

A NEW CONSTITUTION FOR A NEW UZBEKISTAN

Alberto Turkstra, Project Manager, Diplomatic World

On April 30, Uzbek citizens were called to the polls to vote on a new Constitution, the first major change to the country's Basic Law since the Central Asian country gained independence in 1991, with the exception of some minor amendments which have taken place over the years, mostly related to administrative reforms. This time around, 65 percent of the existing Constitution was affected, which has seen the number of articles increase from 126 to 155, and the number of constitutional norms raised from 275 to 434.

The outcome of the referendum was perhaps never in question (the voter turnout was 84.54 percent, with 90.21 percent voting in favour), a reflection of the broad support President Shavkat Mirziyoyev enjoys, and constitutes a natural step in the large-scale process of reforms initiated in 2017 by President Mirziyoyev, who will seek a fresh mandate on 9 July after calling for snap presidential elections.

International observers were unanimous in praising the good technical organisation of the referendum, which was conducted in full compliance with international norms and standards, although it fell “short of genuine political pluralism and competition”, according to the OSCE Statement of Preliminary Findings and Conclusions. There were a few cases of violations in a number of polling stations (including a widely circulated video in which a polling station member is seen filling several ballot papers and stuffing them in the ballot box). The Central Election Commission of Uzbekistan has promptly investigated such cases and invalidated the results on a number of polling stations due to such infringements – which in any case did not alter the outcome of the referendum.

The process leading to the referendum has been a lengthy one, to give the public the opportunity to communicate their opinions and feedback, and familiarize themselves with the proposed changes. The setting up of the National Commission for Constitutional Reforms in May 2022, comprised of 47 members (deputies, senators from all regions, representatives from various social strata, civil society institutions, leading lawyers, political scientists, and other experts) quick-started a lengthy national dialogue process. Various parliamentary committees, overseen by the Commission, reviewed over 220,000 proposals from Uzbek citizens, many of which are reflected in the new Constitution, drafted in line with a range of international laws including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

The 1992 Constitution was very much state-centric, written at the time of the country's independence, a period in which Uzbekistan's future as an independent sovereign state was uncertain and state institutions needed to be built from scratch. Its main goal, therefore, was to strengthen statehood and organize the activities of state bodies. The new Constitution places the welfare of the citizens first and subordinates the state institutions to the service of this goal. It can be understood as a new “social contract” which is expected to create socio-economic and political dividends.

On social guarantees, for example, the new Constitution triples the number of obligations of the state to its citizens. For example, it outlines the right to housing and prohibits the confiscation of one's home without a court decision and proper compensation (Article 47). Everyone has the right to employment under safe working conditions and above minimum wage (Art. 42), and there is a special prohibition on discrimination against women in employment based on parental status (Art. 43). It furthermore guarantees access to free education at the pre-school, secondary and higher education stages. In this context, it should be noted that over the past six years, the number of universities in Uzbekistan has increased from 77 to 210, and enrolment has quintupled.

The new Constitution is not only good news for Uzbek citizens but for foreign investors too. As President Mirziyoyev stated at the Second Tashkent International Investment Forum, held a few days before the referendum, under the new Constitution, for the first time the state assumes obligations and accountability vis-à-vis assuring a comfortable investment and business environment; ensuring the inviolability of property; developing market relations and creating conditions for fair competition; and ensuring the independence of courts.

Considering the scope of the new Constitution, it is perhaps unfortunate that a high number of Western media have chosen to single-handedly focus on one aspect of the referendum: the extension of the presidential mandate from 5 to 7 years with the possibility of running for two terms.

Uzbekistan is in the midst of an ambitious, multi-speed, reform process. Social and economic reforms dominated the first phase of reforms (opening the country for foreign investments; eradicating forced labour in the cotton fields, etc.) and political reforms have proceeded more gradually. We can speak of the liberalisation, but not yet of the democratization of Uzbekistan's political system. Furthermore, liberalisation needs to go hand-in-hand with the preservation of stability. The state is reforming but must preserve the ability to steer reforms and implement them progressively, so that the population can gradually take ownership of these changes.

Predictability, continuity and political stability are important in a rapidly changing country like Uzbekistan facing many geopolitical, economic and societal challenges. One such set of challenges relates to demographics: over half of Uzbekistan's 36 million people are under the age of 30, which puts pressure on the education system, the labour and the housing market, for example. Such challenges call for long-term political vision, a situation very different in some advanced democracies where political leaders fail to look beyond the next election cycle.

Looking ahead, implementation will be key. In the coming weeks and months, the government will adopt a programme of measures to bring the country's legislation in line with the new Constitution align other legal documents (such as the Criminal Code) with the Constitution to ensure they are not in contradiction to each other.

Looking ahead, expectations are high: under the new Constitution, the state's obligations towards its citizens are much increased, in terms of social privileges and the protection of civil liberties. This increases the responsibility and accountability of those in power and redefines citizens'

expectations towards the state. But one thing is certain: with a new Constitution – by the people and for the people – the process of building a “new Uzbekistan” rests on solid foundations.