzbek side pretty quickly to ratify the treaty. Ultimately Agreements Kazakh-Uzbek state border have been

ratified by the Parliament of Kazakhstan. Speaking about the importance of writing a delimitation treaties, the head of the Kazakh Foreign Minister Tokayev said: «This is a historic document in the sense that the impermanent» closes «the problem areas in the Kazakh-Uzbek relations. From now on, everything fell into place, now it is absolutely clear which areas belong to both countries». [1]

By the end of 2005, the Kazakh side is already installed 690 border pillars. Pillars equipped 850 of 2150 kilometers of the state border (about 39 per cent of its total length).

#### References

- 1 Tokayev K. Prodlenie. Diplomatische osherki. – Almaty, 2003. – S.215.
- 2 Amanzholova Z.A., Atanov AA, Turarbekov B.Sh. Pravda o gosudarstvennoi granise RK. – Almaty, 2006.
- 3 Cummings S. The Uzbekistan border with Kazakhstan // Foreign Policy. – 2005. – №5.
- 4 Seidin N. Delimitasiya kazahstansko-uzbekskoi granisy: problemy i reshenia. – Kisi, 2007
- 5 Kozhamzharova Zh. Sotrudnistvo Kazahstana i Uzbekistana v sovremennyh usloviyah: istoricheski aspekt. – Almaty, 2010.
- 6 Uzbekov U. Politicheskie aspekty kazahstansko-uzbekstanskih otnoshenii. – Almaty, 2000.

#### Литература

- 1 Токаев К. Преодоление. Дипломатические очерки. – Алматы, 2003. – С. 215.
- 2 Аманжолова З.А., Атанов М.М., Турарбеков Б.Ш. Правда о государственной границе РК. – Алматы: Жібек Жолы, 2006.
- 3 Cummings S. The Uzbekistan border with Kazakhstan // Foreign Policy. – 2005. – №5.
- 4 Сейдин Н. Делимитация казахстанско-узбекской границы: проблемы и решения// Киси. – 2007.
- 5 Кожамжарова Ж. Сотрудничество Казахстана и Узбекистана в современных условиях: исторический аспект. – Алматы, 2010.
- 6 Узбеков У. Политические аспекты казахстанско-узбекистанских отношений. – Алматы, 2000.