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Abstract

This paper analyses the terms "enclave" and "exclave" as used in international law, distinguishing the two from each other. The historical and legal analysis of the establishment of borders between the former Soviet Republics during the national-territorial delimitation of Central Asia from 1924 to 1927 is summarized, the sources and problems of the formation of enclaves in Central Asia are investigated, and the author's evaluation of this process is presented with recommendations.

Special attention is paid to the challenges of international legal registration of state land borders and their demarcation in the modern history of Central Asia. Negotiations regarding the delimitation of state borders in Central Asia, specifically in reference to the exact borders between enclaves and their surrounding territories, have proven to be the most difficult procedure in this process, having lasted over 20 years.

Currently, enclaves are one of the main factors complicating the positive development of intergovernmental and interethnic relations in the region. Most of the region's border conflicts arise precisely in the areas where enclaves are located. An early solution to the problems related to these enclaves will contribute to the establishment of a stable state border situation and to the improvement of interstate relations in Central Asia.

The results of this research may inspire interest in university students, as well as graduate students and experts studying the problems of national and regional security in Central Asia.

Introduction

In modern times, the problems of guaranteeing state sovereignty, territorial integrity, and border security are a true and urgent concern for Central Asian states. The inadequate territorial demarcation between states, an acute shortage of water, land, and other natural resources are some of the factors that contribute to interstate and interethnic tension in Central Asia. The achievement of a mutually acceptable solution for the international legal registration of state borders is hindered by the competing interests of neighboring countries.

Resistance to the border delimitation negotiation process is caused by the needs of the border population, which, in the context of a shortage of land, water, and other resources, distrusts the actions of the members of the commission on delimitation and demarcation of state borders. Difficulties in agreeing on state borderlines around enclaves arise from the complex history of the formation of administrative borders during the period of the national-territorial delimitation of Central Asia from 1924 to 1927.

The borders between the republics, drawn by the central authorities of the former USSR during the national-territorial demarcation of the region without consideration of historical, ethnic, and economic relations, are increasingly becoming a source of border conflicts and interethnic tensions. Because of the rapidly growing population of the Fergana Valley, border conflicts between the populations of the three republics' border regions

have become almost routine and are turning into a constant factor of instability in interstate relations.

The main reason for border conflicts in enclave areas is disagreement between citizens of neighboring states over the use of natural resources like water, herding areas, grasslands, forests, and fuel, as well as the desire of the inhabitants of these enclaves to move freely and transport goods across borders.

Most of the border conflicts happen in the border areas of enclaves between Kyrgyzstan, Uzbekistan, and Tajikistan. These conflicts are not only created by the civilians, but also by contingents of state border control military personnel operating in and around these enclaves.

Types of Enclaves and Exclaves

In international law, the term enclave (from the Latin “*inclavare*”, or “to lock up [with a key]”, and the French “*enclave*”) refers to a part of the territory of a state surrounded by the territory of another state. At the same time, the geographical and political variants of this phenomenon in the world are very diverse. The term exclave (from the Latin “key”) in international law means a territory geographically isolated from a part of its state and surrounded by the territory of another state [1]. Thus, the difference between an enclave and an exclave is only in perspective. For example, an enclave to citizens of our state is an exclave to the citizens of another state.

If a territory in question is separated by foreign-owned waters, the term used is “island enclave”, which can further be defined into the categories “sea” and “lake”. If the territory is surrounded by other states but has access to the sea, it is a “semi-enclave” or “coastal enclave”.

There is also the category “pene-enclave” (from the Latin “*paene*”, or “almost”), used when the territory of a state is de jure connected with the mainland, but is de facto separated from it due to natural conditions, that is, only reachable through the territory of another country. Pene-enclaves are usually located in mountainous terrain. In some cases, it is difficult to differentiate a pene-enclaves from simply inaccessible terrain. This applies to territories that have de facto enclave status only at a particular period.

In most cases, the same territorial entity acts as an exclave relative to the parent state and an enclave for the surrounding state. However, there are also “perfect exclaves”, or separate parts of a country that share a border with more than one state. Perfect exclaves are subdivided into the categories “land” and “seaside”. If several enclaves are connected to each other and located in a limited area, this is known as an “enclave complex”.

Sometimes enclaves can be organized like nesting dolls, one inside the other. Nahwa is an enclave owned by the UAE in the Omani territory of Madha, which in turn, is an enclave of the UAE. Territorial fragments like Nahwa are known as a “second-order enclaves”. There are 32 such enclaves in the world and one unique third-order enclave is in Bangladesh, which is surrounded three times by Indian and Bangladeshi enclaves as part of the Koch Bihar enclave complex.

The key characteristic of any enclave formation is the sovereignty its mother state has over it. Thus, territories under the control of international organizations cannot be considered enclaves. Therefore, the American military base Guantanamo in Cuba or the Baikonur spaceport rented by Russia in Kazakhstan cannot be counted as enclaves.

Currently, among countries, the Vatican and San Marino, whose territory is surrounded by Italy, are considered to be enclaves, as well as Lesotho, whose territory is surrounded by the Republic of South Africa.

The emergence of enclaves is associated with the formation of colonial empires. Captured outposts in Africa and Asia eventually became separate administrative entities of the metropolises.

Following the collapse of the colonial system, the majority of them were enveloped by the surrounding states. Such events occurred with French and Portuguese possessions in India as well. For example, the popular resort, Goa, was an exclave of Portugal until 1961.

As the history of international relations shows, one of the most effective ways to eliminate enclaves is through the exchange of territories. The exchange of territories between the USSR and Iran in 1954, the USSR and Poland in 1955, and France and Luxembourg in 1968 are good examples.

It can also happen through the annexation of the enclave by the surrounding state, or, vice-versa, a mother state can seize the territory separating it from the exclave. The last option is exemplified through the "Polish Corridor", a strip of land that separated Germany from East Prussia and served as one of the reasons for the outbreak of World War II. That stated, it is possible to create a "transport corridor" with a special status to remove the enclave limitations.

Finally, the enclave may lose its status if it gains independence. For example, in 1971, as a result of civil war, West Pakistan and East Bengal split from Pakistan, resulting in the independent state of Bangladesh.

The most recent emergence and elimination of enclaves began after the end of the Cold War. Its completion was marked by the absorption of the West Berlin enclave, which was one of the main symbols of the confrontation between the USSR and the West. At the same time, the disintegration of the USSR and Yugoslavia led

to the emergence of many new enclaves that were previously subnational.

Another situation occurred on the territory of Serbia, where an enclave under the administration of Bosnia and Herzegovina emerged. After the collapse of the USSR, the Lithuanian enclave Pagiriai and the Russian enclave Sankovo Medvezhye appeared in the Republic of Belarus. In 1996, the Belarusian and Lithuanian sides exchanged territories; as a result of the negotiations, the Pagiriai enclave became part of the Gomel region of Belarus. The area of the Sankovo Medvezhye enclave is 4.54 sq. km.; it is 0.57 km away from the main territory of the Russian Federation.

Another Russian enclave, Dubki, is located on the territory of the Republic of Estonia. The area of the enclave is about 1 sq. km. and has only 4 inhabitants. The distance from the enclave to the main territory of the Russian Federation is 1.96 km. Additionally, the Kaliningrad region of the Russian Federation has the status of exclave. The region is surrounded by the territory of Poland and Lithuania.

The Nakhichevan Autonomous Republic of Azerbaijan, whose territory is surrounded by the territories of Turkey, Iran, and Armenia, has the status of a perfect exclave. Another example is the Armenian enclave Artsvashen (Bashkend) which is located within the territory of Azerbaijan. Artsvashen is part of the Gegharkunik region of Armenia. The enclave area is 40 sq. km. The population of the enclave lives in nearby settlements located on the territory of Armenia which is 3.3 km. from the mainland state.

After the collapse of the USSR, 10 enclaves were formed in Central Asia. The Uzbek enclaves of Sokh, Shakhimardan, Chong-Kara, Tash-Dobo (Jangy-Ayil), the Tajik enclaves of Vorukh, Western Kalacha, Sarvak, the Kyrgyz enclave of Barak, and the Kazakh semi-enclaves of Arnasai and Maktaaral region.

History of the Enclave Formation in Central Asia

Challenges in agreeing on the borderlines of enclave areas between Central Asian states are due to the complex history of the formation of borders between the former Soviet Republics during the national-territorial delimitation in Central Asia from 1924 to 1927 that continued until the collapse of the Soviet Union.

On June 26, 1924, by decree of the Central Asian Bureau RKP, the Central Territorial Commission for National-Territorial Delimitation was created with the participation of representatives of the newly formed national republics and autonomous regions. In the process of delimitation by the special commission, the Uzbek SSR representatives had more weight, representing the largest ethnic group in Central Asia; moreover, the fact that all the representative and authorized bodies of Soviet power in Central Asia were located in Tashkent played a significant role.

This was the main reason that the conditions of the national-territorial delimitation of Central Asia were based on the proposals prepared by the Uzbek Bureau of the Central Territorial Commission. Before defining the boundaries of new state formations, The Commission on National Territorial Delimitation had to be guided by the following requirements for establishing boundaries:

1. The requirement that borders be determined on the basis of nationality
2. The requirement that the actual use of the area at the time of delimitation be considered
3. The requirement of economic viability

4. The requirement of avoiding excessive striping,¹ curved lines in borders, and encroachment into foreign territories.

The requirements were generally fair, but there were some contradictions and mutually exclusive moments that allowed the members of the Central Territorial Commission to make opportunistic decisions favorable to the representatives of the Uzbek Bureau. On March 17, 1925, the Central Territorial Commission, made up of representatives of the union republics and autonomous regions, approved the boundaries of the newly formed national-territorial formations in Central Asia.

After the administrative borders were approved between the Kara-Kyrgyz Autonomous Region of the RSFSR and the Uzbek SSR, the Kara-Kyrgyz Autonomous Region Authority disagreed with the results of the borderlines and presented several territorial claims against the Uzbek SSR because *volosts*² like Aim, Baski-Sebergen, Isfara, Leilek, Kurgan-Tyube, Noigut-Kipchak, Sokh, Chapkuluk, Chatkal, Yaukensek-Boston were given to the Uzbek SSR. The Uzbek side, in turn, announced its claims to part of the territory of the Kara-Kyrgyz Autonomous Region of the RSFSR, namely to the southern part of the Aim volost, the city of Osh, and the Osh volost.

The claims of the Kara-Kyrgyz Autonomous Region Authority were investigated by the newly created joint commission under the leadership of G. Petrovsky, which was established on January 29, 1926 at the request of the Kyrgyz and Uzbek representatives.

¹ *Cherespolositsa*, a common division of land at the time resulting in thin plots of land.

² Small administrative peasant districts.

On December 21, 1926, the Secretariat of the Central Executive Committee of the USSR, based on the disputes between the Kyrgyz ASSR and the Uzbek SSR, decided to suspend the implementation of the September 10, 1926 resolution of the Presidium of the Central Executive Committee, and organize a new joint commission under the leadership of B. Kulbeshirov.

The commission, at its meeting on January 27, 1927, decided to correct the borders of the Leilek, Noigut-Kipchak, and Yaukensek-Boston volosts, Sulukta coal mines, and the Uch-Kurgan village in favor of the Kyrgyz Autonomous Soviet Socialist Republic, removing them from the Fergana region of Uzbekistan. Sokh and Isfara volosts were left within the Uzbek SSR. Thus, out of 13 controversial issues, only 5 were resolved in favor of the Kyrgyz ASSR.

The condition of defining borders on a national basis was applied without sufficient consideration toward the nomadic life of the Kyrgyz and Kazakh people, who constituted the majority of the population of the area in the autumn and winter, but turned out to be a minority among the settled population in the spring and summer. During the latter seasons, most of the Kyrgyz and Kazakh population were in other areas grazing livestock. The territorial interests of the Kyrgyz and Kazakh populations were also severely affected by the principle of economic viability, which favored the settled Uzbek and Tajik population of the region, who had a long tradition of cultivating cotton.

As a key symbol of Soviet power was ensuring the cotton independence of the USSR, land disputes between people in Central Asia were always resolved in favor of the sedentary

population engaged in the cultivation of cotton. Therefore, some purely Kyrgyz volosts like Aim, Kurgan-Tepinskaya, and Jalal-Kuduk around the city of Andijan were included in the territory of Uzbek SSR. The same actions were taken concerning the Koshoi-Korgon and Toytyubinsk volosts of the Tashkent district and the Murghab and Jergetal districts, which were included in Tajikistan [2].

The principle of avoiding excessive strips and curved lines in the borders and avoiding encroachment into foreign territories was also applied with biased decision-making and to the disadvantage of the territorial interests of the Kara-Kyrgyz Autonomous Region of the RSFSR. Even a cursory analysis of the borders drawn between the Kyrgyz Republic with the Republic of Uzbekistan and the Republic of Tajikistan shows that, except for the principle related to water systems, the above principles for boundary determination were not put into practice by members of the central territorial commission performing national-territorial delimitation.

After the approval of the national-territorial delimitation in Central Asia, the Kara-Kyrgyz Autonomous Region Authority, dissatisfied with the procedure for establishing the borders of the region, expressed a categorical protest against the demarcation of the boundaries of their national-territorial entity, which separated from the territory of Kyrgyzstan not only a number of Kyrgyz villages located along the border, but also several adjacent volosts inhabited exclusively by Kyrgyz people. Kyrgyz representatives stated that the specified border did not go along the outskirts of these volosts, but 10-15 km to the south, where a significant part of the Kyrgyz territory was cut off in favor of the Uzbek SSR [3].

Thus, the drawing of the borderlines along Uzbekistan's southern border with Kyrgyzstan done by the Commission on National-Territorial Delimitation was exclusively at the expense of Kyrgyz common areas. As a result, more than twenty breakthroughs and encroachments with tens-of-kilometers-long distances were formed along the Kyrgyz-Uzbek and Kyrgyz-Tajik state borders in the Fergana Valley, violating the integrity of Kyrgyz territory. The above-mentioned issues around the territories of Uzbekistan and Tajikistan subsequently became the main reasons for the formation of the four Uzbek and two Tajik enclaves within the territory of Kyrgyzstan.

It should be emphasized that nowadays no other former republic of the USSR has as many enclaves within its territory as the Kyrgyz Republic, though there are places of residence of the Kyrgyz in Jizzakh and Tashkent; moreover, the Kyrgyz made up the majority of the population of the regions of Andijan, Fergana, Namangan in Uzbekistan, as well as in the regions Murghab and Jergetal in Tajikistan during the Soviet period.

I would also like to note the recent measures of the Tajik authorities to change the historically established Kyrgyz toponymy in the Jergetal region bordering Kyrgyzstan to Tajik names. In particular, the Jergetal region which was renamed as Lakhsh is a good example. These actions of the Tajik authorities were carried out with a very specific purpose in the context of the incomplete international legal registration of the state border between the two countries.

Central Asian Enclave Characteristics

Sokh Enclave

The area of the Sokh enclave is 352 sq. km. and the Kyrgyz-Uzbek border length reaches 135 km. in this region. The distance from the Sokh enclave to the main territory of the Republic of Uzbekistan is 20 km. There are 19 settlements within the enclave, which is surrounded by the territory of the Kyrgyz Republic. The administrative center of the Sokh region is the village of Ravan which is part of the Fergana region of the Republic of Uzbekistan.

Around seventy thousand people live in the enclave, of which 99.2% of the population are Tajik, 0.7% Kyrgyz, and 0.1% Uzbek. The native language for the majority of the population is Tajik, however, the local people know Kyrgyz, Uzbek, and Russian. The majority of the enclave's population is engaged in agriculture, though a significant proportion of men regularly migrate to the Russian Federation to work.

After the official ratification of the borders between the Kara-Kyrgyz Autonomous Region and the Uzbek SSR in 1925, the Kara-Kyrgyz Autonomous Region Authority presented a number of territorial claims to Uzbekistan, among which was the question of including the Sokh Volost in the Kara-Kyrgyz Autonomous Region's territory. However, these demands were not supported by the central authorities. By decree No. 5 of the Central Executive Committee of the SSR on September 29, 1926, the Sokh volost was included in the Rishtan district of the Fergana region of the Uzbek SSR.

According to the Decree of the Council of People's Commissars of the Uzbek SSR, the Sokh region was established, existing from July 1942 until March 7, 1959, after which it was again included in the Rishtan region as the Sokh rural area. The Sokh district was reestablished on February 27, 1990, with the administrative center in Ravan village with a total area of 220 sq. km.

The Kyrgyz-Uzbek state borderline in the Sokh enclave was determined based on the decision of the Central Asian Dissolution Committee on March 17, 1925. Following the established borderline in the Sokh river basin, the territory of Uzbekistan goes beyond into the borders of Kyrgyzstan by a relatively narrow wedge, creating some strip areas about 50 km long and up to 20 km wide. Inside this wedge, there were Kyrgyz settlements like Zartash, Otukchu, Chong-Kara, Sekirtme, Kara-Tumshuk, and Ak-Turpak.

The continuing demarcation of borders in the enclave area was influenced by the process of the collectivization of peasant farms between 1929 and 1937. The organization of collective farms was carried out by combining private farms within settlements, which, as we know historically, have always been formed on a national basis. The population of the aforementioned Kyrgyz villages were delegated to the Kyrgyz administrative regions. Collective farms with a Tajik population living on the territory of Sokh were delegated to the Uzbek SSR.

Thus, the economic boundaries of the collective farms, which separated the places of residence of the Kyrgyz population

from the Tajik, were subsequently integrated as the administrative boundaries of the Kyrgyz SSR and the Uzbek SSR.

The enclave status of Sokh was negotiated during the work of the Joint Commission of the Governments of the Kyrgyz SSR and the Uzbek SSR in 1955. While further defining the line of administrative boundaries between the two Union republics, formed on January 1, 1955, the driving principle was that of actual land use through boundaries; regardless, the ongoing conflicts around Sokh between Kyrgyzstan and Uzbekistan after the collapse of the USSR became an acute issue and later attempts to create a corridor to connect the enclave with the main territory of Uzbekistan in 2001 were unsuccessful.

Nowadays, the issue of Sokh enclave residents has become very complicated by the rapid growth of the district's population, the lack of water and land resources, the presence of a large number of border posts set up by the border authorities of Kyrgyzstan and Uzbekistan, and interethnic tensions in the border regions of Kyrgyzstan.

Shakhimardan Enclave

The area of the Shakhimardan enclave is 38.2 sq. km. Five thousand people, 91% of which are Uzbeks and 9% are Kyrgyz, live there. The distance from the enclave to the main territory of the Republic of Uzbekistan is 14.8 km. The enclave consists of two separate sections: the larger and more densely populated South Shakhimardan and the smaller and more sparsely populated North Shakhimardan. This enclave is a place of religious pilgrimage and a tourist center for citizens of Uzbekistan.

Under Protocol No. 7 of the meeting of the Plenum of the Central Asian Dissolution Committee on March 17, 1925,

“The borderline between the Uzbek SSR and the Kara-Kyrgyz Autonomous Region in the region of the Shakhimardan River basin passes through the villages of Ak-Tash and Lyagan, leaving them to Uzbekistan, the northern spurs of the Alka-Kara mountains, approaching the Shakhimardan river upstream of Uadil and, skirting the height of 2820 [m.], goes along the line of the villages of Tash-Dobo and Khalmion (the latter falls into the Kara-Kyrgyz Autonomous Region) ... ”.

An analysis of the description of the Kyrgyz-Uzbek border in the Shakhimardan river basin area indicates that the territory of this enclave was never originally part of Uzbekistan. However, due to the illegal establishment of the Shakhimardan village council by the authorities of the Uzbek SSR in 1925, the villages of Shakhimardan and Iordan, located about 15 to 25 km. inside the territory of Kyrgyzstan, were by administrated by the Uzbek SSR.

On March 15, 1927, the Presidium of the Central Executive Committee of the Kyrgyz ASSR, under the chairmanship of Orozbekov, analyzed the issue "On the borders between the Kyrgyz ASSR and the Uzbek SSR" and confirmed that:

“Iordan is undoubtedly part of the Kyrgyz ASSR and it is recognized that the currently existing Shahimardan village council, which is under the administration of Uzbekistan, is subject to immediate dissolution along with the organization of the Shahimardan village council as part of the villages of Shahimardan and Iordan of the Osh canton. We request for

the Central Asian Regional Commission to establish a deadline for the dissolution of the Shakhimardan village council under the administration of the Uzbek government. In case of delay, the issue of dissolution by the government of the UZSSR should be brought to discussion through the Central Executive Committee of the USSR” [4].

Until now, no documents reflecting the reaction of the USSR Authority to this decree of the Central Executive Commission of the Kyrgyz ASSR have been found. As a result, Shakhimardan remains as an Uzbek enclave on the territory of the Kyrgyz Republic up to this day.

Many publications of experts indicate that the territory of the Shakhimardan enclave, which was previously part of Kyrgyzstan, was exchanged for another section of the territory of Uzbekistan. However, this is not true. There was no exchange of land between the two states in exchange for the Shakhimardan enclave.

In 2004, the Kyrgyz parliament raised the issue of returning the enclave to the Kyrgyz Republic, but the problem was not resolved positively due to strong opposition by the former President of Uzbekistan, I. Karimov.

Hence, we believe that the Kyrgyz side currently has all legal rights to raise unsolved issues before the Uzbek side on returning the territory of the Shakhimardan enclave to the Kyrgyz Republic.

Chong-Kara Enclave

Currently, the Chong-Kara enclave consists of the two villages of Chong-Kara and Kalach, which are part of the Rishtan district of the Fergana region of Uzbekistan. The area is about 3 sq. km.

and has a population of approximately 1300 people, 97% of which are Kyrgyz and 3% Uzbek, Tajik, and other nationalities. The distance between the enclave and the main territory of Uzbekistan is 3.76 km.

Under Protocol No. 7 of the Plenum of the Central Asian Dissolution Committee of March 17, 1925, the village of Chong-Kara remained inside a strip, wedging Uzbek territory into Kyrgyz territory. Subsequently, the village of Chong-Kara was isolated from the main territory of Uzbekistan by the economic borders of Kyrgyz collective farms surrounding it from all sides. The village became an enclave. The enclave status of Chong-Kara was agreed during the work of the Joint Commission of the Governments of the Kyrgyz SSR and the Uzbek SSR in 1955.

Enclave Tash-Dobo (Jangy-Ayil)

Currently, this enclave is administratively part of the Fergana district of the Fergana region of Uzbekistan and is a cultivated field with an area of 1 sq. km without a permanent population. The distance from this enclave to the territory of Uzbekistan is 0.76 km.

Under Protocol No. 7 of the Plenum of the Central Asian Dissolution Committee of March 17, 1925, during the national-territorial demarcation of Central Asia, the village of Tash-Dobo was included in the territory of the Uzbek SSR wedged deep into the territory of the Kara-Kyrgyz Autonomous Region. Subsequently, this village, like the village of Chong-Kara, was isolated by the borders of Kyrgyz collective farms from the main territory of Uzbekistan.

The enclave status of Tash-Dobo was agreed upon during the work of the Parity Commission of the Governments of the Kyrgyz SSR and the Uzbek SSR in 1955.

Vorukh Enclave

Administratively, this enclave is a part of the Isfara district of the Sughd region of the Republic of Tajikistan. The area is 96.7 sq. km. with a population of about thirty thousand people, 95% of which are Tajiks, 5% of which are Kyrgyz. The distance to the main territory of Tajikistan is 5.3 km.

During the national-territorial demarcation of Central Asia (1924-1927), despite the demands of representatives of the Kara-Kyrgyz Autonomous Region to include this place in Kyrgyzstan, the territory of the Isfara volost, along with Vorukh, was transferred to the Uzbek SSR. Thus, a wedge of Uzbek territory was formed inside Kyrgyzstan, occupying a significant area in the Isfara River basin, stretching from north to south for 45 km. Within the wedge remained the Kyrgyz villages of Aksai, Kapchygai, and Kok-Tash.

The further formation of the border in the area of the Vorukh enclave is attributed to the process of collectivization of peasant farms carried out from 1929 to 1937. The organization of collective farms was accomplished by combining private farms within settlements, which were historically formed on a national basis. The population of collective farms with a significant Kyrgyz population was assigned to the Batken district of the Kyrgyz ASSR, and collective farms with a significant Tajik population living within Vorukh remained part of the Uzbek SSR.

After the creation of the Tajik SSR in 1929 and its separation from the Uzbek SSR, this territory was transferred to Tajikistan. Subsequently, the borders of Kyrgyz and Tajik collective farms were fixed as administrative borders between the Kyrgyz SSR and the Tajik SSR.

Due to the ongoing disputes between the economic entities of the two union republics in the Vorukh region in February 1958, the Joint Commission of the Governments of the Kyrgyz SSR and the Tajik SSR was created, which, taking into account the interests of both parties, defined the boundaries between the Batken district of the Osh region of the Kyrgyz SSR and the Isfara district of the Leninabad region of the Tajik SSR. The commission came to an agreed decision to ask the Councils of Ministers of the two republics to petition the Presidium of the Supreme Soviet of the USSR for approval of this updated inter-republican border.

The protocol of the Parity Commission of the Governments of the Kyrgyz SSR and Tajik SSR of February 26, 1958, was approved by the decision of the Osh regional executive committee of September 1, 1958, and the Resolution of the Council of Ministers of the Kyrgyz SSR No. 5, from the decision of the Leninabad regional executive committee of the Tajik SSR of June 28, 1958 No. 495. In March 1959, the Council of Ministers of the Tajik SSR, by telegram No. 99, informed the Council of Ministers of the Kyrgyz SSR that it had no objection to the Protocol of the Parity Commission of February 26, 1958.

The enclave status of Vorukh was recorded according to the results of the work of the Parity Commission of the Governments of the Kyrgyz SSR and the Tajik SSR from 1958 to 1959. Attempts

by the Government of Tajikistan to create a corridor with a special status for the Vorukh enclave to the main territory of Tajikistan were unsuccessful.

West Kalacha Enclave

The area of Kalacha enclave is 0.88 sq. km., which about 150 people reside. Administratively it is a part of the Isfara district of the Sughd region of Tajikistan. All residents of the enclave are Tajiks. The distance to the main territory of Tajikistan is 2.36 km. The enclave is located in the floodplain of the Bulak-Bashy River in the Leilek district of the Batken region of the Kyrgyz Republic. Initially, it housed the service and economic facilities of the railway department of Tajikistan.

The enclave status of Western Kalacha was recorded during the work of the Parity Commission of the Governments of the Kyrgyz SSR and the Tajik SSR from 1958 to 1959.

Barak Enclave

The Kyrgyz enclave Barak is located on the territory of the Kurgantepa district of the Andijan region of the Republic of Uzbekistan and administratively belongs to the Ak-Tash aiyl district of the Kara-Suu district of the Osh region of the Kyrgyz Republic. The area of the Barak enclave is 2.0 sq. km which is home to about 700 people. By ethnic composition, all residents of the enclave are Kyrgyz. The distance to the main territory of Kyrgyzstan is 1.5 km.

The formation of the enclave status of Barak is associated with the results of the work of the Joint Commission of the Governments of the Kyrgyz SSR and the Uzbek SSR in 1955. Based on the work of the Joint Commission concerning the territory in the area of the Barak enclave, the following decision was made:

"To end the stripped use of land plots of the collective farm named K. Voroshilov, which was later renamed to Kyzyl-Barak collective farm, and to improve water use and to assign the territory of the Savai sovkhov to the administrative borders of one republic [the Kyrgyz Republic], and to transfer the part of the Birlashkan collective farm of the Kurgantepa district of the Andijan region to the Karasu district of the Osh region of the Kyrgyz SSR, and the lands of the Savai sovkhov with an area of 2014 hectares, located on the territory of the Kirghiz SSR, included in the Uzbek SSR, and following this establish a new border... "

Later, under this decision, part of the lands of the Savai sovkhov was given to the Uzbek SSR. However, the Uzbek side did not practically transfer the lands of the Birlashkan collective farm of the Kurgantepa region to the Kyrgyz SSR. Thus, the Kyrgyz side made a statement about this at a meeting of the inter-republican commission which was held from 2 to 7 October in 1963, where the Uzbek side was asked to resolve this issue, but it was left unsolved.

Thus, the aforementioned territory of Uzbekistan, which was supposed to eliminate the strips according to the decision of the Joint Commission of the Governments of the Kyrgyz SSR and

the Uzbek SSR starting from 1955, was not transferred to Kyrgyzstan. Thus, this territory remained as a buffer zone between the territories of the two countries, eventually resulting in the formation of the Kyrgyz enclave Barak.

Sarvak Enclave

Administratively, this Tajik enclave is part of the Asht district of the Sughd region of the Republic of Tajikistan. The center is the village of Sarvak, which is located simultaneously on both sides of the Uzbek-Tajik state border. Another, spatially smaller settlement of the enclave is the Sarvaki-Bolo village. The enclave is surrounded by the territory of the Pap district of the Namangan region of Uzbekistan. The distance to the territory of Tajikistan is 1.2 km.

The area of the enclave is 8.4 sq. km. with a length of 14 km. and a width of 600 m., is home to around 560 people. All residents are ethnic Uzbeks. Many of them received Uzbek citizenship in the early 90s. The Uzbek side insists on the return of this territory to its composition, however, the Tajik side does not accept those claims.

According to the government of Uzbekistan, the Sarvak village was transferred to Tajikistan for 10 years based on the decree of the Council of People's Commissars of the USSR No. 1313 of June 29, 1935.

Arnasay Semi-Enclave

This semi-enclave was formed after the collapse of the USSR in 1991. It is the former village of the Shardara district of the

Turkestan region of Kazakhstan. The distance to Kazakhstan is 18 km. After the completion of the delimitation and demarcation of the Kazakh-Uzbek state border, the settlement was surrounded on three sides by Uzbek territory, and on the fourth by the waters of the Shardara reservoir. Uzbekistan's attempts to purchase the enclave were unsuccessful.

In 2010, 72 families from the enclave were resettled to the territory of Kazakhstan. Currently, the enclave is home to a Kazakh border outpost.

Maktaaral Semi-Enclave District

Administratively, this is part of the Turkestan region of the Republic of Kazakhstan. In 1960-1970, it was transferred from the Kazakh SSR to the Uzbek SSR and again back to the Kazakh SSR. After the collapse of the USSR in 1991, it had the status of semi-enclave. The territory of Maktaaral region is surrounded on three sides by the territory of Uzbekistan, and on the fourth side by the waters of the Shardara reservoir.

The semi-enclave area is 1800 sq. km. and is home to 294 thousand people. The majority of the population is Kazakh.

Conclusion

Summing up the results of the study of modern problems around enclaves in Central Asia, the following conclusions can be made. Enclaves in Central Asia are one of the factors complicating the positive development of interstate relations between Kyrgyzstan, Uzbekistan, and Tajikistan.

In the context of the rapidly growing population of the Central Asian region, border conflicts between the population of border regions and the military personnel of border control outposts of neighboring countries in enclave areas have become regular, and they are a contributing factor to instability at state borders.

The main reason for these border conflicts are disputes between citizens of neighboring states over the use of scarce natural resources like water, grassland, forests, and fuel. The inhabitants of the enclaves want to freely transport goods across state borders and move around the territory of neighboring countries.

Statistics for the past ten years show that more than thirty border incidents and conflicts, with the participation of both the civilian population and the military personnel of the border control outposts, occur annually on the state borders of Kyrgyzstan, Uzbekistan, and Tajikistan in the Fergana Valley.

Most of the border incidents and conflicts that occurred were recorded in the area of the Sokh and Vorukh enclaves. Recently, the Republic of Tajikistan's Border Service's military personnel began to actively use heavy artillery weapons and grenade

launchers against civilians and military personnel of the Kyrgyz Republic during border conflicts in the area of the Vorukh enclave.

Furthermore, on January 5, 2014, Tajik border troops, during the border conflict near the village of Kok-Tash, used 82 mm. mortars on the territory of Kyrgyzstan. On April 10, 2014, during a shootout between border guards in the Tamdyk area, Tajik border guards used grenade launchers against their Kyrgyz counterparts.

On September 16, 2019, during a border conflict in the area of the Kyrgyz border posts Maksat and Sai, due to the use of 82 mm mortars and grenade launchers by Tajik border guards against the citizens of Kyrgyzstan, Kyrgyz Military Lieutenant R. Muminov was killed and thirteen citizens of Kyrgyzstan were wounded, including seven soldiers of the border service and six civilians. In addition, several houses of Kyrgyz citizens, a school building, and a watchtower of the State Border Guard Service of the Kyrgyz Republic were also damaged. The military officer who died in the conflict had a wife and four young children.

In the same armed conflict, the Tajik side lost Lieutenant Colonel R. Ubaidullev and soldiers R. Islomov and G. Suvanov of the Ovchi-Kalacha border commandant's office.

The border conflict near the Maksat and Sai border posts was resolved through negotiations between the prime ministers of both states. It should be noted that in addition to the military personnel of the Tajik border troops, special units of the State Committee for National Security and the Ministry of Internal

Affairs together with the Ministry of Defence of the Republic of Tajikistan also took part in that border conflict.

The use of special forces by the Tajik government in the abovementioned border conflict is a violation of state border protection agreements between the border agencies of the two countries involved, signed by both on a bilateral basis and within the framework of the Council of Commanders of Border Troops of the CIS member states. Such actions can provoke the outbreak of military conflict in the region. The use of heavy artillery weapons and grenade launchers by the Tajik military forces against the citizens of Kyrgyzstan is a egregious violation of not only international law, but also international humanitarian law, as well as a violation of relations within the CSTO.

Following 2020, five more border incidents and conflicts occurred, again with the use of firearms at the Kyrgyz-Tajik portion of the state border. As a result of the conflicts, five citizens of Kyrgyzstan were injured: four of them were military personnel and one was a civilian. On the Tajik side, three people were injured.

In the same year, there were three border incidents and conflicts on the Kyrgyz-Uzbek section of the state border. The most serious in nature was the border conflict on May 31, 2020, in the Chechme area near the Sokh enclave, in which several hundred people from the two sides participated. Thanks to the joint actions of the Kyrgyz and Uzbek regional authorities and the border departments of both countries, the situation on that part of the state border was quickly normalized. There were no human losses.

However, as a result of the conflict, 27 people on the Kyrgyz side, and 187 people on the Uzbek side were injured.

The current situations show that the most acceptable way to end border incidents is a thorough solution to the problem of enclaves in the region by intensifying the process of delimitation and demarcation of the state borders of Central Asia based on the principles of international law.

The suggestions of many individual experts on solving the problem of enclaves by creating transport corridors from the borders to enclaves with the appropriate status, as well as introducing a regime of free movement of residents in the border areas of neighboring countries look problematic. This is because most of the enclaves we looked through are located in the Fergana Valley which is one of the most densely populated and conflict-prone regions in the world. This will require large financial expenditures and efforts from these Central Asian states to ensure national and collective security in the region.

The most effective solution to the problems of the Uzbek enclaves of Sokh, Shakhimardan, Chong-Kara, Tash-Dobo, as we believe, is the transfer of these enclaves to the jurisdiction of the Kyrgyz Republic. This can be done by exchanging plots of territories of Kyrgyzstan with Uzbekistan or by the Kyrgyz side providing certain types of compensation.

The problems of the Tajik enclaves of Vorukh and Western Kalach can be solved by relocating part of the ethnic Kyrgyz living in the Isfara, Murghab, and Dzhergetal (Lakhsh) districts of the Republic of Tajikistan to the territory of these enclaves; the Tajik

population of Vorukh and Western Kalach must then be relocated to other settlements in the Sogd and Dzhergetal regions.

A positive solution to the problems with enclaves will lead to the stabilization of the situation on the state borders of the three Central Asian states. This will significantly improve interstate and interethnic relations in Central Asia. Subsequently, neighboring countries can begin to soften the legal regime of state borders and simplify customs and border rules towards each other.

Recommendations

As suggested by other experts, solving the problem of enclaves located in Central Asia by creating transport corridors from the borders to enclaves as well as introducing a regime of free movement of local residents in the border areas of neighboring countries seems problematic.

This is due to the fact that most of the enclaves are located in the Fergana Valley - the most densely populated and conflict-prone region in the world, and this will require large financial and other costs and efforts from the Central Asian governments to ensure national and collective security in the region.

It is recommended that the most effective solution to the problems of the Uzbek enclaves of Sokh, Shakhimardan, Chon-Kara, Tash-Dobo is the transfer of these enclaves under the jurisdiction of the Kyrgyz Republic. This can be done by exchanging plots of territories of Kyrgyzstan with Uzbekistan, or by providing the Kyrgyz side with various types of compensation. Similarly, the problem of the Kyrgyz enclave Barak can also be solved by exchanging land plots between Kyrgyzstan and Uzbekistan.

The issue related to the Tajik enclaves of Vorukh and Western Kalach can be resolved through the resettlement of ethnic Kyrgyz living in Djergetal (Lakhsh), Isfara and other regions of the Republic of Tajikistan to the territory of these enclaves, and the Tajik population of these enclaves, in turn, can be resettled to regions of the country where earlier, the Kyrgyz population lived.

In the case of a positive solution to the problems with enclaves in Central Asia, the situation on the borders of the Central Asian countries will stabilize and interstate and interethnic relations in the region will significantly improve. After stabilization of the situation on the state borders of these countries, the Governments of Kyrgyzstan, Uzbekistan and Tajikistan can begin to consider the issue of softening the legal regime of state borders and simplifying customs and border rules in relations with each other.

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