

POLICY BRIEF:

The Policy of the “Strong Hand” as a cause of the crisis in the functioning of state institutions in Uzbekistan



Introduction

"The state as the main reformer" - this principle of the so-called "Uzbek model of development" or "Uzbek phenomenon"¹ of building a democratic state and civil society has defined the policy of authoritarianism in Uzbekistan for many years. The only representative of the state who made all important decisions in the country was the President - Islam Karimov. The entire system of government was built on his vision of politics and economics.

After Shavkat Mirziyoyev came to power, the system of government, particularly the internal and external policies of the country, shifted greatly. New ministries and agencies were created, the legislative framework was updated, and free conversion of the national currency was introduced as the leading market mechanism. Another significant aspect of President Mirziyoyev's reforms was the revision of the sphere of influence of the security forces, primarily reducing the sphere of total control by the country's special services.

Despite all the above circumstances and reforms, the policy of "strong hand" and authoritarianism of the President, where state institutions do not function properly until the President himself approves them, seems to take hold in the "New Uzbekistan" state. In December 2022, Shavkat Mirziyoyev practically acknowledged the existence of the "strong hand" in his Address to the Parliament and the people of Uzbekistan.

"To expand opportunities and open up new prospects for private initiatives even further, it is time to move from so-called 'manual' control to a systemic one"².

Current institutional and Unjust problems

Independent courts and the rule of law are among the main requirements for ensuring effective and sustainable development of any democratic society. They also determine the economic prosperity of the country, as only with the proper functioning of these institutions can the country be attractive for investment. However, in Uzbekistan, the main problem of ensuring the independence of the courts and, as a result, the rule of law, is the executive branch itself." This is also stated in the report³ of the UN Special Rapporteur on the

independence of judges and lawyers, Diego Garcia-Sayan, following his visit to the country in September 2019.⁴

The rule of law is openly disregarded primarily by the regional leaders of the country in the person of governors. Despite lengthy demands for the election of governors, they are still appointed and dismissed by the country's president. In this regard, it is very important to draw parallels between the policies of the country's first president, Islam Karimov, and the current president Shavkat Mirziyoyev. During Islam Karimov's rule, the leaders of the regions were held criminally responsible for their activities and faced the punishment in most cases. However, things have changed since. It cannot be said that all regional leaders should be put in jail one after another, but we see that all their illegal actions related to corruption and embezzlement of budget funds are not being dealt with justly.

In recent times, there have been frequent cases of mayors of cities and districts being held criminally responsible, but this is more of a symbolic act for the public to hold them accountable for the economic and social problems in the country. The reason for the impunity of governors is predominantly due to the fact that the president himself, at the beginning of his presidency, publicly declared,

"The governors are under my protection, and I myself will talk to those who call them in for interrogation" - Shavkat Mirziyoyev.

It can be said that these words spoken by the country's president in front of the public became a trigger for impunity and, in essence, led to problems with the proper independent functioning of government institutions in the country.

The incompetence of government institutions is also made evident by the energy crisis that occurred in January of this year. The capital of the country, Tashkent, with a population of over 3 million people, was left without heating, water, and gas for a time, and the electrical networks could not function with the load, which led to mass blackouts occurring. There were frequent cases of fires at electrical substations, and in desperation, the people were even found warming themselves around fires in the city center.

In the spring, floods and heavy rains replaced the energy crisis in the capital. On April 5, the country's president discussed the issue of drainage systems in cities at a meeting and gave an instruction to "develop and implement a program to solve this issue within two weeks."⁵ Solving the problem without comprehensive study by specialists within such a short time has a low probability.

In the US Department of State's report for 2020, it was emphasized that "the law provides for criminal penalties for corruption among officials, but the government did not effectively enforce the law, and corrupt officials often went unpunished."⁶ Three years later, this trend is

¹ <https://moluch.ru/archive/70/12073/> Botirov, Ilhom. Uzbek model of development / Ilhom Botirov. — Text :— 2014. — № 11 (70). — С. 277-279. — URL:

² <https://president.uz/ru/lists/view/5774> Message of the President to the Parliament and the People of Uzbekistan dated 20.12.2022

³ <https://news.un.org/ru/story/2020/07/1381961>

⁴ <https://president.uz/ru/lists/view/2878>

still relevant and worse. "The impunity of government officials remained pervasive, despite some efforts by law enforcement agencies to investigate human rights abuses and corruption by officials,"⁷ said the annual report released on March 20, 2023. Unlike in 2020, local Uzbek media paid little attention to the report this year, which also indicates increasing pressure on them.

The adoption of a new constitution and the consequent resetting of presidential terms will lead to even greater paralysis in the functioning of government institutions. The president will remain the sole source of power, upon whom the country's functioning and development will depend on. According to Article 124 of the new Constitution⁸, governors (hokims) of regions and the city of Tashkent are appointed and dismissed by the President of the Republic of Uzbekistan, and the governors in turn appoint mayors of cities and districts. There will be no selectivity in the executive branch.

"We will make decisions based on the principle of 'society as the initiator of reforms' and consult with our people on all issues," says Shavkat Mirziyoyev⁹, but in the near future, the initiator of reforms will remain the president himself.

Conclusion and Recommendations

In order to properly restore the functioning of State institutions, it is necessary, firstly, to decentralize local government. Regional governors should be determined by election. Secondly, it is also necessary to separate the executive branch from the legislative branch and abandon the practice of appointing governors as members of the Senate, the upper house of the country's parliament. To do this, it is necessary to revise the article of the Constitution on the appointment of governors in order to introduce the procedure for their election.

Ensuring the rule of law and proper combating of corruption and economic crimes against the state is also an important measure for the functioning of the government institutions. Ensuring the involvement of the public and public oversight is crucial in the fight against corruption. It is necessary to ensure full transparency of government contracts, including gas contracts, in order to increase public control over the executive branch. The public, activists, and civil society organizations should be given the power to appeal to the court to protect the interests of the state and society. It is necessary to expedite the creation of the Public Chamber, which was due to function by presidential decree in 2020 but has not yet been organized. The practice of open hearings with experts and leaders of civil society should be introduced in parliament. It is necessary to expand the opportunities for the population to participate in the political life of the country through the registration and admission of independent political parties and associations to the parliament.

²⁵ <https://darvo.uz/ru/2023/04/05/prezident-dal-dve-nedeli-na-resenie-problem-drenaznyh-sistem-gorodov>

⁶ <https://kun.uz/ru/news/2021/05/29/korrumpirovannyye-chinovniki-chasto-ostavalis-beznakazannymi-amerikanskiye-nablyudateli-ob-uzbekistane-v-2020-godu#>

⁷ <https://rus.ozodlik.org/a/32329330.html>

⁸ <https://meningkonstitutsiyam.uz/rus.pdf>

⁹ <https://president.uz/ru/lists/view/5774> Message of the President to the Parliament and the People of Uzbekistan dated 20.12.2022