Chapter-V
Conclusion

In the previous chapters, attempt was made to analyse the emergence of Uzbekistan as independent State with the challenges emanating from various ethnic identities. It is trying to create new institutions based on democracy, rule of law, promotion of human rights, social justice, civic peace and respect for international laws. In order to get due recognition and to seek economic benefits from international community, it has to fulfil the above-mentioned goals. The multi-ethnic environment has both positive effects as well as negative effects. The positive effect could be seen from the fact that the Russian and other non-titular minorities are playing significant role in development of the economy and are required to further build the economic base of Uzbekistan. On the other hand, negative effect in the sense that in a short period Uzbekistan has to cope up with the task of promoting the socio-economic conditions of titular majority while safeguarding the interests of minorities.

Even the well-developed states are themselves facing enormous problems such as terrorism, economic fluctuations and political disorder/ instability. A nascent state like Uzbekistan faces much tougher situations and could anticipate for much bigger challenges. In this study, firstly, success and failures of role of Uzbekistan state in ethnic relations was analysed in the context of normative question. It is also discussed, whether ‘State’ alone can perform as the sole agency for distribution of ‘common good’ arbitrator of social relations, and/ or is there any scope for civil society? Secondly, the thesis looks at majoritarian nationalism’s infringing interference in human rights (minority rights) of minorities and its consequences in Uzbekistan. And thirdly, ‘principles of human rights’ in general
and minority rights in particular as guiding yardstick to promote democratic political stability and social order in Uzbekistan is critically analysed.

There are three objections to the singular use of the term ‘State’: which are empirical, historical and conceptual. First, taking in consideration of empirical criticism of State, in a normal observation, when we look around we see States with different structures, political institutions, cultures and values. There is no specific model characteristic of all States, only there are some resemblances. Critics of singular use of the State term object to the idea of State and its normative connotations—that is State embodying values and a conception of common good is questioned. In context of 'globalised village', there is enough scope for the emergence of Civil Society. And it is going to play a very vital role in Uzbekistan’s society and polity.

The second critique is on the issue of continuity of the State in history. Development and evolutionary terminology is the problem, tracing continuity from the Greek *polis* or the absolutist State of the sixteenth century Europe. It is wrong to assume the European State as the model for developing countries. Thirdly the conceptual criticism, which relates to the use of concept of the State. Here it is alleged that the State actions are personified. So the context is important in using the concept called ‘State’. At one extreme of argument the State is identified with one or more highly specific features, such as organised police powers, defined spatial boundaries, or a formal judiciary. At the other end of the definitional spectrum the State is simply regarded as the institutional aspect of political interaction; no concrete structures are specified.

The discussion on nature of State is subdued to increase in the practical role and function. Statehood not only represents a set of institutions but also a body of
attitudes, practices and codes of behaviour, Form and structure can be understood by grasping the legal and political theories. Usually what is done is the ‘ex post facto’ theorising after the actual State structures analysed in the context of Uzbekistan.

Groups, associations and communities can have their own complex life without the role of State. But in some cases the State plays a larger role in every sphere of life as in the case of Uzbekistan itself. As a matter of fact when politics exists within and between groups, then there is central role for the State to arbitrate the disputes relating to the distribution of power and resources. In the process the State can also be arbitrary and any criticism of this is viewed as subversive and anti-State.

In such States even demand for observing universal of human rights is at times challenged as intrusion into their internal affairs. As it is witnessed in the case of Uzbekistan, there are violations of general human rights and the authoritarian style of functioning of President Islam Karimov’s is unchallenged.

Civil Society is seen as an alternative protector of minority rights and it strengthens the smooth functionary of the institutions of democracy, freedom, justice and liberty. It is described as ‘all those features of a society which are not part of the State’. It ‘operates principally in the sphere of economy, communications, politics, religion, education, science and culture. Civil Society welcomes diversity and acts as a check on those who are exercising power. It is founded on the notion that social order is dependant upon the presence of autonomous and moral individuals of society. Its main concern is social welfare and common good.
State and Civil Society can mutually supplement each other in the case of ideal-type constellation. In the case of our study when State tends to fail there is definite scope for Civil Society in bringing a balance between various ethnic groups.

Civil Society components like mass media, NGOs, educational institutions, voluntary organisations have a due role in checking the aggressive designs of State machinery. However, Civil Society in Uzbekistan is as yet unable to coherently challenge and contain religious extremism and dormant ethnic tensions. The reason being Civil Society is yet in its formative stage, and lacks adequate space till now for its growth due to over domination of State in all realms of polity and society. Thus, there is a urgent need to carefully nurture the Civil Society as an additional source in terms of promotion of rights, freedom, justice, liberty, equality, fraternity and common good of the society. The Civil Society has a role in economic development and social stability. There are alarmingly pending issues like poverty, illiteracy, malnutrition, women and child care, lack of basic amenities/infrastructures, etc.. With the basic framework of due rights protected through the new constitution, conventions and practices of due space for all ethnic minorities, the Civil Society should come to the fore front to play the role of guardian of minority rights, and socio-economic developmental activities.

Since independence, there was sudden scope for asserting Uzbek identity. Here the State institutions as well as the titular population played the crucial role of filling the vacuum of seventy years of denial of religious and cultural moorings. In this course, the secular fabric and ethnic balance started eroding as seen in the gradual exodus of non-titular population even before the collapse of Soviet Union as seen in the Table 3 of Chapter III. There was definite negative net migration. In
1961-70 there was net arrival of Russians (257,000), where as in 1979-89 there was net out-migration of Russians (507,000). It was the case in other Central Asian states also.

In post-Soviet phase, if not manifestly, there is latent majoritarian assertion, which is causing insecurity to the minorities. In this course, ultimately, overall Uzbekistan’s development will be affected, that would include trade, economic investments and even social progress. As a nascent state in the course of building its state institutions it is always advantageous for Uzbekistan to nurture secular image and minorities protection. The consequences, otherwise, could be severe ethnic strife, social and political instability and civil war as witnessed in the neighbouring Tajikistan.

It is not very easy for a nascent state like Uzbekistan to adhere to all the human rights standards set by the various international organisations and forums. Particularly the protection and promotion of minority rights in the given complex socio-economic situation and that too in such a short span of time.

In the Preamble of Uzbekistan’s constitution itself it is mentioned that “the People of Uzbekistan, solemnly declaring our devotion to human rights” and further it “affirming our fidelity to the ideals of democracy and social justice, recognizing the primacy of generally recognized norms of international law.” Citizenship rights are well guaranteed in Chapter VI of the Uzbekistan Constitution. There is no doubt that the ideas are noble and on par with developed states, only in practice and implementation it has to be seen how far it is successful.

In Uzbekistan scarce resources and the struggle to control state policy, in turn, produce competing ethnic interests. Groups seeking resources have two
options. First, they can seek national policies that increase aggregate social wealth. Each group then gets a share of a growing resource "pie". Second, they can seek group-specific benefits that typically distort the economy. In brief, groups can seek a fixed share of a larger pie or a larger share of a fixed and perhaps shrinking pie. According to the logic of collective action, large, majority groups tend to have an interest in the first strategy of increasing aggregate wealth of which they are the largest beneficiaries, while smaller, minority groups prefer the second strategy of increasing group wealth. As a result, the majority and the minority possess opposing policy preferences. Countries with multiple minorities and no majority are likely to fall prey to redistributive conflicts, with no group supporting growth and all seeking particularistic benefits. Other issues, such as integration into the international economy, may also produce opposing policy preferences if those issues fall along existing ethnic fault lines. Thus, in nearly all ethnically divided polities, groups possess competing policy preferences as seen in the case of Uzbekistan.

Likewise, the state incapacity frustrates the aspirations of individual and groups, and can produce a nationalist backlash that fractures states as people seek to create political units more capable of meeting their needs. Diminishing resources increase competition between groups as they struggle to attain their goals.

The present economic crisis, which has grown worse since the disintegration of the USSR, has affected the well-being of the majority of the population of Uzbekistan, irrespective of ethnic group, in all newly-independent states, and nationalist movements today, unlike those of the late '80s, cannot offer visions of a welfare state as the immediate result of independence or 'sovereignty'.

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However, the psychological climate has undergone a significant and, in mid-term perspective, an irreversible change. Ethnic cleavages, especially those between the minorities and dominating majorities, have become the crucial factor, shaping group solidarity and the framework of political mobilisation. Reinterpretation of history has played a major part in shaping the identity structure of large sections of the population in Uzbekistan. Since ethnic differences have been recognised as basic socio-political cleavages, there is no way of escaping ethno-political polarisation. The ethnic identities grow stronger, and the group boundaries more rigid in ethnically heterogeneous regions. It can be safely concluded that the assertion of ethnic identities and ethno-political contradictions will stay as the main axis of political development in Uzbekistan. The incongruity continues to persist between the ethnic identities (nation) and state formations. The reassertion of Uzbek national identity is also partly due to the past experiences during the Soviet period. As Uzbekistan's literature suffered great damage during the Stalinist purges of the 1930s; during that period, nearly every talented writer in the republic was purged and executed as an enemy of the people. Prior to the purges, Uzbekistan had a generation of writers who produced a rich and diverse literature, with some using Western genres to deal with important issues of the time. With the death of that generation, Uzbek literature entered a period of decline in which the surviving writers were forced to mouth the party line and write according to the formulas of socialist realism. Uzbek writers were able to break out of this straitjacket only in the early 1980s. In the period of perestroika and glasnost, a group of Uzbek writers led the way in establishing the Birlik movement, which countered some of the disastrous policies of the Soviet government in Uzbekistan. Beginning in the 1980s, the works of these writers criticised the central
government and other establishment groups for the ills of society. Similarly, most of the Uzbek political elites were treated as corrupt, which brought sham to entire Uzbek people.

Since independence, a critical issue for the Uzbek writers the preservation and purification of the Uzbek language. To reach that goal, they minimised the use of Russian lexicon in their works, and they advocated the declaration of Uzbek as the state language of Uzbekistan. These efforts were rewarded in 1989 and later in 1992, when the new national constitution declared the Uzbek language to be the state language of the newly independent state (Article 4: The state language of the Republic of Uzbekistan is the Uzbek language).

As part of civil society, educational institutions play a very crucial role. In developing a national education system that replaced the centralised education of earlier times, Uzbekistan has encountered severe budgeting shortfalls. The education law of 1992 began the process of theoretical reform, but the physical base has deteriorated, and curriculum revision has been slow.

Education is supervised by two national agencies, the Ministry of People's Education (for primary, secondary, and vocational education) and the Ministry of Higher Education (for post-secondary education). In 1993 Uzbekistan had 9,834 pre-school centres, most of which were run by state enterprises for the children of their employees. An estimated 35 percent of children ages one to six attend such schools, but few rural areas have access to pre-schools. In the early 1990s, enterprises began closing schools or transferring them to direct administration of the Ministry of People's Education. A modest government construction program adds new places annually--a rate that falls far short of demand. Although experts rate most of Uzbekistan's pre-schools as being in poor condition, the government
regards them as contributing vitally to the nutrition and education of children, especially when both parents work, a situation that became increasingly frequent in the 1990s.

The social service sector of Uzbekistan is undergoing transitional effects. Part of Central Asia's inheritance from the Former Soviet Union was the scale of health services, comprehensiveness and costs comparable to those found in much wealthier European "welfare states". Budgets have declined to the extent that wages (often paid months in arrears) consume all or nearly all available funds, leaving little or nothing for maintenance, let alone replacement, of buildings and equipment or for supplies of pharmaceuticals. Public health is also endangered by polluted water supplies, and inadequate storage and handling on farms of herbicides and pesticides.

In the course of identity formation and nation building, the majority-Uzbeks have a due role to protect the rights of minorities as well. There has to be equal citizenship rights for all with certain safeguards for minorities in the linguistic rights, cultural rights, education and employment in order to uphold democracy and human rights. Theoretically, the Uzbekistan has guarantees in safeguarding the fundamental rights and minority protection as well. But there is lacunae between theory and practice.

In Uzbekistan, there are some apparent advances in the human rights field. In fact the principle of human rights is given importance in the constitutional law as seen in the opening lines of the preamble; solemnly declaring “our devotion to human rights.” But there is definite gap between laws and its implementations.

Constitution guarantees individual freedom and rights in Article 43: “The state ensures the rights and freedoms of citizens which are secured by the
Constitution and laws”. Article 44 also states: “Each person is guaranteed judicial protection of her or his rights and freedoms, as well as the right to appeal in a court of law the unlawful acts of state agencies, officials, and social associations.”

In 2001, Karimov held a press conference, at Tashkent, which he defined the "next tasks" as reforms in the areas of human rights and individual freedoms, and went on to list opposition parties, a Western-style press and observation of citizen's rights as essential to Uzbekistan's continued development and as "assuring democracy". Abdulmanop Pulatov, a dissident leader living in exile in the USA since 1993, returned to Tashkent on assurance from Karimov of his personal safety and freedom to pursue political activities. Pulatov tested, Karimov's promises almost at once, by instituting Human Rights Society, of which he is Chairman. Members of the human rights society also said that the human rights situation was "beginning to improve". In recent years, OSCE, Non-Governmental Organisations, government officials and media representatives are also conducting workshops regarding role for civil societies in human rights improvements. The agenda of the parliamentary session that opened on 26 November 1996 contained a number of democratisation proposals, including establishment of a government institute to ensure that legislation conformed to international standards of human rights and democracy, and laws on establishing political parties, protecting journalists, and allowing greater access to state information. Karimov in February 1997 said the main task for the year was to build a property-owning middle class to be the "bedrock" of the state, and called for 1997 to be a year of "human interests". What these statements meant remained to be seen.

In the meantime the government has not permitted the existence of an opposition party since 1993. Election laws were amended to restrict the possibility
of any new opposition parties arising or mounting a campaign. Chosen, rather than elected to the post of president in a 1991 election that most observers considered neither free nor fair, Karimov had his stay in office extended to 2000 by a 1995 referendum. Parliament subsequently voted to make the extension part of Karimov's first term, thus making him eligible to run again in 2000.

Police and secret service forces used torture, harassment, illegal searches, and wiretaps, and arbitrarily detained or arrested opposition activists and other citizens on false charges, frequently planting narcotics or weapons on them. Police often beat and otherwise mistreat criminal suspects; arbitrary arrest and detention are common. Detention can be prolonged and prison conditions are poor. There is considerable evidence that the judiciary does not always ensure due process and often defers to the wishes of the executive branch.

The right to freedom of religion, already severely restricted, were further repressed by two laws, according to International Crisis Group. In the wake of the April and December 1997 murders of several police officials in the city of Namangan, police in the Ferghana Valley arrested hundreds--perhaps thousands--of citizens suspected of being Islamic extremists or political opponents of the regime. Many people were arrested for having beards or for other outward signs of Islamic piety, but were later released. The police allegedly planted contraband on others to justify arrest. Although the aim of the crackdown was clearly more than capturing those responsible for the crime, among those arrested and tried was the alleged murderer. Despite subsequently granting some of them amnesty, significant numbers of religious believers were tried and convicted on narcotics and firearms charges. Defendants at subsequent trials claimed to have been beaten and tortured.
The government severely limits freedom of speech and the press, and an atmosphere of repression stifles public criticism of its decisions. A new law increases government control of the media. Although the Constitution expressly prohibits it, press censorship continues and the government sharply restricts citizens' access to foreign media.

The government limits freedom of assembly and association by continuing to ban public meetings and demonstrations. It also continues to deny registration to independent political parties as well as to other groups that might be critical of its policies. For example, the government denied registration to the Human Rights Society of Uzbekistan (HRSU), citing technical deficiencies in its application. Unregistered opposition parties and movements may not operate freely or publish their views. Where as there are many constitutional guarantees enshrined in constitution: firstly regarding the people's power as in Article 7: "The people are the only source of state power."; Secondly, the Citizenship rights as in Article 8: The people of Uzbekistan are the citizens of the Republic of Uzbekistan, regardless of their nationality.

A single Citizenship right is enshrined in Article 21 as "A single citizenship is established in the Republic of Uzbekistan for the entire territory of the republic". Further Article 25 deals with the right to freedom and personal inviolability.

In September 1998, authorities arrested Muidin Kurbanov, a member of the Human Rights Society of Uzbekistan (HRSU) chapter in Jizak. In October 1998, Tolib Yakubov, executive director of the HRSU, was brutally attacked by unidentified men while in Warsaw to attend the Organization for Security and Cooperation in Europe (OSCE) implementation meeting.
Human rights protections in Uzbekistan has been deteriorating rapidly and dramatically. In July, 1999 authorities at the prison also reportedly tortured to death Jurakhon Azimov, a leader of the political opposition group, the Popular Movement Birlik (Unity), in Andijan. He had been sentenced to sixteen years in prison on May 5, 2002, after a trial that reportedly relied wholly on fabricated evidence of his "anti-state activities."

The release in August 2002 of five Christians unjustly imprisoned in 1999 was seen as a positive development, although the timing of the releases appeared to be calculated to coincide with publication of the U.S. government's report on religious freedom. Those released included Rashid Turibayev of the Full Gospel Church in the Autonomous Republic of Karakalpakstan and two of his fellow worshipers, Parakhat Yangibayev and Eset Tanishev, all charged with illegal possession of narcotics. Authorities also accused Turibayev of violating a May 1998 law that imposed severe restrictions on permissible religious practice. That law also banned proselytism, the charge on which Ibrahim Yusupov, the head of a Pentacostal congregation in Tashkent, was convicted.

Secular figures as well as religious ones fell victim to state repression. Disregarding allegations of torture, an Uzbek court on August 18, 1999, convicted six men because of their alleged affiliation with Erk (Freedom), a political party founded in 1990 and banned by Uzbek authorities in December 1992. Its leader, Muhammad Solih, was the only candidate to run against President Islam Karimov in the presidential elections of 1991 and was forced into exile in 1994.

In 1999, the Uzbek government clamped down on human rights activists with unprecedented vigor and brutality. Over a dozen human rights defenders were detained, beaten, or otherwise harassed. Government-controlled local and national
media routinely broadcast and printed propaganda to discredit rights defenders as "supporters of terrorism," "traitors," and "enemies of the state." The government's campaign appeared designed to silence activists' criticism of official policy and stop the flow of information to foreign governments, media, and other observers.

To conclude, Uzbekistan is dynamically moving forward to cope with the prospects and challenges emanating from its transitional position. It has a long way to implement various measures to ensure rule of law, democracy and protection of human rights. The civil society, though trying to play its due role, is not as strong as in the developed Western societies. There are number of human rights violations still taking place, and the so far less state is effective in fulfilling the needs and aspirations of the various ethnic groups and general people alike. In order to achieve its developmental goals it needs to maintain the religious harmony and ethnic peace.