

ON THE RESULTS OF THE PARLIAMENTARY ELECTIONS IN UZBEKISTAN

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Introduction

On 27 December, 2009, elections were held to the Legislative Chamber of the Oliy Majlis (parliament) of the Republic of Uzbekistan, as well as to the regional, district, and city Kengashes of people's deputies.

This article examines the preparations for the elections that began in June 2009 and takes a look at the National Conception on Preparing for and Holding Elections approved by the Central Election Commission (CEC), the election platforms of the political parties, the speeches made by party representatives, and various CEC documents.

The authors polled a representative selection of the population nationwide and interviewed election observers, authorized representatives of the political parties, and election agents of the can-

didates for deputy. On election day, they visited several polling stations to observe the voting procedure.

This study reveals that the republic's executive power manipulated the election process; the Legislative Chamber deputies had already been chosen before the elections began.

Contrary to the government's official statements about the high voter turnout, it was actually no higher than 45-50% (apart from at polling stations set up in learning institutions and military establishments).

Nor did the republic's citizens show any particular interest in the results of the parliamentary elections, or of the elections of the regional, district, and city Kengashes of people's deputies, since such referendums in Uzbekistan have long

shown their ineffectuality in involving the people in state and public management.

The executive power proficiently staged the semblance of a spirited interparty struggle and active election campaign. However, we hope that future elections will indeed be more vigorous and competitive, since the legislative framework pro-

moting the efficient functioning of political parties has become much stronger in the past few years.

We can confidently say that the political parties have gained enough experience in the elections to the Oliy Majlis in 1994, 1999, 2004, and 2009 to enhance their active participation in future elections.

Current State of Uzbekistan's Election Legislation Keeping in Mind the Latest Amendments and Addenda

The most effective way for the people to participate in state and public management is through elections; the democratic and open nature of this process largely depends on its legislative framework.

In Uzbekistan, election legislation is in constant flux, being continuously supplemented with new amendments and addenda which the authorities describe as its "constant improvement" and as a "vital element of the democratic reforms,"¹ as well as proof of the fact that the political parties are playing an ever important role.

For example, according to several articles published by the Republic of Uzbekistan Ministry of Foreign Affairs during the election campaign, "the dynamics of the systemic, consistent, and gradual democratic reforms being carried out in Uzbekistan, the rise in the population's legal and political culture, the maturity of civil society institutions, and the increase in the role of the country's parliament and political parties have prompted further liberalization and improvement of the country's election legislation."²

It is thought that political parties today are very different from how they were in the recent past, and the powers with which national legislation invests them provide them with a strong enough legislative framework to effectively struggle for power in Uzbekistan.³

In support of this thesis, we often hear that the gradual development of legislation has promoted the active formation of a competitive environment and an increase in rivalry among the political parties; these processes will ultimately accelerate solutions to the country's sociopolitical development tasks, as well as enhance the parliament's work.

The introduction of amendments into election legislation is initiated by the executive power, and most often by the president himself. This shows that the parliament in Uzbekistan is under the strong influence of the executive power structures and incapable of self-formation and self-regulation. In this

¹ "Sovershenstvovanie izbiratel'nogo zakonodatel'stva kak vazhnyy etap v demokratizatsii i liberalizatsii vybornykh protsessov v sovremenny period," 24 November, 2009, Zhakhon Information Agency of the Republic of Uzbekistan Ministry of Foreign Affairs, available at [http://www.jahonnews.uz/rus/rubriki/sobitiya_i_dati/vibori_v_oliy_majlis_respubliki_uzbekistan/sovershenstvovanie_izbiratel'nogo_zakonodatel'stva.mgr].

² Ibidem.

³ See: "Rol i mesto politicheskikh partiy v obnovenii, dalneishei demokratizatsii gosudarstvennogo upravleniia i modernizatsii strany," 20 November, 2009, Zhakhon Information Agency of the Republic of Uzbekistan Ministry of Foreign Affairs, available at [http://www.jahonnews.uz/rus/rubriki/sobitiya_i_dati/vibori_v_oliy_majlis_respubliki_uzbekistan/rol_i_mesto_politicheskix_partiy_v_obnovenii.mgr].

respect, an article by Uzbek political scientist B. Ergashev is particularly interesting, which examines the development of parliamentarianism in Uzbekistan as a self-regulating process:

“Several stages can be singled out in the evolution of parliamentarianism in the Republic of Uzbekistan.

“At the first stage (1992-1995), it was important to define the status of the political parties as mandatory entities of Uzbekistan’s election system. The first law adopted on 28 December, 1993 On Elections to the Oliy Majlis of the Republic of Uzbekistan, taking into account the current sociopolitical situation in the country, envisaged the usual ways for holding multiparty elections that are customary throughout the world, although it also had a few of its own special features. In particular, the law envisaged entities of election law for nominating candidates, i.e. local representative state power structures, which are not inherent in the multiparty system. The main reason for including this regulation was to create a counterbalance to the PDPU party, which predominated at that time and could obtain a monopoly majority in the parliament by means of elections. This did not correspond to the strategic goals of the country’s sociopolitical development.

“At the second stage (1995-2000), efforts were exerted on the basis of the experience accumulated at the first stage to consistently improve the legislative framework that regulated the formation of parliament. In 1999, several fundamental addenda and amendments were made to the laws on elections to the Oliy Majlis and the local representative power structures. The amendments addressed such issues as cancelling the five-percent barrier for political parties, and creating a new mechanism for nominating candidates for deputy through citizen initiative groups.

“In 2002, the third stage of formation of a multiparty system began. At this stage, fundamental changes occurred related to the transfer from a one-chamber to a two-chamber parliament and cancellation of the mechanism for nominating candidates for deputy from the local state power structures. This resulted in political parties and citizen initiative groups becoming entities of the election process.”⁴

The next stage in the development of parliamentarianism was abolishing the mechanism for nominating candidates for deputy by power, citizen self-government, and initiative group structures.

For example, whereas in the 1999 elections, political parties, the representative power structures, and citizen self-government structures could nominate candidates for deputies to the country’s parliament, and in 2004 political parties and initiative groups had this privilege, in 2009, only political parties enjoyed this right.

The government explains the reasons for the legislation amendments as follows: from election to election political parties are significantly expanding their sphere of activity in society, and the people and state are placing increasing trust in them. This is raising their responsibility and ultimately making the need to nominate candidates for deputy from other groups redundant.

Despite these conclusions, it is entirely obvious that from election to election it is becoming increasingly easy for the executive power branch to control them, thus preventing any political changes that are not to the ruling elite’s liking.

The 2009 elections were held keeping in mind the provisions of the law On Making Amendments and Addenda to Some Legislative Acts of the Republic of Uzbekistan Regarding Improvement of the Election Legislation, adopted on the initiative of the head of state. This law led to amendments and addenda to the country’s Constitution (Art 77) and the current laws of the Republic of Uzbekistan (Art 13).

In order to gain an overall idea of the current state of Uzbekistan’s election legislation, let us take a look at the most important of these amendments:

⁴ B. Ergashev, “Ne karmanny parlament, i daleko ne igrushechnye partii,” Internet version of the journal *Ekonomicheskoe obozrenie*, available at [http://www.review.uz/page/article/grajdanskoye_obshestvo/2575].

- The number of deputy seats in the Legislative Chamber has increased from 120 to 150. According to official statements, at the most recent elections, one deputy mandate represented the votes of approximately 120,000 voters. In so doing, 135 seats were allotted to deputies from political parties elected according to single-mandate election districts on a multiparty basis.
- Fifteen deputy seats in the Legislative Chamber have been earmarked for the Environmental Movement of Uzbekistan. The authorities evaluate this as the introduction of a new institution of “deputy seat quoting” in the national election legislation; they claim that this step was prompted by the “extreme urgency at the current stage of environmental protection issues, efforts to improve the environmental situation, and protection of public health.” They emphasized in particular that the Environmental Movement of Uzbekistan is not a Green party or a political organization, since it does not have any political aims and is not trying to gain power. Its activity, on the contrary, is aimed at resolving environmental protection problems that concern essentially all strata of the population regardless of their political orientation.
- The institution for nominating candidates to the representative power structures from citizen initiative groups was eliminated. Under the previous election legislation, candidates for deputy could also be nominated by citizens of the republic (in addition to political parties) by creating initiative groups and collecting a certain amount of signatures in their support. Whereby the candidate was not obligated to have a platform, nor was he beholden in any way to the initiative group that nominated him. Its responsibility went no further than nominating the candidate and securing his election to the representative power structures. In compliance with the official position, “in conditions of the efficient multiparty system forming in Uzbekistan, its dynamic development, and the high maturity of sociopolitical institutions, the need for an institution for nominating candidates from citizen initiative groups becomes redundant.”⁵ The authors of this article think that this innovation makes it impossible for those citizen groups that cannot (for objective reasons) join an official political party (for example, representatives of the political opposition groups *Birlik* and *Erk* which are not recognized by the authorities) to nominate their own candidates to the legislative power structures. Commenting on this innovation, Chairman of the Oliy Majlis Legislative Chamber Committee on Legislation and Judicial-Legal Issues N. Ismoilov said: “Abolishment of the institution for nominating candidates for deputy by initiative groups is primarily aimed at preventing various troublemakers from getting into parliament, including members of organized crime groups, and their acquiring deputy immunity. This measure also prevents a parliament post from being used to pursue clannishness and promote parochial and corporate interests.”⁶
- A regulation was enforced in the Law on Elections to the Oliy Majlis of the Republic of Uzbekistan, in compliance with which one observer from political parties that have nominated candidates for deputy, as well as media representatives and observers from other countries and international organizations and movements, have the right to participate in preparing for and holding elections at polling stations and in vote tallying. It also envisaged special privileges for observers, who, in particular, have the right to attend sittings of district and precinct election commissions, be present at polling stations and observe the preparations, see where

⁵ “Rol i mesto politicheskikh partiy v obnovenii, dalneishei demokratizatsii gosudarstvennogo upravleniya i modernizatsii strany,” 20 November, 2009.

⁶ *Khalk suzi* (National Word), 6 December, 2008.

the ballot boxes are placed, how they are sealed, and how citizens are issued ballot sheets, be present during the vote counting and compilation of the precinct election commission's report, and so on.

- A separate article (171) was introduced into the Law on Elections to the Oliy Majlis of the Republic of Uzbekistan that envisages the right of the political party that nominates candidates for deputy to appoint an authorized representative from among its members to participate in the vote counting at the polling stations as envisaged by the CEC. A similar regulation was also introduced into the Law on Elections to Regional, District, and City Kengashes of People's Deputies. Authorized representatives of political parties can participate in the CEC's audits to verify correct compilation of the candidacy lists. Theoretically, this regulation is designed to ensure an additional guarantee of election transparency. The amendments also addressed the openness and transparency of the election commissions' activity. A provision has been introduced into an article of the Law on Elections to the Oliy Majlis of the Republic of Uzbekistan (42) and of the Law on Elections to the Regional, District, and City Kengashes of People's Deputies (39) that obligates the chairman of the precinct election commission (or his deputy) to make public the report on the results of vote counting and post it in the building of the precinct election commission for general perusal for no less than 48 hours.
- The provision that establishes that "voter assemblies shall be organized by precinct election commissions" has been replaced by a regulation that envisages that "voter assemblies shall be held by the political parties independently" (in Art 27 of the Law on Elections to the Oliy Majlis of the Republic of Uzbekistan and Art 25 of the Law on Elections to the Regional, District, and City Kengashes of People's Deputies). However, political parties must still coordinate the time and place for holding voter assemblies with the precinct election commissions.
- The amendments to Art 28 of the Law on Elections to the Oliy Majlis of the Republic of Uzbekistan have led to an increase in the number of election agents of the candidates for deputy of the Legislative Chamber of the Republic of Uzbekistan's Oliy Majlis from 5 (in keeping with the previous legislation) to 10, which should theoretically make it possible for candidates from the political parties to be more active in running their election campaigns.
- Political parties wishing to participate in the elections must register at the Ministry of Justice within four months instead of the previous six. This complicates registration of political parties in Uzbekistan; in actual fact not one of them can be considered oppositional.

Uzbekistan's current election legislation creates a contradictory impression.

On the one hand, all initiatives to form an election system and pluralistic political structure ensue from the executive power, most frequently from the president. Despite the noticeable development of liberal and democratic trends in the national election legislation aimed at creating a real pluralistic system and raising the role of political parties not only during elections, but also as entities of the political system, the executive power still maintains tight control over the process. And this control becomes even stronger during the election campaign and elections themselves, while the rest of the time the role of political parties is insignificant and goes almost unnoticed.

On the other hand, it is very likely that future elections will be more competitive and active; thanks to the executive power's unyielding control, the legislative framework promoting the functioning of political parties has become much stronger in recent years. It can be confidently said that the experience gained by the political parties during the elections to the Oliy Majlis in 1994, 1999, 2004, and 2009 will enhance their participation in future elections.

Participation of Current Political Parties in the 2009 Election Campaign

During the 2009 election campaign, four political parties ran for seats in parliament—the People's Democratic Party of Uzbekistan, the Adolat Social Democratic Party, the Milliy Tiklanish Democratic Party, and the Liberal Democratic Party of Uzbekistan (the Movement of Entrepreneurs and Business People).

- **The People's Democratic Party of Uzbekistan** is the first political party that was created after the republic declared its national independence (1991). It can be called the successor of the former Communist Party of Uzbekistan. The PDPU was established on 1 November, 1991. According to official statistics, it has a total of approximately 360,000 members, and 11,162 primary party organizations function in the regions. Latif Guliamov is the chairman of the central council. The main purposes envisaged in the party's Charter are promotion of the material and spiritual well-being of every working Uzbek family, ensuring equal opportunities, constitutional rights, and civilian freedoms, and protection of the honor and dignity of people regardless of their race, social status, political convictions, or confession. The party's official newspapers are *Uzbekiston ovozi* and *Golos Uzbekistana* (Voice of Uzbekistan).
- **The Adolat Social Democratic Party of Uzbekistan**⁷ was established on 18 February, 1995 at its founding congress. The party's supreme structures are the congress, the Political Council, and the Presidium of the Political Council. Ismail Saifnazarov is the chairman of the Political Council. The Adolat SDP's platform was adopted on 17 December, 2005. It has a total of 75,281 members and 2,536 primary party organizations. Its official newspaper is *Adolat*. The party's main purpose is to build a law-based and democratic state that meets the interests of all the nationalities and ethnic groups living in Uzbekistan, as well as establishing social justice in society, ensuring personal rights and freedoms, and forming an enlightened civil society based on traditional spiritual and moral values.
- **The Milliy Tiklanish Democratic Party of Uzbekistan**⁸ was formed on 20 June, 2008 by a decision of a joint congress based on a merger between the Milliy Tiklanish Democratic Party of Uzbekistan and the Fidokorlar Party; its chairman is A. Tursunov. It has a total of 108,390 members. The party's main purposes are to create favorable conditions for raising national self-consciousness, forming and strengthening a feeling of national pride, devotion, and love for their Homeland in citizens, rallying together the country's patriots, mobilizing their intellectual and creative potential to serve Uzbekistan and raise its international prestige, and enhancing the patriotic upbringing of young people. The party's official newspaper is *Milliy Tiklanish*.
- **The Movement of Entrepreneurs and Business People—Liberal Democratic Party of Uzbekistan (UzLiDeP)** was established on 15 November, 2003 on the initiative of the country's president; its main purpose is to consolidate, unite, and coordinate the activity of property owners. M. Teshaboev is the party's leader and it has more than 160,000 members. Its official newspaper is *XXI asr* (21st Century) founded on 18 November, 2003.

⁷ Adolat means Justice in Uzbek.

⁸ Milliy Tiklanish means National Revival in Uzbek.

A political party can only raise its prestige by proposing specific programs and efficiently carrying them out (in the sociopolitical, economic, and cultural-spiritual spheres). This also depends on the number of its supporters and voters.

On the eve of the 2009 parliamentary elections, an Uzbek expert analyzed the political parties currently active in Uzbekistan and the type of voters they attract.

“As for the electorate of the political parties, the following can be noted.

“Young rightist liberals and experienced moderate leftists.

“Rightist liberals. The Liberal Democratic Party of Uzbekistan (UzLiDeP) has the largest faction in parliament. This party positions itself as a party of successful business people, a party of entrepreneurs. If we analyze its program, it is a party with serious rightist-liberal views: it is in favor of greater freedom in business and encouraging competition in order to make the state more receptive to business requests. The party aims to protect the interests of businessmen.

“Moderate leftists. The main player on the left flank of the political sector is Uzbekistan’s oldest political party—the People’s Democratic Party of Uzbekistan (PDPU). This party has the largest number of members, very strong grass-roots organizations, and a coherent program, which clearly states that the PDPU’s priority is protecting the interests of vulnerable groups, budget employees, and needy families. The PDPU positions itself strongly against the UzLiDeP and their ideological opposition can be seen across the board, from grass-roots organizations to the republic-wide level, including in their official newspapers.

“The social democrats or simply democrats:

“The very name of the Adolat Social Democrat Party of Uzbekistan (Adolat SDP—Justice) shows that it is associated with social democracy. This entails strong social protection, protection of the interests of underprivileged people, and combating unemployment. But it also declares the protection of entrepreneurial rights and efficient cooperation with workers, entrepreneurs, and the state as its priorities. The party also has a very strong environmental program.

The Milliy Tiklanish Democratic Party—National Revival. This party represents the interests of the national intelligentsia and those population groups oriented toward supporting and developing the national culture, spirituality, and language. It talks about a market economy with a social face, but the party does very little to actually protect business and labor interests.”⁹

The main tool of the political parties and the Environmental Movement of Uzbekistan for reaching voters during the election campaign is their platform. According to national legislation, the political party shall draw up its platform itself and has it approved by its general congress before the elections start. No one, including state structures and officials, has the right to interfere with the drawing up and adoption of the election platform. But according to reliable sources, all the political parties and the Environmental Movement of Uzbekistan were compelled to coordinate the initial drafts of their election platforms with the executive power by the end of September 2009.¹⁰

Careful study of the election platforms of the political parties and the Environmental Movement of Uzbekistan showed that these documents were all essentially the same; they abounded in highfaluting words and mentions of “the country’s achievements during the years of national independence,” extolled the “stable establishment of a law-based democratic state and open civil society,” and emphasized “the special path of Uzbekistan’s development,” referring to “the Uzbek miracle in the transition to a market economy.” They were almost entirely lacking in specific and precisely defined tasks, nor did they offer alternative development models.

So the election platforms of Uzbekistan’s political parties can be described as politically unprofessional.

⁹ B. Ergashev, *op. cit.*

¹⁰ The authors’ interview with a representative of the UzLiDeP, 18 November, 2009, Tashkent, Uzbekistan.

For example, the UzLiDeP defined one of its main goals as “active and responsible participation in executing the Anti-Crisis Program in Uzbekistan,” without offering new ways of development and without clarifying just in what way it intended to participate in implementing the anticrisis measures in the country.

The party also maintained that it would continue supporting and creating the best conditions for one of the main groups of its electorate, the farmers.

In this respect, it should be mentioned that, as the majority party faction in the current parliament (it has 41 deputy seats of the total 120 in the Legislative Chamber), the UzLiDeP was unable to support those farmers (mainly private) from whom the government illegally confiscated land in October-November 2008 under the pretext of optimizing and enlarging the land area of farms.

In its election platform, the UzLiDeP emphasized that it adheres entirely to the foreign policy course designated by the president aimed at ensuring peace and stability in Central Asia, rational use of the water of transborder rivers, and Uzbekistan’s “6+3” initiative on the peaceful settlement of the conflict situation in neighboring Afghanistan.¹¹ In addition, it was noted that the party believes “the state’s effective management of the country’s economy to be a guarantee of its successful development.”

In so doing, the UzLiDeP clearly contradicted its liberal ideas and values, which can be qualified as political unprofessionalism.

Like the other parties, the Milliy Tiklanish Democratic Party gives a detailed account of Uzbekistan’s achievements during the years of national independence in its election platform: “establishment of a law-based democratic state,” “transition to a market economy,” “raising the role of political parties in the life of the state and society,” and so on. In so doing, it maintains that “the party is striving to exercise public control over implementation of the decisions of the central and local state government structures,” but does not clarify how this important task will be carried out and whether the future deputies will make independent political and legal decisions. The party also limited its program content in the legal, economic, and social spheres to general phrases and did not present its own vision of the situation or proposals for alternative ways of development. There was absolutely no mention of the problems that directly affect the interests of most of the population, while the party’s rhetoric was peppered with many quotes from the speeches of the head of state.

The content of the Adolat Social Democratic Party’s election platform was not distinguished by any originality either; it emphasized its adherence to the ideas of social democracy, without having a clear idea of what this actually entailed. The party’s election platform noted that “the party recognizes workers, farm laborers, civil servants, representatives of creative and engineering-technical professions, businessmen, teachers, pensioners, women, and young people as its electorate.” It declared its main task to be studying the electoral situation, but not striving to become “a party of all the people.” The party’s election platform did not contain any clear and precise plans for resolving the current problems; it simply reiterated that the high economic achievements during the years of independence had raised the standard of living and promoted macroeconomic growth and the republic’s stable development. There was not one mention of the tens of thousands of Uzbek citizens who are leaving the country today in search of a living and the huge army of unemployed within the country.

The election platforms of the People’s Democratic Party of Uzbekistan and the Environmental Movement of Uzbekistan did not differ in any way from all those mentioned above, so there is no need to take a separate look at them. There is nothing competitive or individual about them; these programs do not offer any alternative ways for the country’s development, they are not capable of

¹¹ Initiative of Uzbekistan President Islam Karimov “6+3” on the peaceful settlement of the situation in neighboring Afghanistan by involving six of Afghanistan’s neighboring countries plus the U.S., Russia, and NATO in this process.

justifying the voters' expectations, and they have nothing in common with a real political struggle for power.

So today, the political parties of Uzbekistan are incapable of rallying people around them and governing the state.

In keeping with the current legislation, the candidates for deputy began their election propaganda on 21 November, 2009. As official sources maintain, the candidates organized and held 19,947 meetings with voters.

Independent observers stated that the 2009 elections in Uzbekistan were entirely lacking in any democratic election race. The political parties merely created its semblance in keeping with a preconceived scenario. This can be clearly traced in the mutual criticism and accusations between two of the political parties—the Liberal Democratic and People's Democratic parties.

Recently, such mutual mudslinging has become a regular feature on the pages of their official newspapers—*XXI asr* (21st Century of the UzLiDeP) and *Uzbekiston ovozi* (Voice of Uzbekistan of the PDPU). A content analysis of these altercations (which were part of the preconceived scenario) demonstrates that they had little to do with a discussion of vitally important issues and real problems; they contain mutual insults and accusations (for example, of falsifying the total number of party members), as well as reports on how “successfully” they were following the country's development course set by the executive power.

In addition, television debates between the political parties were organized by the executive power (for the first time in the history of election campaigns in Uzbekistan). According to the Conception on Preparing for and Holding Elections, throughout the entire election campaign, five television debates were held in Tashkent (3) and in the regions (2). They were organized according to a preconceived scenario.

The representatives of the political parties who participated in the debates were given detailed instructions on how to conduct themselves, what questions to discuss, how to correctly present their position, and even how to show their emotions in front of the television camera.¹²

The executive power's control and interference in the activity of political parties in Uzbekistan is plain for all to see; and their complete inertia is also one of the reasons they are unable to attract voters with their programs and become real entities of the political processes in Uzbekistan.

- Not one of the current political parties in Uzbekistan has a clear political ideology; they even have a poor understanding of the values and ideas they declare in their names.
- The social foundation of the current political parties is their electorate, which has not been formed or fully identified, that is, it is unclear which particular party represents and protects the interests of which particular population group. The impression is created that the political parties live their own lives, while their electorate lives its own, whereby the people do not know which of the political parties supports their specific interests.
- Throughout their existence, the current political parties of Uzbekistan, under heavy pressure from the executive power and internal self-censorship, have failed to become strong brain, analytical, and ideological centers of civil society capable of offering alternative models for the country's development. Instead, they have mainly been engaged in organizing and carrying out undertakings aimed at propagandizing and popularizing state programs and regulatory legal acts that can be described as “measures for the sake of measures.” For example, the Milliy Tiklanish Democratic Party proudly states that on the eve of the elections it was busy

¹² Authors' interview with representatives of the political parties participating in television debates, 23 September, 2009, Tashkent, Uzbekistan.

organizing and holding creative poetry evenings¹³ and held more than 1,600 functions (during the first six months of 2009). This all creates the image in the minds of the electorate of the political parties as components of the state propaganda machine, rather than independent public institutions with alternative (oppositional) programs and proposals.

The above shows that the interparty struggle and election race on the eve of the last parliamentary elections in Uzbekistan were artificially staged and entirely controlled by the executive power.

According to Art 22 of the Law on Elections to the Oliy Majlis of the Republic of Uzbekistan, “nomination of candidates for deputy shall begin 65 days before the elections and end 45 days before the elections.”

At the beginning of November 2009, the political parties held their congresses, during which their election platforms were approved and candidates were nominated for deputy. According to the CEC’s list, a total of 517 candidates were nominated by the political parties for the Legislative Chamber of the Oliy Majlis; 123 from the Adolat SDP, 125 from the Milliy Tiklanish DP, 135 from the UzLiDeP, and 134 from the PDPU.

According to the official data, 31.9% of the candidates for deputy were women.

Activity of the Central Election Commission

Art 2 of the Law on the Central Election Commission of the Republic of Uzbekistan reads that the “main principles of the activity of the Central Election Commission are lawfulness, team spirit, openness, independence, and justice. The Central Election Commission is called upon in all its activity to promote the realization of democratic principles of the election system and ensure that the voters can freely express their will” (Law No. 613-1 of 30 April, 1998).

In May 2009, the CEC held a seminar-assembly on preparing for and holding the upcoming elections. The participants in the seminar drew up a Conception of Preparing for and Holding the Elections, as well as a program of election campaign measures.

As envisaged by the Conception, holding election campaign undertakings was divided into three stages.

At the first stage, conferences and seminars were held, collections of laws on elections were prepared for publication and delivered to the regions, the drafts of regulatory legal acts of the CEC were drawn up and adopted, and a whole series of other measures envisaged by the law was carried out.

At the second stage, work with the voters and media was organized, measures were implemented for setting up polling stations, establishing election commissions, compiling lists, and so on.

At the third stage, candidates for deputy were nominated and their meetings with voters organized, and measures were carried out aimed at preparing for and holding the elections.

The CEC formed 135 polling districts for organizing and holding the parliamentary elections, and, correspondingly, 8,447 polling stations were set up throughout the country. One deputy was elected from each district and, in compliance with Art 7 of the above-mentioned Law, 135 territorial polling districts were formed for the elections to the Legislative Chamber. The borders of the voting districts were determined in keeping with the administrative-territorial structure of the Republic of Karakalpakstan, the regions, and the city of Tashkent.

¹³ See: *Milliy Tiklanish*, 19 August, 2009.

As a rule, the polling districts were formed throughout the country so that each had an equal number of voters; the CEC establishes this quota per polling district for every election.

For the 2009 parliamentary elections, the number of voters in one district amounted on average to 127,500 people, that is, a total of 17,212,500 voters were expected to participate in the upcoming elections, but it was not clear whether this number included the Uzbek labor migrants living outside the country.

Independent observers show that contrary to the requirements of Art 2 of the Law on the Central Election Commission of the Republic of Uzbekistan, during the parliamentary elections of 2009, as well as during the election race, the CEC was extremely dependent in financial, organizational, material-technical, and resource terms on the executive power.

Serious violations were also noted in the financing of the election campaign.

The laws On Political Parties (1996), On Financing Political Parties (30 April, 2004), and On Elections to the Regional, District, and City Kengashes of People's Deputies set forth the main provisions for financing the authorized activity of the political parties, their parliamentary factions, and the election campaign.

These regulatory acts envisage the following sources of financing for the political parties:

- self-financing of the parties by means of member fees and members' legally permitted financial-economic activity;
- financing by means of voluntary donations by legal entities and citizens of the Republic of Uzbekistan;
- state financing.

In the context of the elections to the Oliy Majlis of the Republic of Uzbekistan and the regional, district, and city Kengashes of people's deputies, Resolution No. 417 of the CEC of the Republic of Uzbekistan of 17 September, 2009 approved the Instruction on the Procedure for Financing and Using Funds to Prepare for and Hold Elections to the Oliy Majlis of the Republic of Uzbekistan and the Kengashes of People's Deputies of the Regions, Districts, and Cities.

Art 8 of the Law on Financing Political Parties says that financing the participation of political parties in elections to the Legislative Chamber and other representative state power structures shall be carried out in the established procedure only using state funds allotted for this purpose.

Paragraph 1.1 of the above-mentioned CEC Instruction envisages the following: "Spending on the preparation and holding of elections shall be carried out using state funds. Financing and other material support of candidates for deputy to the Legislative Chamber and members of the Senate using other funds shall be prohibited."

The following problems can be noted in financing the election campaign in Uzbekistan, which had a negative effect on the participation of candidates from the political parties in the parliamentary elections:

- The CEC did not publicize the total amount of state funds to be used for financing the election campaign. According to the Instruction, this sum covers the CEC's centralized expenses for financing the participation of political parties in elections, the expenses of the district and precinct election commissions, as well as the spending on elections to the Kengashes of people's deputies of the regions, districts, and cities (Paragraph 1.3 of the Instruction). The above-mentioned laws and CEC Instruction did not set forth specific deadlines for publicizing information on state financing of the election campaign. Although Paragraph 2.4 of the Instruction states that the Uzbekistan Ministry of Finance shall determine the spending on preparing for and holding elections to the Oliy Majlis in keeping with the budget request presented by

the CEC. Paragraph 2.7 of the Instructions explained that “when compiling a spending estimate, the schedule for financing the preparations for and holding of the elections approved by the CEC in coordination with the Republic of Uzbekistan Ministry of Finance shall be taken into account, after announcement of the beginning of the election campaign for the elections to the Oliy Majlis of the Republic of Uzbekistan and to the regional, district, and city Kengashes of people’s deputies.” So it can be presumed that there was a schedule that indicated the specific deadlines and amounts of state financing for preparing and holding the upcoming elections, and that the leaders of the political parties and the Environmental Movement of Uzbekistan were informed about them without this important information being brought to the notice of the electorate. It is very likely that this issue (like many others) was classified as secret information. Some candidates for deputy stated that they did not begin receiving state financing until the beginning of December (rather than by the established date of 21 November, 2009).

- The experience of previous elections in Uzbekistan shows the meager and perfunctory state financing of elections. In our opinion, this trend was also retained in 2009. According to reliable sources, the total amount of state financing for the elections in 2009 approved by the Ministry of Finance amounted to 17 billion Uzbek soums (approximately \$8,542,713 according to the shadow currency exchange rate). Paragraph 2.11 of the CEC Instruction states that “political parties shall spend the state funds allotted to finance their participation in elections to the Legislative Chamber on printing graphic election propaganda matter; organizing the speeches of candidates for deputy to the Legislative Chamber on television, radio, and in other media; organizing the meetings of candidates for deputy to the Legislative Chamber with the voters; organizing the activity of Legislative Chamber deputy candidate election agents and other agents recruited to carry out election propaganda directly in the voting district; and implementing party measures required for conducting the election campaign.” The same sources reported that each registered candidate for deputy was allotted 2.5 million Uzbek soums (approximately \$1,256 at the shadow currency exchange rate) from the total amount of state financing of the election campaign. It is obvious that these amounts did not correspond to the actual amount they received and were not sufficient to organize the election campaign. The experience of past elections shows that candidates for deputy had to use their own money and look for additional sources of funding.
- Approved state financing was carried out through the accounts departments of the corresponding khokimiats at the sites where the district and precinct election commissions are located. According to Paragraph 1.3 of the CEC Instruction, the following procedure for financing the election campaign is approved:
 - “...
 - “— for centralized expenses, including financing the participation of political parties in the elections, by the Central Election Commission of the Republic of Uzbekistan;
 - “— for the expenses of the district and precinct election commissions associated with elections to the Oliy Majlis of the Republic of Uzbekistan, by the district election commissions through the accounts departments of the corresponding khokimiats of the districts (cities) at the sites where the district commissions are located;
 - “— for expenses on the elections to the Kengashes of people’s deputies of the regions, districts, and cities, by the district and Tashkent city election commissions through the accounts departments of the corresponding khokimiats.”

Financing of the district, precinct, regional, and Tashkent election commissions through the accounts departments of the corresponding khokimiats led to their greater dependence on the state executive power structures and an increase in administrative pressure on the election campaign.

- Contrary to the provisions of national election legislation, the CEC Instruction essentially excluded the possibility of financing the election campaign using the voluntary donations of legal entities and citizens of the Republic of Uzbekistan. For example, Paragraph 1.2 of the Instruction maintains: "Political parties and other public associations, enterprises, institutions, organizations, and citizens may voluntarily offer their funds for holding elections. These funds are accepted by the CEC to be used during the election campaign." Paragraph 2.13 of the Instruction reads: "Funds from political parties and other public associations, enterprises, institutions, organizations, and citizens for financing the election campaign to the Oliy Majlis shall be deposited in a special extra-budgetary account of the CEC opened in a bank that services it." Further, Paragraph 2.14 of the Instruction maintains: "Funds from political parties and other public associations, enterprises, institutions, organizations, and citizens shall be spent on the basis of a CEC decision for purposes envisaged by the legislation of the Republic of Uzbekistan." According to the available information, the CEC made a decision to share the funds from political parties and other public associations, enterprises, institutions, organizations, and citizens among all the registered candidates for deputy without taking account of the interests of the legal entities and citizens offering voluntary donations.
- According to the official information, an additional 60 voting districts were created in each district, the autonomous republic of Karakalpakstan, and the city of Tashkent, and in each district 30 polling stations were set up for holding the elections to the regional, district, and city Kengashes of people's deputies. Another serious shortcoming of the election financing issue in 2009 was the fact that there was no mention anywhere of providing separate individual spending estimates for candidates to the regional, district, and city Kengashes of people's deputies; they, correspondingly, did not have enough funds to carry out election propaganda, organize speeches covered by the media, or arrange meetings with voters. This shows that the authorities regarded these elections as secondary and not worth their attention.

In the end, all the above-mentioned problems of financing the election campaign made it extremely difficult for the candidates to participate in it and had a negative effect on the results of the elections.

Public Opinion on the Elections

Parties express the political will of their members; their participation in the election campaign is a school for expressing group interests and familiarizes the voters with the principles of the political culture, standards, and regulations of civilized political life.

During the election campaign, the state-controlled media claimed that the elections would be active and exciting, saying that the voters were showing an increased interest in them and were very familiar with the political parties participating in the election campaign. In order to study public opinion on the parliamentary elections, the authors of this article carried out a poll in October-November

2009 among representatives of different social groups in the country's regions. The poll was conducted using a specially prepared questionnaire entitled "Sociopolitical Views of Citizens and the Role of Political Parties in Society."

The poll of respondents yielded the following results:

- To the question: "What is the most urgent sociopolitical event today in Uzbekistan?", only 25% of the polled replied: "the upcoming elections."
- To the question: "How do you evaluate your place (your vote) in forming the state governing structures?", 15% of the respondents replied that their place (vote) played a decisive role, 53% were sure that their vote was not very important, and 32% said their vote would not change anything at all.
- 37% of the respondents noted that Uzbekistan's election system fully meets the principles of democratic elections, 32% believed that it almost meets them, while 31% replied that Uzbekistan's election system does not meet democratic principles.
- To the question: "To what state power structure will elections be held on 27 December, 2009?", 42% of the respondents thought that the president of Uzbekistan would be elected, 40% intended participating in elections to the parliament, and 18% in elections of the chairmen of mahalla committees.
- To the question: "Do you know about the latest amendments and innovations in the Uzbekistan election system?", only 5% of the respondents answered: "Yes."
- To the question: "How many political parties exist in Uzbekistan at present?", 57% replied: "Five," 25% said "Four," and 18% of the respondents were unable to answer this question.
- To the question: "How do you evaluate the activity of political parties in resolving the existing social, political, and economic problems in the country and the positions expressed on them?", 20% of the respondents replied that the parties are active, 40.5% said that the parties' activity cannot be called satisfactory, while the rest replied that the political parties were not active at all in resolving the existing problems.
- To the question: "What political party do you intend to vote for during the upcoming elections?", 5% of the respondents replied the Adolat SDP, 22% the PDPU, 21% UzLiDeP, and 18% the Milliy Tiklanish DP, while 34% of the polled indicated that they would not vote for any of the parties.
- To the question: "Which political party has largely succeeded in reflecting your sociopolitical views in its election campaign?", 20.5% of the respondents indicated the UzLiDeP, 19% the PDPU, 17% the Milliy Tiklanish DP, while 43.5% of the respondents replied, "none of the political parties."

The results of the public opinion poll show that most citizens have a poor awareness of the political processes going on in the country. This might be due to the following factors:

- lack of faith in the openness, democracy, and justice of elections as a political mechanism for participating in state and public management;
- low political literacy of most of the population;
- unattractive political activity of the existing parties.

27 December— Universal Parliamentary Election Day

According to the information of the CEC on the outcome of the parliamentary elections, 15,108,950 voters all over Uzbekistan came to the polls, which amounts to approximately 87.8% of the registered voters.

CEC Chairman M. Abdusalomov said at a briefing when the elections were over: “It should be noted that the elections to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan were held in strict compliance with the principles of democratic elections enforced in the Constitution and election legislation of the Republic of Uzbekistan. No information was received on violations of election legislation in the regions.”¹⁴

However, independent observers maintained the opposite.

On 27 December, 2009, at 06:00, polling stations opened all over Uzbekistan. In spite of the official statements about the high voter turnout, this probably only referred to those stations located in learning and military institutions; at the rest, the number of voters amounted to 45-50%.

In addition, on election day, the following violations of the principles of democratic elections were noted:

- Bulletins were filled out for absentee voters by members of their families, representatives of the mahalla committee, and members of the local election commissions.
- “Overly fair, honest, and exacting” authorized representatives and observers from the political parties were not permitted to perform their functions on election day, including counting votes, they were unjustifiably deprived of their mandate, pressure was placed on these representatives of the political parties by the secret services, and so-called “prophylactic talks” were held with them.
- The khokimiats of the districts and cities forced the employees of the polling stations to fill out the vote counting reports in pencil, so that afterwards they could make the “necessary changes” to them (before the reports were sent to the CEC).

These violations during the parliamentary elections contradict national election legislation.

New Art 17-1 of the Law on Elections to the Oliy Majlis of the Republic of Uzbekistan sets forth that “a political party that nominates candidates for deputy has the right to appoint an authorized representative from among its members to participate in the vote counting at polling stations as established by the Central Election Commission.”

Authorized representatives of political parties can verify that the CEC has correctly compiled the candidacy lists. This condition helps to additionally guarantee the transparency of the elections and execute the rights of the political parties during their course.

In addition, it is envisaged that the results of the vote counting shall be examined at a sitting of the precinct election commission and set forth in a report signed by the chairman, deputy chairman, secretary, and other members of the commission.

According to the information disseminated by the CEC, more than 270 international observers from 36 foreign countries, four intergovernmental international organizations, including 13 observers

¹⁴ Website of the CEC of the Republic of Uzbekistan, 27 December, 2009, available at [http://elections.uz/uzb/yangiliklar_va_tadbirlar/yangiliklar/saylov_muvaqqiyatli_otdi.mgr].

from the OSCE Office for Democratic Institutions and Human Rights, 84 observers from the Commonwealth of Independent States (CIS), 5 observers from the Shanghai Cooperation Organization (SCO), and 7 from the Organization of the Islamic Conference (OIC), observed the course of the parliamentary elections.

In addition, more than 30,000 observers and authorized representatives from the political parties observed the elections.

According to a reliable source, the authorities instructed each region to set up 15 exemplary polling stations in the event that international observers paid a visit.¹⁵

It was after visiting these exemplary polling stations that most international observers gave their positive evaluation of the parliamentary elections held in Uzbekistan.¹⁶

Conclusion

As this analysis shows, the 2009 parliamentary elections were distinguished by the following special features:

- By abolishing the mechanism for nominating candidates for deputy from citizen initiative groups, the authorities were able to interfere in the activity of the political parties and control the course of the elections; this made the results of the elections predictable even before they ended.
- The elections demonstrated that the programs and platforms of the current political parties did not contain any alternative development models for Uzbekistan; most of the voters did not understand them and they had very little in common with the realities of the country's development.
- By nominating candidates for deputy and participating in the voting process, the political parties and the Environmental Movement of Uzbekistan were primarily trying to comply with the executive power's instructions, that is, form the deputy corps of the future parliament in keeping with quotas predetermined in advance. For example, the deputy corps was to consist of up to 30-35% of lawyers, up to 20-25% of economists, and up to 20-25% of farmers, representatives of the agricultural branch, businessmen, and so on. Separate quotas were established in terms of the age, gender, etc. of the future deputies.

But it is difficult to deny that the legislative framework promoting the functioning of political parties has become much stronger in the past few years; they continue to gain experience with each successive election.

The rights of the political parties have technically expanded; recently much is being said about their growing role in state and public management, as well as the gradual fortification of parliamentarianism in Uzbekistan and professionalization of the national parliament.

¹⁵ Authors' interview with a source in the CEC of the Republic of Uzbekistan, 5 January, 2010, Tashkent, Uzbekistan.

¹⁶ For example, the final statement of the observer mission from the CIS maintains the following: "The mission of observers from the Commonwealth of Independent States believes that the elections to the Legislative Chamber of the Oliy Majlis of the Republic of Uzbekistan held on 27 December, 2009, were held in keeping with the Constitution of the Republic of Uzbekistan, the election legislation in effect in the country, and the generally accepted regulations for holding democratic elections; it recognizes the elections as free and open; it maintains that the elections demonstrated a level of political maturity inherent in a civil society, ensured the free expression of will of the voters, and reinforced the foundations of state sovereignty and the democratic principles of the Republic of Uzbekistan," Mission Statement, 28 December, 2009, available at [<http://www.uzinform.org/ru/news/2009/12/28/0003047.htm>] in Russian.

But a comparison of these assertions with the actual activity of the parliament in 2004-2009 shows an entirely different situation. Approximately 93% of the legislative acts adopted by the Uzbek parliament of the previous convocation were initiated by the president and government.

This points to a fundamental problem—there is no division of power in Uzbekistan's state system.
