CHAPTER: IV

POLITICAL INSTITUTIONS IN THE POST-SOVIET UZBEKISTAN
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An analysis of the functioning of political institutions in a particular country explains how democratic values are being implemented there. In other words, roles and functions of institutions are the real litmus test of democracy building.

Immediately after the disintegration of the Soviet Union, important issues before the new Uzbek states were demolition of the old political system, rejection of the former ideology, establishing new relations in the economic and political spheres of society, and formation of a new political system. More than seven decades of the Soviet system thwarted the development of institutions in the lifestyle and consciousness of the whole society.

Realising these challenges the new Uzbek state took up the task of initiating various reforms. On 31 August 1991, when it became independent, it immediately started building a new political system. The primary goals of this new republic were proclaimed as: the establishment of a democratic law-based country; a law-based society; the formation of a socially oriented market economy; the provision of citizens' rights and freedoms, and a commitment to a multi-party system.

However, the fulfillment of this task was complicated by various factors. First, the Uzbek society was a traditional society in many respects, which has strong collectivist and ancestral traditions. Second, there were no traditions of democracy, parliamentary or multi-party competition before or during the Soviet era. Besides, the basis of private ownership that existed in Uzbek society before the revolution of 1917 was destroyed during the years of Communist rule. Fourth, traditions of authoritarianism and ideas of strong government, combined with a dependency culture among the majority of the population manifested in a belief that the government should provide most of the needs of society. Along with this the
government ownership and the planned distributive system were dominant in the economy. Six, Uzbekistan had a one-sided economy and was used to provide only raw materials for the other republics of the former Union. Seventh, Uzbekistan was one of the poorest republics and had a low level per capita income. And finally, Uzbekistan is located in a global economic crisis zone and suffered from the Aral Sea environmental catastrophe (Yalcin 2002: 144).

On 8 December 1992, Uzbekistan adopted a new Constitution. The new Constitution of 1992 defines Uzbekistan as a sovereign, democratic, secular and presidential form of republic. All citizens of the Republic of Uzbekistan, regardless of their ethnic origin, constitute the society of Uzbekistan. The Constitution declares the people to be the only source of the government, and the state shall express the will of the people and serve their interests. Public life is to develop on the basis of the diversity of political institutions, ideologies and opinions. State bodies and officials shall be accountable to society and the people. Priorities of personal, economic, political and social freedoms and rights of citizens are clearly stated in the Constitution.

Although, the basic principles of the new Constitution consolidated the basic freedoms, rights and duties of the citizens. An examination of the major newspapers published in Uzbekistan shows that there were virtually no dissenting voices over any of the Constitutional provisions. This demonstrates that none of the opposing views were given expression in the mass media before the referendum (Akbarzadeh 205: 99)

However, in the last two decades the Uzbek Constitution has travelled a satisfactory journey. Till today the new state is being governed by the 1992 Constitution. Besides, the governing processes and institutions are being constructed and functioning according to the new Constitution. The following discussions deal with the evolution of major political institutions of Uzbekistan.
I

The President

As discussed earlier, most of the post-Soviet states have adopted either presidential or semi-presidential system of government. Uzbek system is influenced from the American and French presidential systems. Therefore, president has a key role in all the state related affairs. The branch of the government that is broadly responsible for implementing, supporting, and enforcing the laws are made by the legislative branch. In a presidential system the executive is the Head of the State and the Head of Government as well. Countries that model their government after the United States of America have a Head of State compared to other systems. The President of the United States is best described as the Head of State for his or her role as the government's chief ambassador.

In a parliamentary system, on the other hand, the head of the state is often a figurehead without much legal power other than persuasion over public opinion. Several methods exist for the selection of heads of state in parliamentary systems, including the hereditary succession of monarchs, election by parliament, or in some cases direct election by the people. The head of government, however, typically has real authority and usually is elected by parliament. In this system the head of government, commonly referred to as Prime Minister, can receive a vote of no confidence removing him or her from office and placing a new "government" in office with all new cabinet members and Prime Minister. This is the case for many countries in the Commonwealth of Nations except in the case of the United Kingdom itself. Great Britain's monarch is world's one of the most powerful head of the state, with rights to exercise great political power. But due to convention these powers have been rarely exercised in modern history (Hawkesworth and Kogan 2004: 287-289).

The post of the President of Uzbekistan was established on 24 March 1990 and Islam Karimov was elected as a president for the first time. According to the new Constitution, the president of the republic is the head of state and executive authority, central figure and central unit of the political system. It is impossible to understand the functioning mechanisms of political authority in the republic without comprehending his role and place in the state authority system. The President of the
Republic of Uzbekistan simultaneously serves as the Chairman of the Cabinet of Ministers (article 89).

Islam Karimov was again elected president of the country with 86 per cent of the vote in the first nation-wide presidential election on 25 March 1991. The president of the republic is elected by direct suffrage for a term of five years, but at its first session in February 1995 the new parliament unanimously voted to hold a nationwide referendum to approve an extension of the Presidents term of office (SWB 1995: 2266 G/7). On 26 March 1995, 99.6 per cent of the eligible electorate voted to extend Islam Karimov’s term in office from 1997 to the year 2000, and as expected, Islam Karimov was re-elected in a presidential election. On 9 January 2000 with almost 92 per cent of the vote, and in 2002 extended presidency 2007 (Kazimemi 2003: 210) on 23 December 2007 he has been reelected for the term of seven years.

Table: 4.1

23 December, 2007 Presidential Election: A Summary

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Votes</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Islam Islam Karimov(Uzbekistan Liberal Democratic Party)</td>
<td>13,008,357</td>
<td>90.77</td>
</tr>
<tr>
<td>Asliddin rustamov(Uzbekistan People’s Democratic Party)</td>
<td>468,064</td>
<td>3.27</td>
</tr>
<tr>
<td>Dilorm Toshmuhamedova (Justice Social Democratic Party)</td>
<td>434,111</td>
<td>3.03</td>
</tr>
<tr>
<td>Akmal Saidov(Independent)</td>
<td>420,815</td>
<td>2.94</td>
</tr>
<tr>
<td>Valid Votes</td>
<td>14,331,347</td>
<td>100.00</td>
</tr>
<tr>
<td>Invalid Votes</td>
<td>434,097</td>
<td>2.94</td>
</tr>
<tr>
<td>Total votes (Turnout 90.6%)</td>
<td>14,765,444</td>
<td></td>
</tr>
</tbody>
</table>

(Source: Report by Ragnhild Hollekim, NORDEM Report 2/2008: 21)

The 'legitimacy factor' represented in the Constitution is also seen in the arena of competitive politics. Beginning with the December 1991 presidential election, the Islam Karimov administration touted the 'free and fair electoral process' as a
justification for Uzbekistan's continuing movement towards democracy. It is through political parties that citizens are encouraged to participate in the national political process. According to the Law on Political Parties, parties can legally register as long as they are not religious-based and bent on violent means of expression (Ayubi 1995: 2-4).

As a result, a number of government-approved political parties have emerged. The *Halq Demokratik Partiyasi* (People's Democratic Party) is the direct successor to the Communist Party of Uzbekistan. They supported Islam Karimov in 1991 and continue to support him even today. Although the President formally announced his 'retirement' as head of the party in 1996, he remains the *de facto* guide of the organization. The other parties include the *Fidokorlar Vatan Tarakiati Partiyasi* (Progress of the Fatherland Party), the *Milli Tiklanish Demokratik Partiyasi* (National Revival Democratic Party), the *Adolat Demokratik Partiyasi* (Adolat, meaning Justice), and *Fidokorlar* (Self-Sacrificers).

Each of these parties tends to be Tashkent-based and fairly weak. *Fidokorlar*, for example, prides itself on being a party for the 'youth'. The MTDP considers itself to be the party of professionals and educators, much like the historical Jadidist movement. In 2000, the WTP officially dissolved itself, with members joining the MTDP. In various discussions, party officials note that the role of parties is not to be combative, rather to represent various interests in the legislature so as to effectively assist the president. Thus, a choice exists for the voters - but it is a controlled one (Starr 1996: 88).

Islam Karimov was nominated by the newly created political party of *Fidokorlar Milliy Demokratik Partiyasi* (Self-Sacrificers' National Democratic Party), The Organisation for Security and Cooperation in Europe (OSCE) refused to send observers to monitor the election, stating that there was 'no genuine choice' for voters. The government also made little effort to present the polls as being a fair affair. The sole candidate allowed to oppose Islam Karimov was the candidate and First Secretary of the Uzbekistan Peoples Democratic Party, Abdulhafiz Jalalov. Jalalov himself was a loyal party man, first to the Communist Party and then to its successor, the Uzbekistan *Xalq Demokratik Partiyasi* (the People's Democratic Party).
Abdulhafiz Jalalov received only four per cent of the vote, and then admitted that he himself had actually voted for President Islam Karimov.

It is generally accepted that a strong presidential authority is required during the time of transition from the old Communist system. It is not simple to overcome and fill the tremendous gap that exists in the Uzbek society between these two incompatible systems. Democracy in Uzbekistan requires some time to transform and adjust the old establishments so that they are ready to accept new relations, norms and institutions. Quick and unplanned political moves towards a liberal democracy, which is an alien phenomenon to a society that has never had a democratic history, might lead to accumulation of social tension. Rejection of the old values and ideologies which have been immutable for generations, could have led to considerable popular opposition.

Various Uzbek scholars argue that the low level of political culture and the inability of the majority of the people with diverse interests to solve these conflicts via democratic procedures could have led to the rise of political extremism. In this situation the strong executive authority headed by President Islam Karimov played a very significant role in preventing explosion and total anarchy during the first few years of independence.

Besides, controlling or crushing competitive politics, president has also been controlling the whole administrative apparatus. According to the Constitution, the president gained exclusive power to (1) appoint and dismiss the prime minister and his deputies, the prosecutor general, the cabinet of ministers, administrative heads at all levels, and the entire judicial branch (including the Constitutional Court), (2) declare a state of emergency and implement extraordinary presidential power at will, (3) dissolve parliament, and (4) approve of heads of key Islam Karimov thus pursued a strategy of weakening regional leaders' influence vis-a-vis the central government and building links with local leaders (Kubick 1998: 31-32).

Toward this aim, in January 1992 he created a new state agency, the State Control Committee under the President of the Republic of Uzbekistan. At the same time, local leader's responsibilities increased vis-a-vis regional leaders and their activities came under tighter central supervision. The local hokimiats and the
Committee for State Control in the President’s Office were formed in order to ensure the timely implementation of the central government’s edicts and directives without question (Yalcin 2002: 149).

A constant feature of politics in Uzbekistan is the primary role of president of Islam Karimov. Even though the post-Soviet Constitution does not allow a person to serve more than two consecutive terms, President Islam Karimov looks to remain in presidential office for well over eighteen years. Following his election by the parliament in March 1999 and December 2007, Islam Karimov sought a popular mandate and won the first and second direct elections in the history of Uzbekistan in December 1991. He defeated Muhammad Solih, leader of Erk, the opposition party, by a convincing margin of 86 to 14 per cent. Islam Karimov’s five year term was to expire in 1995, but a referendum in March of that year extended his presidency until 2000. This extension allowed him to stand for elections for a second consecutive term.

In January 2000 president Islam Karimov was re-elected with over 90 per cent of the votes. Following the launch of the ‘War on Terror’ and Uzbekistan’s new found importance in the US security operation in the region, president Islam Karimov sought to consolidate his position even further and orchestrated another referendum to extend term to seven years. The results of the January 2002 referendum were not surprising. Islam Karimov’s term was extended to 2007. This performance confirmed critical assessments that Islam Karimov has no intention of leaving office. Incidentally, the speaker of the Oliy Majlis, Erkin Khalilov, had indeed suggested that Islam Karimov should be made president for life before the 2002 referendum (Machleder 2002).

Brief account of the institution of the state makes it clear that Uzbekistan’s institutional hierarchy has been carefully crafted to privilege president Islam Karimov. A revealing example of institutional fiddling to ensure total compliance with Islam Karimov’s wishes and to eliminate potential challenges was provided in 1992 when the office of the Vice-President was abolished. Until its abolition, this office was held by Shukrulla Mirsaidov, an able political leader in his own right who did not always agree with Islam Karimov’s policies. Mirsaidov was closely associated with Tashkent-based political leaders who regarded Islam Karimov a political novice.
and his performance lacking in finesse. Mirsaidos was among 200 parliamentary
deputies who signed an open letter in September 1991 criticising president Islam
Karimov’s authoritarian tendencies.

William Fierman a researcher on Uzbekistan has argued that this episode
suggested that Mirsaidov was for a leadership challenge. That is precisely how Islam
Karimov interpreted the open letter initiative. It must have been clear to president
Islam Karimov that he would have to confront Mirsaidov and his allies if he wished to
become the unopposed ruler of Uzbekistan. Disbanding the office of the Vice-
President consolidated the president’s position and gave him unrestrained control over
the executive (Fierman 1991).

President Islam Karimov has been personally involved in selection of the Cabinet
of Ministers and moved to appoint loyal officials, often tied to Samarkand, to
ministerial posts. This arrangement rendered the office of the Prime Minister
symbolic, devoid of real power, as openly admitted by former Prime Minister
Abdulhashim Mutalov, who was removed from office in December 1995.

President Islam Krimov’s power rests on a network of informal relations and
loyalties, as well as formal institutions which allow the centralisation of power and
merging of the executive and the legislative branches of the state. These two pillars of
Islam Karimov’s authority are important for the continued functioning of his regime
and the projected image of legitimacy, even popularity (Matveena 1999).

II

The Legislature: The Parliament (Oliy Majlis)

A legislature is a representative and deliberative assembly with the power to enact and
alter laws. In parliamentary systems of government, the legislature is formally
supreme and appoints the executive. In presidential systems of government, the
legislature is considered a power branch which is equal to and independent of the
executive. In addition to enacting laws, legislature usually has exclusive authority to
raise taxes and adopt the budget and other money bills. The primary components of a
legislature are one or more chambers or houses. A legislature with only one house is
called unicameral. A bicameral legislature possesses two separate chambers, usually described as an upper house and a lower house, which often differ in duties, powers, and the methods used for the selection of members (Hawkesworth and Kogan 2004: 294-297).

In the world most of the parliamentary systems, the lower house is more powerful house while the upper house is merely a chamber of advice or review. However, in presidential systems, the powers of the two houses are often similar or equal. In federations, it is typical for the upper house to represent the component states; the same applies to the supranational legislature of the European Union. For this purpose the upper house may either contain the delegates of state governments, as in the case of the European Union and Germany and was the case in the United States before 1913, or be elected according to a formula that grants equal representation to states with smaller populations, as is the case in Australia and the modern United States.

Initially, Uzbekistan had a unicameral parliament. However, in order to make the parliament more representative in nature, it adopted a bicameral parliament by Constitutional amendment of 27 January, 2002. In 2004 elections, Uzbekistan has a bicameral legislature (Oliy Majlis)-Senate (Upper house), Qoqunchilik Palatasi Kengashi (Lower house). The Oliy Majlis (the Supreme Assembly) is the highest popular representative body of the Uzbek Republic which exercises legislative power. It consists of 220 (120 for lower chamber and 100 for upper chamber) deputies elected by territorial constituencies for a term of five years (Europa Year Book 2008: 4878-79).

The exclusive powers of the Oliy Majlis include: the adoption and amendment of the Constitution, approval of the budget of the republic submitted by the Cabinet of Ministers; the setting of taxes, the adoption of laws, determination of the guidelines of home and foreign policies; determination of the structure and powers of the legislative, executive and judicial branches of the Republic of Uzbekistan, election of the Constitutional Court, the Supreme Court and the Higher Arbitration Court of the republic; ratification of the decrees of the President of the republic of Uzbekistan on

26 One exceptional case is Unite State of America's upper chamber Senate which is more power full than the Representative chamber.
the appointment and removal of the Prime Minister and the members of the Cabinet of Ministers.

Yet, although it has such wide-ranging authority, the Oliy Majlis does not at present enjoy the same status in the political system as the parliaments in other developed democratic countries do. Again, this can be explained mainly by the fact that there are no traditions of parliamentary activity in Uzbekistan.

Since independence, the composition of a new type of parliamentary system in Uzbekistan has passed through following three phases -

**The First Phase (Soviet Era to 1993)**

The first phase begins with the election of the Supreme Council of the Republic of Uzbekistan in December, 1989. The majority of deputies in this parliament were elected without any opposition and almost all of them were on the lists of the Communist Party. In spite of this, the Supreme Council adopted the state's sovereignty in 1990 and state's independence in 1991.

After independence the deputies of Supreme Council played an active role in working out the first Constitution of independent Uzbekistan in 1992. The Supreme Council of Uzbekistan contributed to the formation of new structures of state authority and institutions. The deputies of Supreme Council were adopted laws in the sphere of economic reform which generated and regulated the process of an economy based on free market relations. In spite of all this, the parliament could not become a strong and independent force in society because the executive authority headed by the president played a very significant role in implementation of reforms.

However, the role of the parliament was restricted to a legislative body providing reform policies with minimum participation in political life and being a symbol of stability and accord in society (Kazimemi 2003: 2-3).

**The Second Phase (1994-2001)**

After adoption of the new Constitution Uzbek authority form a new legislature of the nation. The second phase of parliamentary democracy begins with the reorganisation
of the parliamentary system and elections for the new parliament. On 23 September 1994, the 16th session of the Supreme Council of the Republic of Uzbekistan adopted a Resolution to conduct the first elections to the Oliy Majlis. The parliamentary elections were held on 25 December 1994 with two further rounds of voting on 8 and 22 January 1995. The new 250-member parliament, the Oliy Majlis, was elected according to the new law adopted on the elections to Oliy Majlis (Buronov and Kolyeova 2005).

The Supreme Soviet of Uzbekistan passed a law for holding elections on an 'Uzbek way of Multi-Party' system. For parliamentary election 634 candidates were registered for the 250 vacant seats, including 243 candidates from the Peoples Democratic Party of Uzbekistan, 141 candidates from the Vatan Tariqiyoti (Homeland Progress) Party and 250 candidates from local authority bodies. As a result, the following factions were organised in the parliament: 69 of the deputies belong to the PDPU, 14 of the deputies belong to the FPP and 47 of the deputies were drafted to provide the Adolat (Justice) (SWB 1995: 2216 G/2) Social Democratic Party which was formed in February 1995.

In theory the People's Democratic Party of Uzbekistan (PDPU) had only sixty registered members elected to the parliament, with the remaining nine not being members of the PDPU. But the party had recommended them to their constituents and the vast majority of the Deputies selected by the local authorities also have close ties with this party. The ethnic composition of the Uzbek Parliament was as follows: out of the 250 members of the parliament 215 were Uzbeks, five Tajiks, five Kazaks, five Karakalpaks, nine Russians, three Ukrainians, one Kyrgyz, one Turkmen, one Tatar, one Armenian, one Ossetin, one Iranian, one Korean and one Gagauz.

The new parliament with the election of Oliy Majlis in December 1994 and the establishment of the new parliament played an important role in the development of the republic. It was nevertheless a step to establish the multi party system in Uzbekistan.

In the parliament, however, some fifty deputies work on committees on a permanent basis. Most of the deputies also work on state authority bodies. The chairman and speaker of the Oliy Majlis, Erkin Khalilov and his Vice-Chairmen were
elected as the personnel and chairmen of fourteen permanent parliamentary committees. In May 1995, parliament adopted the new Cabinet of Ministers proposed by the president.

Though, the unicameral parliament of that period was not a professional one working on a permanent basis (as a rule parliament convened four times a year) but it was a body that stood out because of its dynamic way of doing business and resolving important legislative tasks in the absence of a legal basis. There was an urgent need for a legal basis in the qualitative sense during that time; that is why the legislative function prevailed over all the parliament's activities.

On 5 December 1999, the second parliamentary elections were held with a second round of voting on 19 December. The election for the unicameral 250 seats Oliy Majlis in December 1999 differed little from the previous elections. The only difference was that this time two more parties took part in the elections, increasing the number of contesting parties to five. All the political parties which had received permission to contest the 1999 parliamentary elections supported the president, and a number of nominally independent candidates had been carefully checked by provincial governors. No genuine opposition candidates were able to gain registration as candidates to stand for the elections. The first round of the election, on 5 December, filled 184 seats with a 93 per cent turnout.

The second round, on 19 December 1999, produced an 87 per cent turnout and filled the remaining seats. 1,240 candidates were registered for the 250 vacant seats including 247 candidates from People’s Democratic Party of Uzbekistan, 133 candidates from Homeland Progress (Vatan Taraqiyot) Party, 222 candidates from Fidokorlar (Self-Sacrificers) National Democratic Party, 156 candidates from Adolat, 113 candidates from National Revival (Milli Tiklanish) Party; 238 candidates from local authority bodies and 131 independent candidates and 190 candidate were rejected (SWB 1999: 3684 G/2). In order to win in the first round, a candidate needed to secure 50 per cent of the vote in a constituency. If a candidate failed to secure the majority of votes and was not running unopposed, then the two candidates with the highest number of votes went through to a run-off.
From the first round of the parliamentary election 98 seats went to independent candidates, 32 were won by the PDPU, *Fidokorlar* came third with 19, *Adolat* and *Vatan Taroqiyoti* secured nine and *Milli Tiklanish* got just six. A further eleven seats went to other independent candidates but in 66 constituencies voting went to the second round. The results from the second round were twelve seats won by independent candidates; sixteen to the PDPU. Two seats were won by independent candidates nominated by local governments, and six seats went to other independent candidates. As a result of the two rounds of voting in Uzbekistan, the following factions were organised in the parliament: 48 of the deputies belong to the PDPU. The deputies belong to *Fidokorlar* were 34, 20 of the deputies belong to *Vatan Taroqiyoti*. Eleven of the deputies belong to *Adolat*. Ten of the deputies belong to *Milli Tiklanish*, 110 of the deputies were elected by the local governments and a further seventeen of the deputies are independents. The electoral system provides universal suffrage at the age of 18, while 25 is the required age to be elected as a member of the parliament. Deputies can be elected only twice in their lives. The electorate in December 1999 consisted of over twelve million people and each constituency needed 40,000 voters to elect deputies.

Analysing the results of the elections to the *Oliy Majlis* and the results of the parliaments activity in the last phase of restructuring the new parliament, it is evident that the *Oliy Majlis* has not yet reached the stage where it can function freely as one of the highest state authorities The parliament is still not in a position to compete for influence with the president and the presidential authority (Kazi 2005: 5-11). One of the determining factors of the parliament’s malaise is the low level of political culture among the population and the backwardness of democratic consciousness. The parliament, like the other institutions of democracy, is currently in no position to become an independent force in the political system.

There is no doubt that the restructuring of the parliamentary system has suggested the making of a political system based on the peoples will, but fulfilling its duty to the people is complicated by its being held accountable to those few directly involved in decision-making processes. The lack of a political and legal culture among the majority of the population also largely determined the selection of the members of
parliament. On the one hand, the fact that a large number of deputies in the parliament are representatives of local authorities is a positive move.

It is also true that the parliament replicates the previous relationship between voters and deputies, when citizens tried to elect their representatives in local government simply to satisfy their emerging local needs. The only difference is that the previous deputies and institutions supported the obsolete Communist ideology. The parliament was a totalitarian body, which was basically directed towards the fulfillment of punitive functions prepared by a few specialists, for example lawyers in the sphere of Constitutional legislation, public and private law (Hunter 1996: 24-25).

The key question is whether it is possible to have a parliament with strong powers and at the same time a strong executive body. A weak legislative authority deprived of influence in society fetters social development, and a strong but weakly controlled executive authority is a threat to society.

It is, therefore, important to establish legislative consolidation of distinct systems of interaction between the legislature and the executive authority. (Critchlow 1998:2) The role of the parliament and its influence on the course of social development is of utmost importance for the maintenance of political and social stability.

Parliamentary control became the most important area of activity of the unicameral Oliy Majlis as the second main function of parliament by its essence, within the framework of which committees and commissions could consider nearly 60 issues annually in the course of monitoring the implementation of laws, conventions and national programs.

The third phase (2002-2005)

This phase was started with the new amendment of 2002 related to Uzbek parliament. On 27 January, 2002 a Constitutional amendment reduced the Oliy Majlis to 120 seats and established a second, 100-member chamber, the Senate, which took office for the first time in January 2005. Members of the Senate are not elected directly; the president appoints 16 members, and six members are chosen by each of the 14 subordinate jurisdictions: 12 Oblast (provinces), the Karakalpakstan Autonomous Republic, and the city of Tashkent. Representation of those jurisdictions in the directly elected Oliy Majlis
is according to population. The national referendum as an important reform, initiated by the President of the country in the sphere of state construction and transition from the unicameral to the bicameral parliament based on amendments made to the Constitution and fundamental Constitutional laws resulted in establishment of both chambers of the country's supreme legislative body, the Legislative Chamber – Qoqunchilik Palatasi Kengashi (the lower chamber) and the Senate (the upper chamber) in January 2005.

The upper chamber of the Parliament, the Senate, was established in the second half of January 2005 based on the principle of territorial representation following the elections of deputies of the Jokarghi Kenes of the Republic of Karakalpakstan, and Kengashes at the regional, district and city levels. At that time they supported and elected 84 members of the Senate in their joint sessions, and 16 senators were appointed by Decree of the President of the Republic of Uzbekistan from among the most prominent citizens of the country with broad experience and special merits in science, literature, production and other spheres of the state and social life.

Establishment of the bicameral parliament moved the legislative branch on to the next step of its evolution. The highest legislative body became a classically professional, national and representative body with a broad range of functions and powers. The transition to a new parliamentary model enabled the parliament to become a body of institutionalisation of interests important for the country and society, as a body exercising control, demanding that existing laws be implemented and closely cooperating with the corps of deputies at a local level. Undoubtedly, the quality of laws adopted improved although the lawmaking process itself became significantly more complicated.

Islam Karimov's power in the parliament has been evident in that body's extension of the presidential term of office from five to seven years in 2002 and by its interpretation that Islam Karimov's first term extended from 1991 to 2000, enabling him to run for a "second" term. Following the two-round parliamentary elections of December 2004 and January 2005, the Oliy Majlis included members from five parties, all of which were pro-government. Some 21 women held seats after the elections of 2004–05.
### Table: 4.2

**Seats Allotted to Area Wise 2004-05 Elections**

<table>
<thead>
<tr>
<th>Province</th>
<th>Number of seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Tashkent</td>
<td>11</td>
</tr>
<tr>
<td>Andijan</td>
<td>11</td>
</tr>
<tr>
<td>Bukhara</td>
<td>7</td>
</tr>
<tr>
<td>Jizzakh</td>
<td>4</td>
</tr>
<tr>
<td>Navoi</td>
<td>4</td>
</tr>
<tr>
<td>Namangan</td>
<td>9</td>
</tr>
<tr>
<td>Samarkand</td>
<td>13</td>
</tr>
<tr>
<td>Syrdarya</td>
<td>3</td>
</tr>
<tr>
<td>Surkhandarya</td>
<td>8</td>
</tr>
<tr>
<td>Tashkent</td>
<td>12</td>
</tr>
<tr>
<td>Fergana</td>
<td>14</td>
</tr>
<tr>
<td>Khorezm</td>
<td>7</td>
</tr>
<tr>
<td>Ksahkadarya</td>
<td>10</td>
</tr>
<tr>
<td>The Republic of Karakalpakistan</td>
<td>7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>120</strong></td>
</tr>
</tbody>
</table>

Source: The Central Election Commission provides statics on the five registered political parties (http://web.amnesty.org/report2004/uzb-summary-eng)

### Table: 4.3

**Parliamentary Election 2004-05: A Summary**

<table>
<thead>
<tr>
<th>Party</th>
<th>Founded</th>
<th>Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>People’s Democratic Party of Uzbekistan <em>(O’zbekistan Xalq Democratik Partiyasi)</em></td>
<td>1 November 1991</td>
<td>580,000</td>
</tr>
<tr>
<td>Justice Social Democratic Party <em>(Adolat Social Demokratik Partiyasi)</em></td>
<td>10 February 1995</td>
<td>50,000</td>
</tr>
<tr>
<td>Uzbekistan National Revival Democratic Party <em>(O’zbekistaan Milli Tiklanish Demokartik Partiyasi)</em></td>
<td>3 June 1995</td>
<td>50,000</td>
</tr>
<tr>
<td>Self-Sacrifice National Democratic Party <em>(Fidokorlar Milly Demokratik Partiyasi)</em></td>
<td>14 April 2000</td>
<td>61,750</td>
</tr>
<tr>
<td>Liberal Democratic Party of Uzbekistan <em>(O’zbekistan Liberal Demokratik Partiasi)</em></td>
<td>15 November 2003</td>
<td>141,818</td>
</tr>
</tbody>
</table>

The Central Election Commission provides statics on the five registered political parties. (Source: http://web.amnesty.org/report2004/uzb-summary-eng)
Table: 4.4

Parliamentary Elections (1994, 1999 and 2004), Political Parties’ Performance

<table>
<thead>
<tr>
<th>Political parties</th>
<th>1994</th>
<th>1999</th>
<th>2004 (Lower house seats) 120</th>
</tr>
</thead>
<tbody>
<tr>
<td>People’s Democratic Party of Uzbekistan (O’zbekistan Xalq Demokratik Partiysi)</td>
<td>69</td>
<td>48</td>
<td>28</td>
</tr>
<tr>
<td>Justice Social Democratic Party (Adolat Social Demokratik Partiysi)</td>
<td>-</td>
<td>11</td>
<td>10</td>
</tr>
<tr>
<td>National Revival Democratic Party (O’zbekistaan Milli Tiklanish Demokartik Partiysi)</td>
<td>-</td>
<td>10</td>
<td>11</td>
</tr>
<tr>
<td>Self-Sacrifice National Democratic Party (Fidokorlar Milliy Demokratik Partiysi)</td>
<td>-</td>
<td>34</td>
<td>18</td>
</tr>
<tr>
<td>Liberal Democratic Party of Uzbekistan (O’zbekistan Liberal Demokratik Partiasi)</td>
<td>41</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local authorities</td>
<td>167</td>
<td>110</td>
<td></td>
</tr>
<tr>
<td>Initiative groups</td>
<td>16</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>120</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


However, it needs to be mention here that in contrast to earlier elections where elections were for 250 constituencies took place. December and January 2004-2005
were election was for 120 constitutes. As per the report of the Uzbek Election Commission 489 candidates took part in the election out of which 54 were independent. In this election five parties participated in the elections.

Regarding the nature of election it was stated by the Commonwealth of Independent States (CIS) observers that elections in Uzbekistan were ‘legitimate, free and transparent “and only “insignificant shortcomings and omissions” that “did not have a substantial impact on the free expression of voters’ took place.”

However, the OSCE, which sent its observers for the election, gave a completely different report. According to the OSCE the election in Uzbekistan fell “significantly short of OSCE commitments and other international standards of democratic elections.” The OSCE further pointed out that “Uzbek authorities failed to ensure a pluralistic, competitive and transparent election.”

For that reason, parliamentary and presidential elections are very important to the regime not because they provide an opportunity of lawful transition, but because of their symbolism, they invariably, reaffirm the image of popularity that Uzbek leadership needs to justify its rule. Constructing and maintaining the façade of a popular mandate is an ongoing project that is intended to address domestic and external critics, Tashkent insists that Uzbekistan has moved away from Soviet practices of sham elections where the ruling Communist Party nominated one candidate for each parliamentary seat. All three 1994, 1999 and 2004-2005 parliamentary election were contested by a number of political parties and multiple candidates. In 1999 elections, the PDPU won 48 seats, followed by Fidokorlar (34 seats) and Vatan Taroqiyoti.

The appearance of multiparty elections, however, cannot mask the fact that these were highly elaborate exercise in delusion. None of the contesting parties had a platform that seemed even remotely silent from the government’s agenda. In 1995, Adolat (Justice) and Milli Tinkanish (National Renaissance) were formed in response to criticism that Uzbekistan was not making progress towards a multi-party system. This situation seems to confirm reports that president, Islam Karimov, regarded the emergence of public organisations and political parities as a sign of anarchy—that is, the failure of state authority. But political expediency forced the leadership to retract
these explicitly anti-democratic propositions and allow a semblance of multi-party system. In January 1999 a new party was registered, just in time for the coming parliament polls, Fidokorlar (Self Sacrificers) declared its loyalty to president Islam Karimov and his policies at its inaugural meeting and, in the following year, nominated him for re-election in the 2000 presidential elections. The proliferation of political parties in the mid to late 1990s helped move the political system away from the dichotomous model of ruling party versus loyal opposition. President Islam Karimov helped in the acceleration of this process by resigning as head of the PDPU in 1996 which allowed him to preside above and beyond party politics. The sharp drop in the PDPU's parliamentary seats at the last elections indicted the extent of its shift. The spread of the popular vote for registered parties, all which have publicly declared all allegiance to president Islam Karimov, suggest that political parties are in effect, irrelevant to Uzbekistan. Despite this, these parties have an important public-relations role to play and will continue to be visible on the political scene. In April 2000 Fidokorlar was merged in the Vatan Taraqiyot leading to its emergence as the largest party block in the Oliy Majlis.

However, all post-soviet elections and referendums have been criticised by international observers as fraught with irregularities and falling short of acceptable standards for 'free and fair' elections. The December 1991 presidential elections were perhaps the most open public contest, taking place in an atmosphere of optimism. By 1990, the gradual withdrawal of Moscow from Central Asian affairs had provided for certain openings in the political sphere. Two secular political parties led movement for Uzbek national assertiveness at the time: the Brlik popular movement and the Erk Democratic Party. These parties held an ambiguous position on the question of secession from the Soviet Union. While highly critical of Moscow for its exploitation of Uzbek resources and the environmental disaster caused by the Soviet imposed cotton monoculture, they refrained from calling for a clean break with the Soviet Union. Instead they confined themselves, by and large, to propagating the promotion of Uzbek language and culture, they were critical of the Communist Party leadership, at the time under Islam Karimov's first secretariat, for its failure of upholding Uzbek identity in the face of the ongoing Russianisation of the public sphere.
According to Fredriech Starr the normal parliamentary processes sets in motion developments that were not favoring democratisation. Interviews with the delegates of the Uzbekistan parliament confirm this truth. A delegate may have been designated to stand by local clans, magnates, or power brokers. Or he or she may have been nominated “from above” and selected through a dubious election. Yet when that person acquires an office, a government telephone, a visiting card identifying him as a member of parliament, and a conspicuous badge for his lapel, he comes to view himself differently. Visits from foreign parliamentarians, participation in national and international conferences, and appearances on local television all serve to reinforce the delegate’s view of himself as a significant element in the national political process, no longer a mere subject but a true public citizen. These processes have been going forward steadily even in Uzbekistan (Starr 2006: 22).

According to him, annual meetings with key delegates to the Oily Majlis over three years between 2001 and 2004 produced clear evidence that they were being steadily acculturated to parliamentary life. All had used the time to study the practices of parliaments abroad. All had had contact with foreign parliamentarians and all had grown more astute in their analyses of the good and bad features of each. Nor should this be surprising. As noted above, President Karimov understood that parliament could provide a counterbalance to the unlimited aspirations of clans, families, and magnates. This has actually strengthened the parliament. But Karimov evidently considers this a small price to pay if it increases his own freedom of action vis-à-vis the all-powerful clans and families that put him in power.

The active work of political party fractions in the new environment of a bicameral system, as well as the existence of pressing issues and new challenges were among the factors which defined the importance of adopting the Constitutional law “On strengthening the role of political parties in renewal and further democratisation of the state authority and modernisation of the country” in 2007, which was introduced to the parliament by Islam Karimov, the President of Republic of Uzbekistan by way of legislative initiative.

The Parliament had already gained experience in the preliminary consideration of bills because political party fractions are obliged to take their opinions into account during debates over legal acts in the plenary sessions of the Legislative Chamber. The
fact that a joint control and oversight activity was conducted by both chambers to ensure interaction between the Senate and regional bodies of representative branches legislatively became yet another of the national parliament's considerable achievements.

Today according to the practice of lawmaking process, first laws are considered and then passed in the Legislative Chamber in three readings. Usually in the first reading legislators approve a general concept and principal provisions of a bill, in the second reading they consider every article in great detail and vote on them separately, and in the third reading they debate the draft bill as amended. After this, a law passed by the lower chamber is submitted to the Senate for approval.

The role of the Senate of the Oliy Majlis is apparent when the upper chamber debates laws passed by the lower chamber, placing an emphasis on how the interests of all regions of Uzbekistan are reflected in them. By doing this it serves as a special "filter" aimed at ensuring the legal harmonisation of regional and national interests.

Table: 4.5

Comparison between Senate and Legislative Chambers functions

<table>
<thead>
<tr>
<th>Powers of the Legislative Chamber for joint competence with the Senate shall be:</th>
<th>Powers of the Senate vested for joint exercise with the Legislative Chamber shall include:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Adoption of the Constitution of the Republic of Uzbekistan, and introduction of changes and amendments therein;</td>
<td>1) Adoption of the Constitution of the Republic of Uzbekistan, and introduction of changes and amendments therein;</td>
</tr>
<tr>
<td>2) Adoption of Constitutional laws, laws of the Republic of Uzbekistan, and introduction of changes and amendments therein;</td>
<td>2) Adoption of Constitutional laws, laws of the Republic of Uzbekistan, and introduction of changes and amendments therein;</td>
</tr>
<tr>
<td>3) Decision to conduct a referendum of the Republic of Uzbekistan and determination of the date of its holding;</td>
<td>3) Decision to conduct a referendum of the Republic of Uzbekistan and determination of the date of its holding;</td>
</tr>
<tr>
<td>4) Determination of the main directions of the domestic and foreign policy of the Republic of Uzbekistan and adoption of strategic government programs;</td>
<td>4) Determination of the main directions of the domestic and foreign policy of the Republic of Uzbekistan and adoption of strategic government programs;</td>
</tr>
</tbody>
</table>
5) Establishment of the system and powers of the legislative, executive, and judicial branches of the government of the Republic of Uzbekistan in compliance with the Constitution of the Republic of Uzbekistan;

6) Admission of new states into the Republic of Uzbekistan and approval of their separation from the Republic of Uzbekistan;

7) Legislative regulation of the customs, currency and lending;

8) Establishment of taxes and other dues;

9) Legislative regulation of the issues of the administrative – territorial structure and change of the borders of the Republic of Uzbekistan;

10) Establishment, elimination, renaming of the districts, cities, regions and changing their borders.

11) Adoption of the State budget of the Republic of Uzbekistan on the proposal of the Cabinet of Ministers of the Republic of Uzbekistan and overseeing its implementation;

12) Establishment of state awards and titles;

13) Approval of the decrees of the President of the Republic of Uzbekistan on establishment and termination of ministries, state committees, and other state governance bodies;

14) Establishment of the Central Electoral Commission of the Republic of Uzbekistan;

15) Review and approval of the candidacies of the Prime Minister of the Republic of Uzbekistan, his first deputy and deputies by the nomination of the President of the Republic of Uzbekistan;

Members of the Cabinet of Ministers of the Republic of Uzbekistan shall be approved by the President of the Republic of Uzbekistan on proposal of the Prime Minister of the Republic of Uzbekistan;

16) Election of the Commissioner of the Oliy Majlis of the Republic of Uzbekistan for Human Rights and his deputy;

17) Review of the report of Controller’s Office of the Republic of Uzbekistan,

---

5) Establishment of the system and powers of the legislative, executive, and judicial branches of the government of the Republic of Uzbekistan in compliance with the Constitution of the Republic of Uzbekistan;

6) Admission of new states into the Republic of Uzbekistan and approval of their separation from the Republic of Uzbekistan;

7) Legislative regulation of the customs, currency and lending;

8) Establishment of taxes and other dues;

9) Legislative regulation of the issues of the administrative – territorial structure and change of the borders of the Republic of Uzbekistan;

10) Establishment, elimination, renaming of the districts, cities, regions and altering of their borders;

11) Adoption of the State budget of the Republic of Uzbekistan on the proposal of the Cabinet of Ministers of the Republic of Uzbekistan and overseeing its implementation;

12) Establishment of state awards and titles;

13) Approval of the decrees of the President of the Republic of Uzbekistan on establishment and termination of ministries, state committees, and other state governance bodies;

14) Establishment of the Central Electoral Commission of the Republic of Uzbekistan;

15) Review and approval of the candidacies of the Prime Minister of the Republic of Uzbekistan, his first deputy and deputies by the nomination of the President of the Republic of Uzbekistan;
<table>
<thead>
<tr>
<th>18) Approval of the decree of the President of the Republic of Uzbekistan on declaration of war in case of attack on the Republic of Uzbekistan or in case of necessity to fulfill treaty liabilities on collective defense from aggression;</th>
<th>Members of the Cabinet of Ministers of the Republic of Uzbekistan shall be approved by the President of the Republic of Uzbekistan on proposal of the Prime Minister of the Republic of Uzbekistan;</th>
</tr>
</thead>
<tbody>
<tr>
<td>19) Approval of the decrees of the President of the Republic of Uzbekistan on declaration of general or partial mobilization, introduction, extension and cessation of the state of emergency;</td>
<td>16) Election of the Commissioner of the Oliy Majlis of the Republic of Uzbekistan for Human Rights and his deputy;</td>
</tr>
<tr>
<td>20) Decide on ratification and denunciation of the international treaties of the Republic of Uzbekistan;</td>
<td>17) Review of the report of Controller’s Office of the Republic of Uzbekistan,</td>
</tr>
<tr>
<td>21) Exercise of other powers granted under the Constitution of the Republic of Uzbekistan; The issues of joint competence of the chambers shall be first considered in the Legislative Chamber, then in the Senate</td>
<td>18) Approval of the decree of the President of the Republic of Uzbekistan on declaration of war in case of attack on the Republic of Uzbekistan or in case of necessity to fulfill treaty liabilities on collective defense from aggression;</td>
</tr>
<tr>
<td>19) Approval of the decrees of the President of the Republic of Uzbekistan on declaration of general or partial mobilization, introduction, extension and cessation of the state of emergency;</td>
<td>20) Decide on ratification and denunciation of the international treaties of the Republic of Uzbekistan;</td>
</tr>
<tr>
<td>21) Exercise of other powers granted under the Constitution of the Republic of Uzbekistan; The issues of joint competence of the chambers shall be first considered in the Legislative Chamber, then in the Senate</td>
<td></td>
</tr>
</tbody>
</table>

### Exclusive powers

<table>
<thead>
<tr>
<th>Exclusive powers of the Legislative Chamber shall consist of (art 9):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Election of the Speaker of the Legislative Chamber and his deputies, chairs of committees and their deputies;</td>
</tr>
<tr>
<td>Decide on withdrawal of immunity of a deputy of the Legislative Chamber on request of Prosecutor General;</td>
</tr>
<tr>
<td>Adoption of Regulations and other issues related to the organization of its work and internal order of business of the chamber;</td>
</tr>
<tr>
<td>Adoption of resolutions of the Legislative Chamber on the issues of political and socioeconomic life, and the issues of internal and foreign policy of the state.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Exclusive powers of the Senate shall include (art 9):</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Election of the Chair of the Senate and his deputies, chairs of committees and their deputies;</td>
</tr>
<tr>
<td>2) Election of the Constitutional Court of the Republic of Uzbekistan on proposal of the President of the Republic of Uzbekistan;</td>
</tr>
<tr>
<td>3) Election of the Supreme Court of the Republic of Uzbekistan on proposal of the President of the Republic of Uzbekistan;</td>
</tr>
<tr>
<td>4) Election of the Supreme Trade Court of the Republic of Uzbekistan on proposal of the President of the Republic of Uzbekistan;</td>
</tr>
<tr>
<td>5) Appointment and dismissal of the chairman of the State Committee for Protection of Nature and his deputies on proposal of the President of the Republic of Uzbekistan;</td>
</tr>
<tr>
<td>6) Approval of the decrees of the President of the Republic of Uzbekistan on appointment and dismissal of the Prosecutor General of the Republic of Uzbekistan and his deputies;</td>
</tr>
<tr>
<td>7) Approval of the decrees of the President of the Republic of Uzbekistan on appointment and dismissal of the Chairman of the National Security Service of the Republic of Uzbekistan;</td>
</tr>
<tr>
<td>8) Appointment and dismissal of the diplomatic and other representatives of the Republic of Uzbekistan abroad on proposal of the President of the Republic of Uzbekistan;</td>
</tr>
<tr>
<td>9) Appointment and dismissal of the Chairman of the Board of the Central</td>
</tr>
<tr>
<td>Bank of the Republic of Uzbekistan on proposal of the President of the Republic of Uzbekistan;</td>
</tr>
<tr>
<td>10) Adopt amnesty acts on proposal of the President of the Republic of Uzbekistan;</td>
</tr>
<tr>
<td>11) Withdrawal of the immunity of a member of the Senate on petition of the Prosecutor General of the Republic of Uzbekistan;</td>
</tr>
<tr>
<td>12) Hear the reports of the Prosecutor General of the Republic of Uzbekistan, Chairman of the State Committee for Protection of Nature, and of the Chairman of the Board of the Central Bank of the Republic of Uzbekistan;</td>
</tr>
<tr>
<td>13) Adoption of the Regulations and other issues related to the organization of its work and internal order of business of the chamber;</td>
</tr>
<tr>
<td>14) Adoption of resolutions of the Senate on the issues of political and socioeconomic life, and the issues of internal and foreign policy of the state.</td>
</tr>
</tbody>
</table>

The order of election, appointment, and dismissal of government officials by the Senate on the proposal of the President of the Republic of Uzbekistan shall be determined in the Regulations of the Senate.


A joint activity of the Legislative Chamber and the Senate of the Oliy Majlis in 2005-2007 resulted in the adoption of new laws. Several dozens of new bills and laws are currently being examined in the committees and commissions of both chambers, which are to be considered during the next plenary sessions (Embassy of Uzbekistan in Turkey: 2008). An overall analysis of the lawmaking function of the Oliy Majlis highlights the following distinct features:

First, as the country entered into new stages of development and the practice of law administration there was an increased tendency to improve laws that had been adopted previously;
Second, the lawmaking process became more branch-based trying to introduce legal regulations with regard to specific spheres;

Third, legal acts drafted and introduced to the floor (parliament session) jointly by several committees and commissions increased in number;

Fourth, More and more representatives of NGO’s, self-governed institutions of citizens, scientists, experts, unions of workers and business circles became involved in the law drafting process, which was an indication of development of the public relations of the parliament.

Table: 4.6

<table>
<thead>
<tr>
<th>Country</th>
<th>PPI</th>
<th>Country</th>
<th>PPI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albania</td>
<td>.75</td>
<td>Lithuanian</td>
<td>.72</td>
</tr>
<tr>
<td>Armenia</td>
<td>.53</td>
<td>Macedonia</td>
<td>.78</td>
</tr>
<tr>
<td>Azerbaijan</td>
<td>.44</td>
<td>Moldova</td>
<td>.72</td>
</tr>
<tr>
<td>Belarus</td>
<td>.28</td>
<td>Mongolia</td>
<td>.81</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>.78</td>
<td>Poland</td>
<td>.66</td>
</tr>
<tr>
<td>Croatia</td>
<td>.72</td>
<td>Romania</td>
<td>.72</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>.78</td>
<td>Russia</td>
<td>.44</td>
</tr>
<tr>
<td>Estonia</td>
<td>.75</td>
<td>Slovakia</td>
<td>.72</td>
</tr>
<tr>
<td>Georgia</td>
<td>.59</td>
<td>Slovenia</td>
<td>.78</td>
</tr>
<tr>
<td>Hungary</td>
<td>.69</td>
<td>Tajikistan</td>
<td>.41</td>
</tr>
<tr>
<td>Kazakhstan</td>
<td>.31</td>
<td>Ukraine</td>
<td>.50</td>
</tr>
<tr>
<td>Kyrgyzstan</td>
<td>.41</td>
<td>Uzbekistan</td>
<td>.28</td>
</tr>
<tr>
<td>Latvia</td>
<td>.84</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Source: Fish 2005: 2006)

A comparison between the parliamentary power index and World Governance Survey shows the relationship between the powers and effectiveness of parliament and condition of the governance in a country. Mongolia with maximum points score in the list of compared countries scores also provides highest score in the governance score index. Similarly Bulgaria with second rank in terms of parliamentary power scored second in the World Governance Survey.
The President controls the legislative authority in full. The parliament election taken place in 2004 showed a complete controllability over the election processes in the republic. No one of the opposition parties was registered and admitted to the election. In this respect, from the view of the composition, the executive and legislative authorities have not undergone any changes throughout the period of building up the Uzbekistan States. The authority and political institution reforms have been implemented, but the Parliament composition, both in lower and upper Chambers were composed of the people loyal to the Uzbek President, and they continue to remain the same.

III

Political Parties and Party System In Uzbekistan

Parties play an important role in the development of the democratic system. There are various ways of defining party and a simple definition can neither solve the problem nor satisfactorily capture the distinction between parties and other institutions. Nevertheless, the definition of 'party proposed by Alan Ware has much relevance. He defines the political party as an institution that (a) seeks influence in a state, often by attempting to occupy positions in government, and (b) usually consists of more than a single interest in the society and so to some degree attempts to aggregate interests (Ware 1996: 1-10). As far as the structure of political parties is concerned, Maurice Duverger separates two aspects of party structures, the organisation and membership. With respect to organisation, he distinguishes four kinds of what he terms 'basic elements'. The first two consists of the cell found in conventional Communist Parties, and the militia, found in fascist parties. The other two are the caucus and the branch. As there are no fascist parties in Uzbekistan the militia cell is unimportant for the purpose of this study.

Although, the old Communist Party of Uzbekistan has renamed itself as the People's Democratic Party of Uzbekistan we need to look at the conventional Communist Party's has really changed. The caucus and the branch are of great interest as new parties have been formed and the old Communist Party has transmuted. Duverger defines the caucus as a closed group consisting of a small number of
members who do not try to increase their numbers, while the branch is extensive...tries to enroll members, to multiply their number, and to increase its total strength' (Duverger 1954: 17-35). With respect to membership, Duverger makes a further distinction between cadre and mass parties, this distinction being in regard to their structures.

Cadre parties are which can be characterised as the ruling party, was headed by President Islam Karimov until June 1996. Vatan announced itself as a party of constructive opposition. Hence a two-party political system emerged. In the first half of 1995, however, two new parties and a political movement were created. The two parties were Adolat (justice) Social Democratic Party not to be confused with the banned Islamic movement Adolat, and Milli Tiklanish (National Rebirth) Democratic Party. The political group was the Xalq Birligi (Peoples Unity) Movement. In December 1998 Fidokorlar Milliy Demokratik Partiyasi(Self-Sacrificers National Democratic Party) was set up as a new party. Currently, the largest, strongest and best-organised party in Uzbekistan is the People's Democratic Party of Uzbekistan (O'zbekistan Xalq Democratik Partiyasi)(Phool Badan 2001: 108-109).

Following is the description of both the theoretical and functional aspects of various political parties functioning in Uzbekistan:

People Democratic Party of Uzbekistan (O'zbekistan Xalq Democratik Partiyasi)

The old Communist Party of Uzbekistan held its 22nd Congress in 1990 and its delegates accepted a slightly different charter for the party which stressed the value of sovereignty for Uzbekistan (Saidmuradov 2004: 16-17). After the failed August military coup in Moscow and the unresolved negotiations over the new Union with Gorbachev, which finally ended with the dissolution of the Soviet Union, the party held its 23rd General Congress on 1 November 1991. It adopted a rather different charter, departing from the old Communist values and opting for independence for the republic (Babak 2004: 390-391).

The old Communist Party was above the people and did not even attempt to take any of the diverse interests into account. There was the Communist ideology and everybody had to obey it whether they liked it or not. Any ideology staying far away
from its people is bound to fail - the collapse of the Soviet Union had proved this. So with the 22nd congress a new ideology was adopted which brought the people closer to each other, and with the 23rd Congress taking all of this into account, party adopted policies based on the universal values of human rights, the market economy and 'Oriental Democracy'.

The PDPU a completely different political party from the former Communist Party, either in its membership or in its administrative infrastructure, but it has shown signs of change. It has jettisoned the old Communist ideology. In 1993 party has 337,000 members; 59 per cent of them are workers and peasant, 44 per cent white collar workers, 21% women; 56 of party members were aged 31-50, 18 per cent under 30, and 25 per cent over fifty, PDPU including Uzbek -79 per cent, Russians, Kazakhs, Tadjik, Koreans and Ukrainians; 75 per cent of Supreme Soviet deputies were party members (SWB 1993: 1664 B/16). It has played an important role in the transfer of power from the Party to the state. It also contributed to the introduction of the principles of a market economy and privatisation, recognises the rights of minorities living in Uzbekistan and advocates a state based on the principles of law. The PDPU has a General Congress which meets every five years, shortly before general elections, a central Party Council of 150 people and an Executive Committee made up of twelve. President Islam Karimov was the chairman of the party until 15 June 1996. After his resignation from the party the chairmanship was abolished. The Secretary of the Central Council of PDPU is a doctor of Professor Abdulkhafis Jalolov.

On 1 November 1991 the party had about 351,000 members of whom 80,000 were not members of the Communist Party. By the end of 1998 membership had reached 500,000. In theory, anyone who has reached the age of eighteen can become a member of the party, though, in practice, the party executive council determines the membership. Members have to pay one per cent of their salaries every month. Members who have financial and health problems are temporarily exempted and the wealthy members are encouraged to contribute more (Babak et al 2004: 390-91).

If we tool at the ethnic composition of the party, - 81 per cent of its members are Uzbeks, the remainder being Tajiks (four per cent), Kazaks (4.5 per cent), Russians (three per cent), Karakalpaks ( three per cent), Tatars (1.3 per cent) Kyrgyz (0.8 per
cent), Ukrainians (0.3 per cent) and others (one per cent). Just over 25 per cent of the total membership is female. The party has its central office in Tashkent and 13,365 offices all over Uzbekistan. The PDPU took over all the properties of the old Communist Party of Uzbekistan and oversees its press network. The official party organ is Qoziktton Ovozi (Voice of Uzbekistan), an Uzbek newspaper which is published three times a week, A Russian version of Voice of Uzbekistan is published once a week and a journal, Afuiakat, is published in Uzbek once in a month. It focuses on social, political and economic issues. The new party programme and the charter have been renewed and published in 1995. The party was able to retain the Communist Party's foil arsenal of management skills, intellectual potential, and the middle and high echelon party members. Moreover, in spite of some of its members leaving the party during 1991-92, it was later able to attract large numbers of business people, and a considerable number of active, sincere youths who are now the core of the party.

Imposing firm discipline and enjoying a strong material and informational base, the party far slightly emphasized the activity of local structures, especially tvahallai. Involvement in the everyday concerns of citizens provided the legitimacy for the PDPU's existence. The party has a strong influence on society as a result of Islam Karimov’s leadership, which encouraged the leaders of the PDPU to identify their programme and documents, with the strategy and tactical tasks of the president; the party supports the formation of a social market economy, the formation of a legal, democratic country, and evolutionary methods of reformation. It also supports equal rights for the different nationalities in Uzbekistan, in order to maintain national accord in society.

The party garners support not only from Uzbeks, but also from other ethnic groups, especially Russians. In this connection the programme of the party contains a proposition about the national revival of Uzbekistan which undoubtedly attracts the support Uzbek people. Thus, the PDPU strives to become a nation-wide party which expresses the interests of the whole society. The party was an elite-based cadre party until June 1996 since almost all the policies were shaped by President Islam Karimov.

After the resignation of Uzbek president, Islam Karimov, from the party, power has been transferred to the Executive Committee. The party is now a hybrid of an elite
and a membership party, though the activists have little direct influence over the policy of the party. The control over the nomination of deputies is vested both in local constituencies, in which members vote, and the party (Central Executive Committee) policy is made by party elites. The party is also an example of a party with a mass base, but power does not reside even formally with that base. The party neither relies on membership fees to fund party activities, nor does it recognize that party members have certain rights to influence at least some party affairs.

It is more like a social democratic conservative party which has nationalist aspirations but at the same time tries to present itself as a bulwark for inter-ethnic harmony in the republic. The most serious defect of this party is that it seems to speak only to itself. It shows no desire to engage with other parties and movements which have similar programmes and objectives, but rather treats them and their leaders as opponents, for example the Vatan Turaqiyoti.

**Justice Social Democratic Party (Adolat Social Demokratik Partiyasi)**

The Justice Social Democratic Party (*Adolat Social Demokratik Partiyasi*) was formed on 8 February 1995. The party leader is a well-known journalist, Anvar Djurabacv, and the chairman or the party is Turghunpulat QbSdobic Daminov. The party consists of a council of 49 people, an executive body of eleven people and six secretaries. It has established a central office in Tashkent, one in Karakalpakstan and in addition to these there are 12 main regional offices and 147 district-based offices. All over the country there are 1,021 offices in total. It has just over 30,000 members and the vast majority are said to be teachers and lecturers. Those who agree with the party-ideology and the programme can become members. The minimum age for membership is nineteen and members must pay at least one per cent of their monthly salaries towards their membership. The poor and pensioners are not required to pay a membership fee. The *Adolat* party has almost 30 per cent female members (Cherian 2005: 40-41).

The party has own news paper. The newspaper of *Adolai*, which is in Uzbek. 10,000 issues are published and sold weekly. According to the programme, the ASDP advocates a political system based on universal social democratic principles, a care
for the poor and people with low income and a state based on the principles of law are essential. It rejects Communist ideology, but has an interest in international socialism.

The party supports an economic policy based on a gradual transition to a socially oriented market economy where the government should have more say and supports the implementation of a strong social policy and retention of the state's position in the economy with equality of different forms of ownership of strives to become a champion of social democratic ideas in society, but a most of these ideas are implemented by the People's Democratic Party of Uzbekistan, the party is nor yet ready to compete with the PDPU, nor indeed with any others. It is poorly organized, weak, and unable to deal with social issues. In particular, the absence of a strong leader hinders its ability to compete with the PDPU, the party also find itself difficult, like Vatan Taraqiyoti and the Milli Tiklanish Demokratik Partiyasi, to consolidate and widen its influence in the society, or strengthen itself financially.

**Uzbekistan National Revival Democratic Party (O'zbekistaan Milli Tiklanish Demokratik Partiyasi)**

The party was formed in April 1995 and held its first General Congress on 3 June 1995. The founder of the party is a scientist, Aziz Kayumov. It has a central executive body of over fifty people and one central office in Tashkent, with 14 regional offices. It has about 74 offices all over Uzbekistan, and 10,000 members, most of whom are scientists and artists. The leader of the party is Ibrahim Gofurov. The membership requirement age is over eighteen and prospective members have to apply in writing. It has about 15 per cent female members. According to the programme and charter of the party, its main aims are to work for national progress, to strengthen and maintain the country's independence, and to assist the president in even, way to implement social, economic, and political reforms, step by step without any rush, throughout the transition period. It also advocates a democratic law based state founded on the principles of the market economy and the revival of the spiritual and cultural traditions of the Uzbek people (Lung 2002: 126-29).

The party has a weekly newspaper, *Milli Tiklanh*, 6,000 issues of which are published in Uzbek. It has a faction in the parliament consisting of ten MPs. Despite being dominated by scientists and artists, the party potentially represents the views of
many more Uzbeks with regard to national reawakening. However, it has not yet been able to tap into this well of potential support.

**Self-Sacrifice National Democratic Party (Fidokorlar Milliy Demokratik Partiyasi)**

The party was formed on 28 December 1998 in Tashkent. The party leader is Erkin Norbutaev. The party, at the time of its creation, consisted of a council of 37 people, an executive body of 12 people and four party secretaries. It has established a central office in Tashkent, one in Karakalpakstan and, in addition to these there are 12 main regional offices and 202 district-based offices. Across the country there are 2,000 offices in total. It has just over 14,000 members and the vast majority are said to be young people. It has 30 per cent female members. The party has a newspaper, *Fidokorlar*, which is in Uzbek and is published three times in a week, 60,000 issues are published weekly.

According to its programme, the FMDP advocates a political system based on the principals of liberal democracy and supports an economic policy based on open and free market principles. Although this party is still too young to compete with the PDPU, it seems to be in a better state than the *Vatan Taraqiyot*, the *Adolat* and the *Milli Tiklanish*. The party managed to send 34 deputies to the *Oliy Majlis* after the December elections of 1999. It also nominated Islam Karimov for presidential elections. In early April 2000 the Uzbek President Islam Karimov was very much interested in the party's charter and programme and wanted himself to be nominated by the FMDP. The FMDP, however, on 14 April 2000 held a joint General Congress with the *Vatan Taraqiyot* in Tashkent and the delegates adopted a resolution to merge the two parties. The new united party adopted the name *Fidokorlar*, and now has an estimated 60,000 combined members and a total of 54 deputies in the parliament, making it the second largest parliamentary faction. Its leader remains Erkin Norbutaev and a working group was set up to draft the party's new programme and statutes.

The party system in Uzbekistan has shown that at the present stage there is only single political party that can still influence social life and the reformation process. The PDPU enjoys its dominant role as successor to the old Communist Party and, gives impression that it was the only party in the country for the last seven decades; the PDPU enjoys clear advantages over other political parties. The main weakness of
the PDPU is that it strives to become a nationwide party, expressing the interests of all existing and emerging strata and groups in society without acknowledging the conflicting views and interests of these groups.

The party structures have also been bypassed by the president and its power has shifted to the government agencies headed by his personal allies and staff. Thus, the dominant role of the government at all levels of the country's transformation has obviated the role of other parties as a channel of information between the citizens and the state. The president conveys his messages to the public directly rather than through parties. It is, therefore, important to note that at the present stage the remaining political panics have not shown themselves, in terms of programme, ideology or leadership, as opposition panics in the real sense.

Most of the analysts believe that they hardly differ from one another and are 'government-friendly parties which have been created on the president's initiative for two main reasons. First, to assist the government throughout the transition period to implement the economic reforms at home, and second, to respond to critics who accused the president for not allowing opposition parties be formed. The parties do not have any appropriate party ideology in terms of a unified system of views on the political, economic and spiritual development of society and the hardly have any distinctive organisational structures. All the parties, except the PDPU, have failed to gain support in the rural areas. Indeed, many rural people are not even aware of their existence.

The political parties, in Uzbekistan, are basically of the metropolitan and provincial intelligentsia. They are mainly parties organised by groups of people holding similar views. The nature of the formation of the party system in Uzbekistan is based on the fact that parties are formed from above while the normal process of formation of parties is via initiatives from below. Therefore, possibly all the defects of the present party activity is the result of this artificial growth of parties.

The present-day party system in Uzbekistan can be characterised only as a system with one dominant party, the PDPU, and a host of others imitating the main party. The process of forming new parties is certainly not over. New parties may emerge as a result of splits that already exist within all the panics or as a result of more parties.
being formed from above. Only the course of events will show how viable they are and what place they will take in the spectrum of political parties in contemporary Uzbekistan. The course of further reforms and the resultant changes in society will undoubtedly have a decisive influence on the development of the multi-party system.

It is also important to note that the multi-party system exists as an institution of democracy like all other institutions established or reformed in the republic, and only the process of democratic reforms will fill it with a content that will complete the organisation and structure. The course of reforms, democratic transformation and changes in the economy will lead to the emergence of new interest and power groups. Each will strive to increase its role in society and this may form the basis for the emergence and existence of new opposition forces with the priorities of national ideas, national accord and regional stability.

_The Homeland Progress Party (Vatan Taraqiyoti Partiyasi)_

The Homeland progress party was registered on 10 July 1992. It has officially registered as an 'opposition political party. The first chairman of the party, Anvar Yuldashev, was one of the founders of the _Birlik_ movement. Since 1998 its chairman has been Ahtam Tursunov. The party has a Central Advisory Council of 37 people and four party secretaries. Its organizational structure consists of a central council, regional and district committees, and political clubs.

The party committee tends to choose its members from among business people, students, tradesmen and women and intellectuals. The minimum age for membership is nineteen and almost 95 per cent of the members are said to be Uzbeks, though there seem to be members from other ethnic groups, e.g. Russians, Kazaks, Tajiks, Turkmen and Jews. Just eight per cent of the members are women. Prospective members have to apply in writing. Members are required to pay one per cent of their monthly salaries to the party. It claims to be the party of business people. On 4 July 1996, it set up a business club to attract more businessmen and women. The new programme and charter of the party was adopted during the meeting of the Second General Congress on 9 September 1993, and by August 1996 it had about 35,000 members. The party also has deputies in the president's council. It has a weekly
newspaper which is published in Uzbek about 10,000 issues of which are published and sold every week. (Babak 2004: 406-407)

It the time of the party’s foundation, it proclaimed itself as a party of the intelligentsia, entrepreneurs and youth, but since then it has failed to express or realize the interests of these groups. In the party newspaper Vatan there are almost no articles about the problems, lives of or any events relating to these groups of people. There is no analysis of changes in society, almost no articles about the political reform process or problems facing political parties, and there is hardly any analysis of the course of the economic reforms. The economic publications are mainly about the activities of this or that enterprise without revealing the problems facing the development of entrepreneur. This newspaper is devoted mainly to questions of culture, art, history, speeches of the president and official documents. According to its programme, the party, like the PDPU, advocates liberal democracy, rights and freedoms of the citizens, and the gradual development of a liberal market economy. It is, however, poorly organised, weak, unable to deal with social issues, and fails to cooperate with other parties and movements. The absence of a strong leader hinders its ability to compete with the PDPU. It also finds it difficult to consolidate and widen its influence in society, or strengthen itself financially.

*Peoples Unity Movement (Xalq BirligiXarakoti)*

The *Xalq BirligiXarakoti* was created on 27 May 1995. The initiators of the movement were a group of public figures who were the representatives of various ethnic groups and who were the official leaders of these groups’ cultural centers in the country. This movement was planned to be a public movement supporting the introduction of the economic reform policies of President Islam Karimov and helping in their implementation by holding in check ethnic tensions. It is a united body of different nationalities who advocate national accord and the equal development of all people in Uzbekistan. Turabek Dalimov was elected as Chairman of its Central Council in 1995. The programme and charter of the movement was approved and it has a weekly newspaper, *Xalji Birligi*, The leader of the movement is now Rasulov Karim Rasulovich.
The movement does not have a permanent official membership, though collective membership is allowed and this makes it difficult to determine its size. The movement represents 23 officially created cultural centers of the ethnic minorities. The main aim of the movement is to help to preserve social stability while assisting ethnic minorities, especially those who want to live according to their culture and traditions and to have those traditions preserved within Uzbek society.

The Opposition in Uzbekistan

The Birlik (Unity) Peoples Movement, the associated Birlik Party, and the Erk (Freedom) Democratic Party are the main opposition forces in Uzbekistan. The Birlik Party began as the Democratic Party of Uzbekistan in June 1990 and adopted its current name in October 1991 (Polat 1998: 15-16). The Birlik movement and party promoted principles of independence, national rebirth, and democracy and gained a broad popular following in the brief liberal period of 1989-91. Although the Birlik Movement was registered in November 1991 (Birlik Party was never registered). Neither the movement nor the party was permitted to have an official office in Tashkent or to express their views in the media (Fierman 1991: 54-56).

Several activists left Birlik in September-October 1989, and supported Islam Karimov's government as the "constructive opposition". The splinter group created the Erk Party in April 1990. In the spring of 1992, however, Erk began to be more independent from the government. In July of the same year, after being denied the right to speak, Erk leader Muhammad Solih resigned from parliament. Still, for a time the government allowed the Erk Party to continue to operate openly and to publish its week newspaper.

The government's severe persecution of Birlik began in mid-1992. Polat, head of both the movement and party, was severely beaten and hospitalized with a fractured skull and cerebral contusions. Less than a year later, the other co-Chairman of the movement, Shohrat Ismatullaev, was similarly beaten and wounded. Many others were imprisoned. Both Birlik and Erk were banned in 1993 and Erk's activists began to be arrested also. A number of Birlik and Erk leaders and activists were forced to leave the country and they continue to work in exile, including Polat and Solih. Since
1995, *Erk* and *Birlik* have had little difference in their political orientation and disagree mainly over strategy and leadership (Anderson 1997: 95).

*Birlik* and *Erk* continue some political activity both from exile and in the country, and are able to distribute some publications inside the country. *Birlik* published the newspapers *Mustaqil Haftalik* (Independent Weekly) and *Birlik* and the magazine *Harakat* (Movement). *Erk* and *Birlik* activists living in exile have, published several books.

There is no established Islamic movement in Uzbekistan. The Islamic Rebirth Party of Uzbekistan, founded in January 1991, has been inactive since the party's Emir, or Chairman, Abdulla Qori Otacev disappeared in December 1992. According to his wife, he was arrested near his home, but the Uzbek authorities deny having him under arrest. *Adolat* (Justice) an Islamic militia created in 1991 has been banned and its leaders arrested since March 1992.

In general, the Uzbek Government has succeeded in reestablishing control over the official Islamic clergy. The well known and respected leader, Mufti Muhammad Sodiq Muhammad Yusuf, was forced to resign his position as the official head of Central Asia's Islamic community in 1993 and later had to leave Uzbekistan to avoid charges of helping Tajikistan's Islamic movement during the civil war. Several leaders and activists of the Islamic community in Namangan and Kokand are jailed on dubious charges of narcotics or weapons possession.

In August 1995 Sheikh Abduvali Qori Mirzaev, a respected Islamic leader of Andijan, was reported arrested by security police at the Tashkent airport, along with an assistant, Ramazon Matkariomov. Mirzaev advocated the organising of Islamic education and community life free of government control. Authorities have denied their arrests, but the two, as well as Abdulla qori Otacev, have still not resurfaced. After numerous requests and complaints made by Mirzaev's relatives, and one year and half after the disappearance of the Islamic activists, the authorities published a photo of MatKarimov as a missing person, but they refused to publish Mirzaev's photo. Many monitors consider this suspicious fact to be evidence that Mirzaev was or is being held not under his own name (*SWB* 1999: 3539/G/1).
In September 1997, Ne'matjon Parpiev, another assistant of Abduvali qori Mirzaev, went missing. Reportedly he was active in attempts to conduct an independent investigation of Mirzaev's disappearance and in circulation of Mirzaev's educational audio and videotapes on Islam.

Government of Uzbekistan did not permit the main opposition parties, Erk and Brlik to participate. Communists also did not figure in the electoral fray. Government official pointed out that each of five parities had their own newspapers and were given free air time on radio and television (Cherian 2005: 42).

IV

Civil Society in Uzbekistan

The concept of civil society as a factor in analysing developments in the newly independent countries is gaining wider acceptance among both the policy makers as well as academicians.

Babajanian, Freezer and Stevens explain (Babajanian et al 2005: 210-11) civil society as a western term and a theoretical construct to explain the changes of the societies with complex economic and political relations.

Nira Chandoke argues that “Civil society has become a conceptual rag bag, consisting of households, religious denominations and each and every activity that is not the state” (Chandoke 1995: 38). Civil society functions mainly in the spheres of the economy, communications, politics, religion, education, science and culture.

In Soviet period, there was no trace of civil society due to unthinkable restrictions on every aspect of life. The state controlled the public expression of opinion. The demise of Soviet Union did not had the independent Central Asian states immediately to bear the impressions of civil society due to some natural barriers as local language, traditional values and customs. Oliver Roy pointed three conceptual problems with the Central Asian republics are as follow:

Basic ingredients that are necessary for fostering the concept of civil society in Central Asia are not well developed. These are the notion of network of free citizens,
political parties and interest groups. These institutions are generally considered as the pre-requisite for development of civil society, which Roy thinks does not exist.

The second conceptual problem in Roy's opinion is the nature of Central Asian society itself. As traditions play a crucial role in shaping the political values it is too difficult to develop the notion of civil society in this part of the world.

The third problem according to him is the role of religion in the Central Asian society, the analyses the dilemma that might obstruct the growth of civil society development in Central Asia. One such dilemma lies in reconciling radical Islamic societies guided by pure Islam and second one is the influence of traditional culture based on Islamic value system (Roy 2002: 123-125).

The civil society is concerned with complete freedom of opinion, press, and civil responsibility. Democratic values, the independence of NGOs and sustainable developments are some of the key parts of the civil society in Uzbekistan.

Islam Karimov writes about civil society, "for us a civil society a social space where the law commands but does not oppress, and contributes to the self-development of a person, to the realisation of his interest, and the maximum implementation of his rights and freedoms" (Karimov 1998:106). The activities of a wide range of international and domestic non-governmental organization have been encouraged in Uzbekistan. In a study conducted by the Social Research Agency (ITA FACT) on the topic of "prospects of Developing Society in Uzbekistan", in June2002 in which it was found that more than 50 per cent of the respondents maintained that civil society exist in a rudimentary form in the country, 8.6 per cent admitted that in country there exist a "mature civil society" and 28.6 per cent gave negative reply to the question "does civil society exist in Uzbekistan?" and 12.7 per cent gave no repay to the question of whether or not civil society exists in Uzbekistan (Atadjanov 2002).

The role of non-governmental organisation in building a civil society is very significant. The democratic structures do not necessarily guarantee a democratic society. Democracy depends on a complex mechanism of private voluntary institutions which allow citizens to be politically involved, to volunteer their services
on behalf of the neighbours and coming, and express their grievances and advocate their interests.

To ensure that civic groups can operate freely, the Ministry of Justice in the republic has registered and supervised procedures for domestic and foreign non-governmental organisation. (Pottenger 2004: 65-67). However, according to Friedrich Starr (2006) this “is the peculiar nature of “authoritarianism” in post-independence Uzbekistan.” He argues that the state control on various civil society organizations is not a symbol of a strong and efficient state required for civil society building.

Uzbek government’s non-friendly attitude towards the civil society groups leaves less and less space for political activity of independent groups. As noted above, the oppositional political parties were denied the State registration; their members have been persecuted, sometimes arrested. The pressure on non-governmental organizations (NGOs) and the civil society on the whole has increased (Olcott 2001: 13). Notwithstanding the formal censorship abolition, newspapers, broadcasting, and television remain almost exclusively under the state control. Journalists are working under the continuous pressure from the authorities.

In November 2003, the registration of Institute for War and Peace Reporting – IWPR, a respected Uzbekistan Internet news source in both Russian and English, was cancelled. Some of the correspondents with local and international news agencies also reported difficulties in accreditation or access to press-conferences. Since 2003 NGOs registration became mandatory.

There is one more type of civil society institutes in Uzbekistan that is historically inherent to this region. The so-called “mahalla” institute occupies a highly important place in the Uzbek society. This is a kind of public self-government. The “mahalla” resolves a number of problems related to the social aspects of life inside town and blocks or kishlaks.

The further asserts that the country suffers not from too much but from too little government. They suffer from high officials who lack the resources to provide the basics of normal governance and welfare, and from lower civil servants who are both grossly underqualified and underpaid.
In order to develop the civil society and to weaken the prevailing authoritarian presidential system, the Western countries supported what they called "civil society," groups and forces outside the government. This was done with the training and financial support from abroad in the expectation that they would gradually take root at home and spearhead greater openness.

However, the results are not favorable. On the one hand, few members of the broader public in the region consider such "civil society organisations" to be truly indigenous, as they depend almost entirely on foreign funding and foreign-educated locals drawn mainly from the elite of the capitals. On the other hand, members of the governments, especially officials at the local level, see these foreign-sponsored groups as undermining their own authority. Such organizations rarely work through or with local officials, whom they (correctly) judge to be largely unreformed holdovers from the Soviet era. Being comparatively well funded, they daily remind the governments of their own lack of resources, incompetence, ineffectiveness, and overall fragility, but without providing those same governments and the bureaucrats who comprise them with the means of improving the situation from within. No wonder the bureaucrats view the foreign sponsored "civil society" organisations as elements of instability. The West's strategy for introducing greater openness into the governance of Uzbekistan has led on both sides to an unproductive confrontation. During 2005-6 this blossomed into full-blown conflict between the governments and civil society organisations in the republic.

Many NGOs are choosing to leave the region, if they are not meanwhile expelled. As a result, many international groups have abandoned the hope of a peaceful transition and are looking instead to regime change as a precondition to progress.

Now question arises, are there any evolutionary processes that might in time bring about change in the direction of more open and participatory systems? NGOs may not be a very effective tool for achieving this but there is mounting evidence that specific aspects of the electoral process and associated activities are. However, not all elections and activities are equally efficacious in this regard. It is, therefore, worth examining in turn presidential elections, parliamentary elections, parliamentary practice, and the life of political parties in order to pinpoint which have to foster democratisation. Valleri, Bunce (2000) argues that many American NGOs' active in
the Post-Soviet countries have been involved in promoting the Western political and economic agenda.

Given the information about the civil society in Uzbekistan, it can be concluded that it does not work properly in the republic. One can say that Islam Karimov regime did not encourage the emergence or development of the civil society in Uzbekistan. The civil society cannot work properly until or unless state guarantees the freedom of press. Mass media is the central element of the civil society. In the case of Uzbekistan press is controlled by the state as mentioned above. Opponents cannot express their views freely. They have been restricted by the repressive means.

According to Aziz Tatybayev, a scholar at the National University, Uzbekistan, one of the main reasons that is responsible for hindering the growth of civil society in Uzbekistan is due to the lack of political culture (Yaskovleva 2002).

On June 2003, Uzbek government opened an institute of civil society. This institute is responsible for organizing seminars and workshops to promote the idea of civil society in Uzbekistan. In Uzbekistan 2,500 NGO’s are working. These organisations are in recent years playing a crucial role in articulating the needs and aspiration of the people (Mahopatra 2006: 227).

In addition, the development of civil society is going on very vaguely in the republic. On the one hand, in the view of West-European standards, one can believe that the republic has not progressed much on this way. On the other hand, we believe that in the Uzbekistan their own historically conditioned, civil society institutions are functioning and that those institutions fit the national characteristics of those States. One of them is the clan institute.

V

Media in Uzbekistan

Free and independent media plays an important role in building the proper institutions of a civil society which is key element in the development of the democracy. The establishment of free, uncensored and independent press in Uzbekistan has been very
necessary in order to keep the political balance between the ruling party and opposition. The government of the republic should consider the free access of journalists to information not as a favor but as its duty to public opinion. Article 29 of the Constitution of Uzbekistan states that 'everyone has the right to seek, receive, and distribute any kind of information with the exception of statements against public order, and other restrictions under the law' (article 29).

In the 1992, the Uzbek government tightened censorship not only of their own news media but also on Russian publications that were printed on a decentralized basis in Tashkent and were distributed from there throughout the republic and to neighbor regions of other republics. The local censors are on duty every evening in the print-shop of the SHARK publishing and printing concern. The vigil is by no means innocuous: after reading through the pages of Izvestia, Pravda, Komsomolskya Pravda, Argumenty-I, Fakty and other publications transmitted from Moscow by fasimole, they simply impose a veto until is cleared by "higher up" (Phool Badan 2001: 156-157.)

The 2003 World Press Freedom Review writes that - "The Uzbek President, Islam Karimov, plays a dominant role in the country's politics." Although, the Constitution of the republic states that it protects and preserves democracy, a free press, freedom of conscience and religion, and the rule of law. However, in practice, Uzbekistan, like many of its Central Asian neighbours, is an authoritarian state where the government, parliament and the judiciary exist to serve the president. In June 2002 Islam Karimov called on journalists to be more critical in their writing, and to be active in building a "free thinking society," yet the entire staff of the Uzbek newspaper Mokhiyat has resigned to protest an order from the publication's new director to stop publishing articles critical of the government in July 2002 (World Press Freedom Review 2003).

Censorship in Uzbekistan was officially banned in 2002, but the government continues to use other ways of controlling the media who consequently engage in self-censorship. Uzbek Internet providers are censoring certain Websites hosted in foreign domains, which publish information about Uzbekistan. Access to the Web-sites http://www.centralasia.org and http://www.uzland.uz have been blocked since early 2003 in all of Uzbekistan (Deibert et al 2008: 412). Journalists believe this is due to
the publication of articles critical of the Uzbek authorities. The Tashkent based
Internet Service Provider UzSayNet, blocks any article on the popular portal
www.centrasia.ru, but shows the main page. Censorship is also carried out by the
company Sarkor. Among foreign sites censored are Navigator (www.navi.kz), Free
Asia, (www.freeas.org), and the Web site of the party Erk ("Freedom"), which is

In region internet sites were banned by the authority for example the web site of
"Ozod Ovoz," the organisation for assistance to freedom of speech and protection of
journalists' rights on 2 September 2002. The site was launched in April 2003 and has
protested infringements on freedom of expression in Uzbekistan (Deibert et al 2008
:412). The state Internet provider UzPAK blocked access to all its users throughout
the country. According to the Web site editor-in-chief Bobomurod Abdullaev, the site
was blocked as a result of publishing, among other things, critical materials about the
president of Uzbekistan and the political-philosophical poems of Yusuf Juma. As a
result, there is no technical way of updating the Web site or publishing materials from
Uzbekistan. Staffs from other press freedom organisations in Central Asia have been
able to post materials to the site (Deibert et al 2008: 412-413).

A freelance journalist and human rights activist Mr. Olim Toshev, was called in
to the Kashkadariya Oblast prosecutor's office on 20 January 2003 and was told that
he will be charged with abuse of office. He is facing charges against him by the
authority because he has given interviews to RFE/RL's Uzbek Service and Voice of
America. On 27 January 2003, the Karshi branch of the Interior Ministry in the
Kashka-Darya district told Toshev that he was being investigated for charges of
public hooliganism and embezzlement, when he was the editor of the Interior
Ministry's newspaper Posbon. Toshev argues that the authorities are after him for
articles he has written about the region's law-enforcement agencies and a 19-page
open letter to Zohirjon Almatov, the Uzbek Interior Minister, revealing the failings of
the local police in their work. Toshev is also charged with beating his neighbour
Manzura Khidirova on 9 January 2003.

Uzbek police arrested Tokhtomurad Toshev, editor in chief of the newspaper
Adolat, published by the Social-Democratic Party, in his office in Tashkent on 20
February 2003. The charges against him are not known (IPR 2003).
On 17 February 2003, police arrested Ergash Babojanov, a member of the opposition movement Birlik (Unity), at his home in the Ferghana Valley. According to reports, police were seen beating Bobojanov during his arrest. Bobojanov was taken to the Ferghana Pre-trial Detention Centre where he was charged with criminal defamation, revealing state secrets, and making death threats (Akbarzadeh 2005: 100). All of the charges stem from two articles he wrote in 1999 and 2001 for the Kyrgyz newspaper Res Publica. The articles were critical of the Uzbek government and raised issues of corruption in local governments.

Uzbek court decision against freelance journalist Ghairat Mekhliboev to seven years in prison after convicting him of being a member of Hizb ut-Tahrir, an Islamic organisation illegal in Uzbekistan on 18 February 2003. Mekhliboev was convicted on charges of anti-Constitutional activity, involvement in religious extremist organizations, and inciting religious hatred. The verdict focused on Mekhliboev's work as a journalist, including an article published in Khurriat in 2001 that allegedly contained Hizb ut-Tahrir ideas. However, Uzbek newspapers were subject to strict censorship at the time, thus, it is unlikely that a publication with ideas contrary to government policy would have been tolerated.

An independent journalist Oleg Sarapulov, was detained by the Tashkent police from 22 to 24 February 2003 because he was an assistant to publishes on the internet. The reporter was questioned about two articles critical of the Uzbek government that were found in his possession. The journalist was then accused of distributing them. The articles were posted under U. Khaknazrov on centrasia.org, a Web site blocked by most Uzbek Internet Service Providers. The articles criticised corruption and inter-clan rivalries within the Uzbek government.

The tri-language (Uzbek, Russian, and English) newspaper Milli talim (National Education) was founded in early 2003 by the Uzbek Ministry of Higher and Specialized Secondary Education, and was closed by the ministry in March 2003. Officials claim that the newspaper was closed because of "grammatical mistakes". Rustam Kasymov, the newspaper's founder and editor-in-chief, said the ministry lacked the funds to continue publication. He was excised from his position, and said that he was being mistreated as a journalist.
The editor-in-chief of hurriyat, Amirkul Karimov, lost his position, after the newspaper published articles critical of the economic situation in Uzbekistan and the differences between the rich and the poor (Akbarzadeh 2005: 100-101).

The Uzbek state television fired its chief political editor, Ahmadjon Ibrahimov, after he broadcast live footage that showed people sleeping through a speech by President Islam Karimov at the European Bank for Reconstruction and Development (EBRD) conference in Tashkent on 4 May2003. Ibrahimov was also criticised for showing Islam Karimov with his head in his hands after EBRD chairwoman, British Member of Parliament Clare Short, subjected him to harsh criticism.

The state controlled media do not show such negative footage in Uzbekistan, and Ibrahimov, who has 37 years of experience with Uzbek state television admitted this was his responsibility. Apparently he did not notice where the camera was directed during the President's speech. Two camera operators received reprimands and Ibrahimov was dismissed.

On 23 May 2003 the director of Uzbek TV's fourth international channel, Shoimov, demanded that Ilmira Khasanova, one of the channel's workers, resign. According to a report by Inera Safargaliyeva, Khasanova attended a protest against the resignation of Ahmadjon Ibrahimov. Khasanova held a poster with "Censorship in Uzbek television must be abolished!" written on it and later gave an interview to foreign mass media. In the interview, she mentioned that Russian programmes broadcast on Uzbek channels undergo censoring by the authorities and criticised the Uzbek authorities.

One of the main cases of attacks on journalists this year was the case of Ruslan Sharipov, who was arrested by police in Tashkent on 26 May 2003. Sharipov, a journalist and human rights activist, is known for his critical work on authorities, police corruption, and abuses of human rights. His colleagues Oleg Sarapulov and Azamat Mamankulov were also arrested. Sharipov was charged with homosexuality and having sex with minors. Sharipov denied the latter charge, but did not deny that he was gay. As Sharipov is a prominent critic of the authoritarian rule of Islam Karimov, and has previously had trouble with the authorities. Many people believe
that the charges are politically motivated. A court in Tashkent sentenced him to five and a half years in jail, and later reduced the sentence to four years.

On 26 August 2003 Sarapulov was detained once again, after he went to the police station with a friend to recover their stolen mobile phones. They were intimidated and questioned about their sexual proclivities and were threatened with charges. They also received telephone calls threatening them that they would suffer Sharipov's fate.

Sharipov's case affected the media both directly and indirectly. On 28 August 2002, Surat Ikramov, another critic of the government, was kidnapped and assaulted when he was coming back from a meeting with a judge about a court date for the appeal of Sharipov's conviction. On 28 August 2003, Saidjahan Zainabidinov, a human rights defender, who wrote an article on police corruption, was charged with criminal defamation by the Andijan Provincial Court.

The Karshi city court began to hearings in the case of Boimamat Dzhumayev, a journalist for the Tashkent newspaper Mulkdor, who works in Kashka-Darya region, on 19 June. Dzhumayev was charged with misuse of his office and the extortion of bribes. The journalist was arrested on 12 June 2003, while reportedly taking a US $300 bribe from a senior bank official. The journalist denied the charges, claiming he was offering the official, Norkuvat Khalilov, a subscription to the newspaper. The journalist's lawyer believed that Dzhumayev was prosecuted for his critical articles about top banking officials in Uzbekistan (World Press Freedom Review 2003).

The entire staff of the Uzbek newspaper Mokhiyat resigned in protest at the new director's attempts to censor the newspaper. Centrasia.ru reported on 17 July 2003 that he had ordered journalists to stop publishing articles critical of the government. Before heading the NIA Turkiston-press news agency, Sa'dulla Hakim was the head of the presidential information office.

Broadcasts of foreign media undergo strict control by the authorities. Nurafshon TV in Karshi, a new Voice of America (VOA) TV affiliate signed a contract to rebroadcast VOA programs in Uzbek, VOA reported on 7 October 2003. However, when the TV station started broadcasting, the National Security Service called the
owner of Nurafshon, Abdujalil Rahimov, in and asked him whether he had received their permission for this. The station was threatened with closure, if they continued to broadcast.

Shohnazar Yormatov, a journalist for Uzbek TV, was detained in November 2003. Reports say he is in detention, but the authorities did not comment on the charges that were brought against him.

By the order of the head of (Mood) is no longer published in the regional newspaper Kashkadarya. The reason for stopping the section was a series of interviews with famous people from the province in which the region's problems were mentioned, and local officials lost authority as a result. Kayfiyat was started in 2001 and was very popular with readers.

The new law "On Principles and Guarantees of Freedom of Information," adopted by the Uzbek Parliament in December 2002, came into effect on 7 February 2003. It defines the main principles and guarantees of freedom of information; outlines the rights of citizens on access to information; and legislative measures on maintaining security of individuals, society and state from threats of safety in the information sphere.

In a positive development, an independent Uzbek language newspaper, Mustaqil gazeta (Independent Newspaper) was launched in February 2003. It is owned by businessman Mirolim Mirahmedov, who stated that he would take President Islam Karimov's call for the press to be aggressive seriously.

The Uzbek authorities have registered the first independent association of journalists called Zhurnalist in Bukhara Oblast in March 2003, centrasia.ru reported. This association includes both broadcast and print journalists, and its aim is to defend the rights of journalists. Authority also prevented two journalist associations in Tashkent from operating by the authorities because they had failed to registration.

Although a government decree officially eliminated state censorship in 2002, the government has continued to severely restrict independent journalism, particularly following the Andijon uprising of May 2005. Licensing and regulation are the
purview of the State Press Committee and the Inter-Agency Coordination Committee, which use their authority to harass and delay the activities of independent media outlets. In late 2006, authorities further tightened state control by requiring re-registration by all media outlets not passing a summary review of qualifications.

In 2005 some 30 to 40 independent television stations and seven independent radio stations were in operation, but four state-owned television stations, run by the Television and Radio Company of Uzbekistan, dominated the market. No live programming is allowed. Total newspaper readership is estimated at only 50,000; the newspaper market is dominated by the state-owned papers Pravda Vostoka, Halq Sozi, and Narodnoye Slovo. The largest privately owned papers are Novosti Uzbekistana, Noviy Vek, Noviy Den', and Mohiyat. The state controls newspaper distribution and materials supply (Gleason 2004: 642).

In the region from the early 2000 newspaper articles occasionally have criticised government policy and social conditions, but bribery of journalists is common. The only national news agency, the Uzbekistan News Agency, is state-controlled. Agency France-Press, Anadolu Ajansi (of Turkey), the Associated Press, Interfax (news agency of Russia), and Reuters are foreign agencies with offices in Uzbekistan. The government forced Radio Free Europe–Radio Liberty to close its Tashkent office in late 2005. In early 2006, a new media law placed further restrictions on the activities of foreign news organisations in the republic.

The mass media in Uzbekistan obviously need more freedom. But it is important to exercise patience in reaching this goal. In this regard Westerners suggest that media publication or reporting of even the most critical statements regarding the government, the President, or the Oliy Majlis should be allowed immediately. In addition any political appeal should be published; in effect this means the publication of everything.

The position of the government in connection with the mass media is that the media exerts a powerful influence on the masses. It is important to note that government control on their output. There are a number of agencies that protect the classified government information and they have much potential to censor the mass
media. This practice was developed during the Soviet period. All national, district, and city newspapers are published by the state enterprise.

None of these publications may be printed without the personally authorised stamp. This inscription is granted by the inspector of the federal committee on publications. He has the authority to remove individual phrases and paragraphs, and to remove text from columns that are not even concerned with federally classified material.

The main instruments of the mass media in Uzbekistan, as in the rest of the world, are television and radio. There are four public television networks and five radio stations under the control of the Uzbek national television and radio company Uzterleradio. In Uzbekistan there are approximately 40 non-governmental local (district and regional) television and radio stations. The most important of these is the independent company in Samarkand STV. All of these broadcast media are extremely sensitive to the government in Tashkent, which is reflected in the preference of their journalists to avoid political news. At the national level there are no private television networks or radio stations (Levitin 2001: 260).

The Uzbek government cannot deny that newspapers, television networks, and radio stations have difficulty in giving a true picture of the events in Uzbekistan. Information that does not reflect well on the administration and critical articles are rare in the mass media. Sometimes without any pressure on them from the government make it difficult for them to be a barometer of public opinion or mood, a mirror of what are people’s interests.

President Islam Karimov is concerned about this situation. In his recent public appearances he has increased his reference to the mass media, calling them the 'fourth branch' of government. He is of the opinion that in newspaper and in television and radio broadcasts the emphasis is on official government policy. Little light is shed on its inadequacies, and articles and programs are overcome by a kind of inertia and are boring. Furthermore, journalists avoid controversial topics (SWB 1995: SU/2271 G/2).

State censorship has been formally eliminated, but the government retains control over the content of media (Critchlow 1998: 4). They do this through registration, the
requirement for state-registered media to file annual broadcast and publications plans, and by how they release news. Journalists who violate the unwritten codes are either beaten or arrested for "defaming the image of Uzbekistan abroad," a threat to which those working for Western NGOs are particularly vulnerable. (Olcott 2006: 151).

In short, independent media in Uzbekistan have always faced enormous challenges, and the government has been fairly successful in eliminating, or at least limiting, opportunities for independent media outlets. All registered print, radio, and television media are owned by the state. An editor at a state newspaper once said there was no need for a censor in Uzbekistan, as media employees have a censor in their heads. Uzbek media serve the state and its policies.

VI

The Judicial System of Uzbekistan

The judiciary is the system of courts which interprets and applies the law in the name of the sovereign or state. It also provides a mechanism for the resolution of disputes. Under the doctrine of the separation of powers, the judiciary generally does not make law or enforce law, but rather interprets law and applies it to the facts of each case. This branch of government is often tasked with ensuring equal justice under law. It usually consists of a court of final appeal (called the Supreme Court or Constitutional Court), together with Lower Courts.

After independence, Uzbekistan has found in difficult situations with respect to the legal regimes in the new political system. Previously, legislation had been dictated from the central government. Now, the burden was on the new national governments to establish order. But serious questions faced the state was: should there be a return to the past legal frameworks, did this require a reconsideration of Islamic law, how did one factor in traditional custom, or even the historic legacies of individuals such as Tamerlane? These questions became the subject of discussion and debate within the region and among Western scholars, shaping the understanding of legal reform in Uzbekistan. As it has seen, the Uzbek state has approached these questions with great trepidation and concern, mainly as there was a sense that too much reform could lead to political and social instability (Kangas 2004: 65).
The Uzbek judicial system is quite comprehensive. A Constitutional Court oversees the legality of parliamentary laws and executive decrees. The Constitutional Court of the Republic of Uzbekistan shall hear cases relating to the Constitutionality of acts passed by the legislative and executive branches.

The Constitutional Court shall be elected from political and legal scholars and shall consist of a Chairman. The Vice-Chairman and judges including a representative of the Republic of Karakalpakstan. No member of the Constitutional Court, including the Chairman, shall have the right to serve simultaneously as a deputy, The Chairman and members of the Constitutional Court may not belong to any political parties or movements, or hold any other paid posts. The judges of the Constitutional Court shall have the right of immunity. The judges of the Constitutional Court shall be independent in, their work and subject solely to the Constitution of the Republic of Uzbekistan (article 106 and 110).

A Supreme Court is the highest court for criminal and civil cases, and a Supreme Economic Court oversees matters such as privatisation law, foreign investment and monetary disputes. The court system exists at multiple levels, with local level courts and appellate equivalents at regional and viloyat (state) levels. Ostensibly, one can appeal cases to higher levels, much along the lines of the US court system (Kermit et al 2006).

Since independence, Uzbekistan has followed a path of solidifying the power of the executive, creating a rather feeble legislature, and establishing a legal code that is impressive on paper, but has enough loopholes to allow the government to do as it wishes. For example, the president is now above reproach with respect to prosecution, and those who criticise him are subject to investigation and trial. More important, with respect to the rule of law, the president has the ability to override Oliy Majlis decisions and circumvent normal legislative procedures if he deems it necessary. Rule by decree has been the norm for much of the past decade.

Perhaps the most common criticisms leveled against the Uzbek notion of rule of law is that it is arbitrary and law enforcement agencies enact it with varying levels of excess. The government arrested thousands of individuals following the February
1999 bombings in Tashkent, often holding them for weeks and months before pressing charges. Human Rights Watch, a non-governmental organisation which focuses on human rights conditions worldwide, has been particularly vocal on Uzbekistan’s record. Years after the February bombings, some individuals still remain in custody and have yet to be officially charged. Once an individual is charged, trials have become difficult to monitor and it appears that irregular standards are being used time and again.

According to the B. Eshonov, President of the Constitutional Court of the Republic, the Constitutional Court of the Republic of Uzbekistan was founded on 22 December, 1995. Being the organ of Constitutional control, exercising the judicial power through Constitutional procedure, the Constitutional Court of the country defines the conformity of acts of legislative and executive powers with the Basic Law of the Republic, makes the interpretation of Constitutional norms and state laws, and considers the acts of normative nature of the General Prosecutor (Eshonov 2001).

The predecessor of the Constitutional Court of the Republic of Uzbekistan in the field of Constitutional jurisdiction was the Committee of Constitutional review, founded in March 1990 and elected by the Supreme Council of the Republic. The above-mentioned committee was a transitional organ by its nature, and since 6 March 1993, the obligations of the Constitutional Court were laid on it. The Constitutional Court of Uzbekistan acts on the basis of the European model of Constitutional jurisdiction.

After independence in the republic the strongest predominance of the executive branch over the judicial and legislative, no concept of the ‘check and balances’ and private property reflected the Soviet system. Various of the top level officials in Uzbekistan including judges at office, were raised, educated or influenced by the Soviet socialist ideology and communistic approach and nowadays, it is quite challenging for them to reject the Soviet philosophy and meet the requirement of a new democratic system. In this context the presidential commanding role, which concentrates extensive powers on the president as the head of the state and the executive should also mentioned (Karimov 1997: 151).
In a speech of dedicated legal reforms in August 2001 session of the Oliy Majlis, president Islam Karimov acknowledged the continuing legacy of the Soviet system: "we have to admit frankly that despite undoubted achievements the judiciary system itself is still feeling the legacy of the Soviet past. To put it more exactly the adopted laws and norms of legal proceedings more and more meet international, universally accepted democratic norms, but unfortunately, little is changing in the mentality and way of thinking of the judges, officials in the procurator’s office and investigation bodies themselves. In short of those who must implement the newly adopted laws. This must be admired and our main task is to get rid of this legacy of the past as soon as possible".27

However, apart from these problems the judicial system in Uzbekistan has been consistently facing many other challenges. Some of these are; the lack of financial and material support and ineffective distribution of financial resources severely delay judicial independence in Uzbekistan. The Higher Economic court in Uzbekistan has achieved more progress in reforming the judiciary than the Supreme Court, as it had not only a progressive administration, but also appreciable financial resources: The presidential decree established a special fund for stimulating the work of Economic Court. Lack of infrastructure judges conduct a trial in personal room, where telephone calls and people bursting into the room, often disturb them. In Uzbekistan inter-district courts judge are highly overloaded with the work, overburden of work make to them impartial(Shin 2004: 93).

Corruption is one of the most prominent problems of Uzbek judiciary. Judges in Uzbekistan are underpaid. A Lower Court judge paid about $20 and $30 per month, and higher court judges bit more, but all of them are less paid than procurators or the police. Judge of the Constitutional Court are in a better position. Low judicial salaries certainly contribute to the problem of judicial corruption (International Commission of Jurist 2008: 3).

Another challenge is the growing tensions between the lawyers and the judiciary. The Law on the Legal Profession (Advocatura) of 27 December 1996 established the Ministry of Justice as the licensing body vested with the authority to grant, suspend or

27 Address by Islam Karimov, President of Uzbekistan, at VI session of second convocation of Oliy Majlis of the Republic of Uzbekistan, 29 August 200,1America bar association, 2002: 1-2.
revoke lawyer’s licenses and to grant or deny registration of lawyer’s bureaus, collegiums and firms. In practice, the Ministry of Justice is known to use its licensing power as a tool for harassment.

In opposition to these acts in February 2003, lawyer Fuat Ruziev wrote an article criticizing the tax authorities for abuse of power. Shortly, thereafter, the Ministry of Justice began pressurising the Lawyers’ Qualification Commission to revoke his lawyer’s licence. In general, licence revocations are regularly threatened as a way of pressurizing the lawyers. While licences are not frequently revoked, the mere investigation and recommendation for licence revocation constitutes harassment and can damage a lawyer’s reputation.

Sanjar Yakubov, Chairman of the Tashkent City Collegium of Lawyers, and Gulnora Ishankhanova, Chairperson of the Tashkent City branch of the Association of Lawyers of Uzbekistan (AAU), were threatened with license revocation by Bahram Salamov, Chair of the Association of Lawyers of Uzbekistan, after they were accused in December 2002 of “separatism activities” for failing to attend the Tashkent delegates meeting of a lawyers’ congress. Reportedly, they were denied access to this congress.

Surkhandarya lawyer Jalol Rajabovich Halilov was identified with his client’s cause regarding allegations of torture, and Surkhandarya law enforcement officers threatened to plant drugs on him. His license, already revoked on spurious grounds and later reinstated, is again under threat.

As in many other ex-Soviet states, in Uzbekistan also the judicial system has undergone no significant changes since independence and preserves the main principles of Soviet jurisprudence. By the Uzbek Constitution and laws, the courts are independent of the executive and legislative branches and are supposed to follow only the dictates of Law and Justice. But the President appoints all judges, and they can be removed at any time, except for Supreme Court members, whose removal must be approved by the "parliament", also of course controlled by the head of state. According to an unpublished study conducted by Uzbekistan's Union of Defense Lawyers, in recent years courts in the country have issued only 65 verdicts of "not
guilty", and 64 of them were changed to "guilty" verdicts after protests from the procurator's office.

VII

Ombudsman: Parliamentary Watchdog on Human Rights Issue

The Uzbek government established parliamentary watchdog on human rights (Ombudsman) in the country in 1995. The wide range of its activities includes interaction between the state and a citizen, society and individual, as well as educational initiatives among public at large, and so on (Yalcin 2002: 349).

Furthermore, the office of Ombudsman\textsuperscript{28} considers complaints and proposals field by citizens on different kind of issues concerning the breach of their rights and freedoms. Also, it ensures appropriate measures are taken on such cases of violations, and if necessary, powered with its legal status- petitions on the persons involved by calling them upon to responsibility. The most efficient tool in doing so is the resolution by ombudsman, sent to corresponding bodies following the consideration of complaints filed by citizens. The adopted resolutions fully meet international legal norms and active practice of analogous institutions set up in more than 100 countries around the world (Khikhimatove 2003: 171-172).

In accordance with the law "On authorized of Oliy Majlis for Human rights (Ombudsman)" the resolution by ombudsman may be sent to state institutions, self-government institutions of citizens, and their officials, who have to act upon it within a month and report back with ombudsman. Ombudsman receive more than 1000 complaints and addresses a year, upon of each of them the consequent measures are taken- following an investigation one of them another case (SWB 1996: 2713 G/3).

\textit{Ombudsman} turns in with the national parliament the summarised annual report on the cases of human rights violations in the country, consequent measures taken on them, and their effectiveness. Nowadays, there are more than one hundred laws that

\textsuperscript{28} Sweden has had an Ombudsman Institution since 1809. At that time Sweden was ruled by the King and therefore the Riksdag, which then represented the Four Estates, considered that some institution that was independent of the King was needed in order to ensure that laws and statutes were observed. For this reason it appointed a Parliamentary Ombudsman and still continues to do so.
ensure the solid legislative base for protection of human rights and civil liberties in Uzbekistan (Saidov 2000: 3).

Also, ombudsman assists in establishment close contacts with non-governmental organisations on the joint human rights projects, improvement of the national legislation with regard to human rights to be further considered by Oliy Majlis.

The UN mission in Uzbekistan renders enormous support with the office of ombudsman. They closely cooperate on many issues concerning protection of human rights, and civil liberties in Uzbekistan for instance, they have jointly worked on the draft of the law, and program, namely “Human Rights Protection Service in Uzbekistan”(Khikhimatove 2003: 171-172).

After established the Ombudsman, according to 2006 statement of the office of Ombudsman, received more than 6000 complaints (Kuksko and Stadlmayer 2008: 446). But for lack of access to annual reports or further information, no further statements are made practical work of Ombudsman. Acceptance among the population is regarded as high by the ombudsman. I short we can say the Ombudsman’s activity as declarative and of no importance to the human rights protection in the republic. The institution has been largely by potent bodies and caused disappointment among citizens.

**Analysing Institution Building and State in Uzbekistan**

An analysis of institutional performance on comparative scale is provided by the Freedom House. The table below shows a comparative analysis of various Uzbek institutions since 1999-2008.
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Note: Democratic progress ratings are based on a scale of 1 to 7, with 1 representing the highest and 7 the lowest.


If one accepts the view that formal political institutions in Uzbekistan are weak, and that the basis and nature of presidential power is inextricably tied to the informal structures within the society, what can be said about the state, in general? Specifically, does the state possess power in and of itself, or is it a vehicle through which individual actors can exercise their own authority? Given the strength of traditional power relations, it is not surprising that the state, more often than not, equals the president. In this respect, the 'state' in Uzbekistan can be characterized as 'benignly autocratic', as long as the population remains apolitical. Informal interviews and more formal public opinion polls suggest that while there is some concern over limited freedoms, the overall situation is good (Cumming 2002: 141-142).

There is a sense that a 'strong leader' is needed. The Uzbek press and government officials repeatedly note that the 'political mentality' of the citizenry are different from that of Westerners, thus one should not expect Uzbeks to openly embrace Western liberalism. Concepts such as individual liberty and market capitalism are, the argument goes, anathema to the Uzbek tradition.29 Whether these views are true or not is, to a great extent, irrelevant to the current Uzbek administration, and if the

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29 The reports of Human Rights Watch soberly reveal that many Uzbek citizens are fearful to express their personal views. In light of the fact that vocal opponents to the regime face incarceration, intimidation, and threats to their families, it is not surprising that people tend to shy away from open discussions of 'difficult issues.'
population is not exposed to alternative views, the likelihood of a change 'from below' appears unlikely, at present (Tismaneanu 1995: 79).

The president, because of his control over the economic, political, and social levers of power, sees it in his best interest to ensure that this in his own interest. Today, Islam Karimov appears to have adopted the terminology and images presented in modern democratic theory. Formal institutions in Uzbekistan are described by using the proper terms. Constitutional authority, electoral procedures, and rule of law are all liberally applied by government officials to underscore what is taking place in the country.

Consequently, some analysts have concluded that Islam Karimov is nothing more than an 'elected dictator', or perhaps an 'elected authoritarian figure' (Melvin 2000:57-58). This was exemplified by the events surrounding the January 2000 presidential election. The Central Election Commission publicized the procedural openness of the candidate registration and campaign season. In addition, Islam Karimov's opponent, Abdulaziz Jalalov, played the role of the dutiful opponent, continually praising the president and even calling himself a 'loyal supporter' of the president, not an 'opponent', or even an 'alternative'.

With this imagery, what can be said of the state structure itself? It can be argued that the bureaucracy is not responsive to the needs of the citizenry and that any problems have to be addressed outside of the normal channels. Of the official channels, only the presidential apparatus commands respect and, it appears, the mahallalar appear to be the primary legal structures through which problems are settled. The 'state', as such, exists in the person of President Islam Karimov.

Uzbekistan's political history is dominated by the feature of despotic regimes either in the form of absolute monarchies or is it a strong, centralized despot or an economically and politically weak set of feudal territories or monarchies. The power of the monarch was sacred. He could divide power among feudal tribe leaders and their groups and clergy. There has never been an institution through which people

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30 The Organization for Security and Cooperation in Europe (OSCE), European Union (E.U), and the United States government all refused to send observers. US State Department spokesman James Rubin issued a statement calling the Uzbek presidential election 'laughable', a comment not well-received by the Uzbek government. See RFE/RL Uzbek Service Reports, 9-11 January 2000.
choose their own representatives and express their interests, thereby limiting the monarch's absolute power. Thus, after independence, Uzbekistan had to deal with the problem of establishing a democratic society, and forming a new, competent parliament, without any experience of parliamentary form of government. The present poor condition of the parliamentary system in the republic is in part the result of past historical development.

All the developed democratic countries had to complete a long way the ideas of democracy and the parliamentary system have preceded until gaining their present form. To develop democracy and a parliamentary system, officials in Uzbekistan first studied and borrowed from their own limited experience, though the first steps in acquiring parliamentary experience have not been completely successful. The transition to parliamentary form of government in the newly independent states, particularly Russia, has not been easy, as political actors seek to determine the relationship between the various branches of government.

The complex process of institution-building has only just started in Uzbekistan (Yalcin 2002: 151-52). It is not fare to demand effective and more powerful acts immediately from the newly emerging democratic institutions. If Uzbekistan really is willing to become a respectable member of the international community, sincere steps are required towards democratic reforms. Undoubtedly a strong parliament is one of the cornerstones of democracy, but how much power can be given to a young institution with no experience of democracy is an open question.

Analysing Islam Karimov's intentions behind allowing parties within limits Friedrich Starr writes that the president's early reluctance was due to the potential of parties to effect changes in the fundamental balances among regional networks, clans, magnates, and families upon which the presidents' personal power rested. From the presidents' perspective, parties, like parliaments, were fine so long as they constrained these forces, but would pose a threat as soon as they aspired to change fundamentally the relations among them (Starr 2006: 24).

He further writes uncontrolled parties, even more than the principle of "one person one vote," could unleash uncontrollable forces within these new yet deeply conservative states. The realisation has led to the non-registration or banning of
parties in region. This runs the danger of moving powerful forces outside the system, where they can pose a yet greater danger. A more effective method, practiced in all states except Uzbekistan, allow candidates to run as individuals, unaffiliated with any party. This retards the growth of parties, but at the potential price of elevating the status of rivals to the president.