

A constitution for “the New Uzbekistan”

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A wide-ranging amendment to Uzbekistan’s constitution came into effect on 1 May. It was adopted on the basis of a referendum held the day before, with the support of 90.12% of voters and a turnout of 84.5%. the poll passed off peacefully, and according to the OSCE it was technically well-prepared, but it failed to ensure true political pluralism and fair competition. The new constitution is an intensively rewritten and expanded version of the 1992 Basic Law. The changes made radically increase the state’s obligations towards society in terms of social privileges and the protection of civil liberties, and open the way for the development of local self-government, among other measures. The revised constitution organises and simplifies how the central institutions function. The most important consequence of the amendment is that the incumbent president Shavkat Mirziyoyev will now be eligible for re-election: early presidential elections were called for July immediately after the referendum.

The changes to the Basic Law are part of the sweeping state reforms that Mirziyoyev has been implementing since 2016. An important element of these changes is the consolidation of power, involving the limited liberalisation – but not the democratisation – of the political system. They come in response to rising social tensions, the generational transition in Uzbekistan and the worsening international situation. They are intended to consolidate the state and society, and to legitimise the president’s power.

The New Uzbekistan

Uzbekistan is the most populous country in Central Asia. Its political, social and economic potential has historically been, and still is, the basis for its ambitions to exercise regional leadership (with strong competition from Kazakhstan). The state and its policies assumed its present shape under the rule of Islam Karimov (1991–2016), and was founded on an extremely authoritarian system of domestic politics with an extensive apparatus of repression, statist and autarkic economic policies, a hegemonistic policy toward its neighbours, and an active policy of keeping a distance from the regional and global powers while maintaining a balance between them. While this approach upheld a façade of stability in the state, powerful internal tensions were building up.

Mirziyoyev, who had been prime minister since 2003, took power after Karimov’s death in 2016, and began the process of reconstructing Uzbekistan’s political and economic system (see *‘Thaw in Uzbekistan. Reforms by President Mirziyoyev’*). The new president’s immediate goal at that time became the consolidation of power. First of all, this required weakening the strong position of the power structures (the security service, the prosecutor’s office, etc.); that had the indirect effect of loosening the system of repression on sensitive issues

including religion. Then began a process of personnel changes, reorganising and slimming down institutions and offices, as well as increasing the apparatus of official supervision (for example, by establishing an Anti-Corruption Agency in 2020). All this was intended to improve the operation of the government system.

However, a fundamental change has taken place in the state's approach to society: the system of monitoring suspicious views (such as overly religious manifestations or cultural activities promoting Western content and tastes) has been loosened, the field for the citizens' economic activity has been greatly expanded, and the involvement of the public sector in stimulating the economy and developing infrastructure has greatly increased. At the same time, the Uzbek economy has been opened to external influences and investments (from Russia, China and the West, among others) and its relations with its neighbours have greatly improved. The reforms have been carried out in response to the country's growing social challenges, including demographic and generational pressures: more than half of Uzbekistan's 36 million people are under the age of 30, which puts pressure on the education system, the labour market and the housing market. And of course, the state has to deal with all these matters within serious financial and organisational constraints.

The common denominator of the transformations which have happened over recent years (in addition to the goal of ensuring the stability of power) was a desire to modernise the country, consolidate society and shift the burden of political legitimacy of those in power from the power structures to the general public – while not pluralising political life to any real degree. The entirety of the reforms Mirziyoyev has implemented – which have generally been clearly visible and are appreciated by the public – operates under the name of 'the New Uzbekistan'. The process was intended to culminate in the new constitution, which the current president announced in November 2021 after winning the (non-competitive) elections. Work on it accelerated after the bloody protests in neighbouring Kazakhstan (January 2022) and the Russian attack on Ukraine (February 2022), as the amendment of the Basic Law was seen as a step toward consolidating the state and society. Political weight to the issue was added by the violent and harshly suppressed protests which took place last July in Nukus, the capital of the autonomous Karakalpak Republic, which were spurred by announcements that the new constitution would limit the region's autonomous sovereignty (see '[Krwawo stłumione protesty w Uzbekistanie](#)').

The new constitution: rebranding the state

Although the project to draft an entirely new constitution was abandoned, the changes to the Basic Law were very extensive: the number of articles was increased from 128 to 155, while the number of individual provisions was increased from 275 to 434 (65% of the text was changed). A large part of the changes consisted of clarifying and expanding already existing provisions. The text formally emphasises the nature of the state as democratic, secular, based on the rule of law, directed toward the development of a just and open society, and (as repeatedly noted), based on social welfare and solidarity. What is new is the strong emphasis on the role of the state as a servant of society. The section on citizens' rights has been expanded and made more specific: respect for personal dignity and development, the inviolability of personal and property, fair trials (including the principle of presumed innocence and the need to prove guilt on the basis of evidence beyond a mere confession by the defendant), unfettered access to information; the death penalty has also

been abolished. The state's social obligations to citizens have been greatly expanded, with the introduction of a guarantee of housing, access to free education at the pre-school, secondary and higher education stages, pensions at the minimum wage level, access to state health care, care for the disabled, and other provisions. The government's responsibility for solving environmental problems, which was absent in the earlier constitution, is emphasised several times. In addition, the preamble included a reference to Uzbekistan's three thousand years of history; this is a specific response to Russian attempts to devalue the subjectivity of the states (re-)established after the collapse of the former USSR.

Politically, the most important effect of the amended Basic Law is that it allows President Mirziyoyev to stand for re-election (the limit of two seven-year terms introduced herein will not *de jure* take effect until 1 May this year). Also, the number of senators has been reduced; the number of terms for numerous central and local office-holders has been limited to two; and the combination of offices and functions (for example, parliamentary and governmental) has been banned. The strengthening of the role of local administrations at various levels could be potentially significant, with clear separation between the powers of councils and representatives of local administrations (*hakims*). The new constitution also provides for the possibility of submitting civic petitions (upon collection of one hundred thousand signatures); this signifies a symbolic opening-up to the voice of the public, and represents a potential safety valve for the authorities, although it could politically activate the people of Uzbekistan in the future.

The amendments to the Basic Law do not limit the status and existing rights of the sovereign (autonomous) Karakalpak Republic; this should be seen as an indirect result of the 2022 protests and the authorities' unwillingness to inflame tensions.

Domestic and foreign challenges

Uzbekistan's new constitution is a symbolic culmination of the reforms Mirziyoyev has implemented and a confirmation of the constancy of his policies. The pillars of the revised constitution are a paternalistic state and a strong president. The authorities' priorities continue to be the consolidation of the state and society, and a top-down programme of modernisation. The country's biggest and most pressing challenge is to manage and channel the public's expectations. The renewed 'social contract' imposes large social obligations on the state, while symbolically elevating the position of the citizens and offering hope for improvement to their living conditions. The current constitution confirms the state's readiness to continue experimenting with the liberalisation of public life; however, this is to take place under strict control, and by no means implies democratisation of the system, that is, political pluralism and the introduction of real competition onto the political scene. With these caveats, though, the 'social contract' offered seems credible and has been accepted by society. At least in the short term, it offers the chance to stabilise Uzbekistan and reinforce the drive to economic development. At the same time, however, it also increases the responsibility of those in power for the effectiveness of their policies, redefines the citizens' expectations of the state, and (in the long term) creates new risks in the event of any failures.

The process of consolidating the Uzbek state and society has taken on particular importance in the face of political excesses resulting from the Russian attack on Ukraine:

the erosion of the post-Soviet order, the rising sense of instability, the ongoing adjustment of Russian-Chinese relations, and the increased activity of the EU in Central Asia (see '[Erosion of the post-Soviet system in Central Asia](#)'). These internal administrative changes are planned to strengthen Uzbekistan in its role of a desirable and inevitable partner for external actors, which at the same time has a stabilising effect on the region as a whole. At the same time, they are also intended to create the conditions to raise the funds which will be necessary to modernise the country.