

## Republic of Uzbekistan

(O'zbekiston Respublikasi)



**Capital:** Tashkent

**Inhabitants:** 26.593.000 (2005)

**Area:** 447.400 km<sup>2</sup>

### 1. Introduction



The Republic of Uzbekistan regained independence in September 1, 1991. It is an unitary state with presidential form of the government. Its territory is 448 900 sq. km. Population exceeds 26 mln., out of which 9,4 reside in cities (36 %) and 16,6 mln. reside in rural areas (64 %). Its capital is Tashkent.

### 2. Formation and main stages in the development of local self-government

One may distinguish two stages in the development of local self-government. The first stage embracing the period from 1991 till 2002 may be defined as the stage of formation of the new system of organs of local state government. During this period the institution of hokims has been revived and legal basis for the development of organs of local self-government has been created.

The legal status of local state organs and management is defined by the Constitution

of Uzbekistan and by the Law dated September 02, 1993 with subsequent amendments. Peculiar feature of this Law is that it specifies principles of activities and powers of two branches of local power: representative power embodied in councils (kengash) of people's deputies of regions (viloyats), districts (rayons) and cities and executive power represented by hokims of regions, districts and cities.

The institution of hokims (heads of local administration) is a traditional form of government which has been shaped in the course of historic development. Its roots are in a deep past. It reflects the experience of national state management and is based on the principle of personal liability. Hokims exercise their powers on a one-man management principle. Hokims enact decisions within their powers, which are obligatory to all enterprises, institutions, organizations, officials and citizens in appropriate territories.

Local organs of state power play an important role in ensuring harmonious and efficient functioning of the society. This may be explained by the following reasons: (1) they act as conductors of state economic policy elaborated by the national Government in the territories; (2) they act as institutions for elaboration and realization of regional policy increasing the living level and prosperity of population,



ensuring stable development of territories in economic, political, social, cultural and ecological spheres; (3) local government bodies act as mediators between the state, business community and institutions of civil society. Just that organs implement coordinating role in this social partnership.

The second stage which has started since 2003 is a period of decentralization, aimed at the establishment of the regime of cooperation and interaction between central and local state bodies and non-governmental sector.

Decentralization of organs of state management is a complicated process; therefore, it is realized step-by-step within the frames of general administrative reform. The policy of decentralization pursues the following goals: (1) increasing the freedom of activities of local state bodies which is made possible by transfer of certain powers of central bodies to regional, district and city organs; (2) increasing the role of self-government bodies, non-governmental organizations in local affairs by providing them certain powers and spheres of activities which have formerly belonged to local state bodies.

In Uzbekistan it is necessary to distinguish two forms of local government: firstly, local state bodies which are responsible to higher state bodies and population residing in respective territories; and, secondly, self-government bodies of citizens – meetings and councils of settlements, villages, kishlaks, auls and so on which are separated from the system of state power and act as bodies of genuine local self-government.

### 3. Territorial organization

Uzbekistan is an unitary state with one autonomous unit – Autonomous Republic

of Qaraqalpog'iston which has its own Constitution and supreme organs of state power.

The capital of Uzbekistan has a constitutional status as provided by Article 6 of the Constitution. But there are no special laws regulating the special status of the capital.

There are no metropolitan regions with specific forms of government in Uzbekistan.

In 2003 the administrative reform has been launched. In the course of reorganization of central regulating organs many functions have been transferred to local state bodies. Such functions mainly deal with exercising supervision and control, licensing, deploying resources, providing public services, monitoring quality of services and so on.

## 4. Institutions of local governance

### 4.1 Local political systems

Since 1991 several political parties have been formed. In 2004 five political parties took part in parliamentary and local elections.

Local elections are regulated by the Law dated May 5, 1994 "On the Elections of Regional, District and City Councils (Kengashi) of People's Deputies" (with amendments of August 29, 2003).

This Law provides for majority electoral system based on democratic principles and procedures.

In 2004 local elections the biggest number of candidates were elected from the Liberal Democratic Party (1,635 male and 254 female deputies), People Democratic Party (2,106 male and 423 female deputies) and National Democratic Party (478 male and 100 female candidates).



Candidates to regional councils may be nominated by political parties and by citizens. Candidates to district and city councils may be nominated by political parties, citizens directly and local self-government bodies of citizens. Political parties have the right to nominate as candidates only their party members or citizens who are not affiliated with any party, meanwhile local self-government bodies of citizens may nominate any persons regardless of their party affiliation. Nomination of candidates to regional councils of people's deputies is exercised by regional bodies of political parties (nomination of candidates to district and city councils, accordingly, by district and city organs of political parties). Political parties and local self-government bodies of citizens independently define the procedures for selection of candidates.

#### *4.2. Participation of citizens*

Citizens of the Republic of Uzbekistan take part in local elections and may be elected to local representative organs.

Beside participation in the formation of local councils, they may (1) initiate referendums according to the Law "On Referendum"; (2) to take part in the public discussions of draft laws regulating the most acute issues of public and state life as provided by the Law "On All People's Public Discussions of Draft Laws"; (3) make proposals and remarks to draft laws, to participate in the meetings with deputies, local representative and executive bodies and to express freely their opinion on draft laws and normative acts; (4) participate in the elaboration of draft laws and other normative acts and to take parts in contests for the best draft law as stipulated by the Law "On Normative Legal Acts".

Citizens also have the right to participate in the activities of self-government bodies and in accordance with the Law "On Self-

government bodies of Citizens" exercise public control over the execution of laws and other legal acts; to receive quarter reports of hakims of regions, districts and cities and information of heads of enterprises and organizations located in their territory on local matters; to make proposals to appropriate state bodies on changing boundaries of administrative territorial units and renaming of streets, squares and other objects.

In accordance with the Law "On the Elections of Chairman (Aksakal) of the Meeting of Citizens and his Counsels" citizens directly participate in the organization and elections of aksakals. The right to take part in the elections of aksakals of meetings of citizens and their counsels is granted to citizens who reside in the respective territory and who have achieved the age of 18.

#### *4.3. Mahallya – traditional (community) organ of self-government of citizens*

Special role in public self-government of citizens belong to mahallas.

Mahallya is a community of people residing compactly on a territory. The word "mahallya" in Arab language means "local association of citizens, community". There are different kinds of mahallya uniting 15 to 1 500 families.

Mahallya in historic and modern meaning appear as a public unit where its members are united by common place of residence, traditions and customs, common forms of communication, legal, economic and family relations. It was mahallya which since long ago has been determining, confirming and regulating rules and principles of communal life, creating the system of ideological and philosophic views, forming moral fundamentals, traditions and public opinion. At the same time mahallya and its organs of self-government have been



directly linking the state with families and religious confessions, controlling and executing of decisions of state power, organizing contacts with institutions of culture, education, legal order and so on.

Mahalliyas express the interests of the state when in the most complicated situations they ensure in their territories discipline and order, resolve conflicts, solve economic and everyday necessities of local communities. They exercise a number of independent functions which in other states are exercised as a rule by organs of state power and law enforcement organs. Therefore, the strengthening of the status of mahalliyas which had been taking place since declaration of independence became one of the most important steps in the formation of flexible, mobile local executive power and in the transition to genuine democratic forms of the rule of people.

Mahalliyas may protect more efficiently than any state bodies interests and rights of citizens, promote the development of small business, establish public funds for social aid and clemency, exercise different forms of social assistance, assist in the establishment in their territories of infrastructures necessary for the development of production, communal amenities, cultural and spiritual life. Currently there are about 10 000 territorial-demographic units of this kind which unite actually the whole population of the Republic of Uzbekistan. Recently mahalliyas have been formed in city quarters and other zones of new residence construction which permitted to ensure higher social level of joint cohabitation of population.

## 5. Relations between central and local organs

### 5.1. General issues.

Relations between different levels of government are primarily regulated by the

Constitution of Uzbekistan and the Law "On Local State Power". These issues are also regulated by the Law "On Self-government Bodies of Citizens".

Inter-relations between central and local bodies are characterized by subordination, mutual cooperation and strict separation of functions and powers.

In the system of organs of executive power, hierarchical centralization prevails. They are strictly united along the vertical of executive power. Regional level has priority over district level, and in its turn district level has priority over city (of regional subordination) level. In implementation of their administrative functions organs of local power are subordinated to higher ones. The majority of management decisions are enacted and public services are provided according to the principle of vertical branch subordination (national ministry – principal branch department in a regional hokimiat – the respective office in district or city hokimiat).

One may note two lines of inter-relations: internal (between state organs) and external (between state organs and self-government bodies of citizens).

The Cabinet of Ministers of the Republic of Uzbekistan is placed at the head of the system of state government and bodies of economic regulation and ensures coordination of their activities.

According to the Law "On the Cabinet of Ministers of the Republic of Uzbekistan (in its new version of 2003) the Cabinet of Ministers within its province: exercises coordination of activities of local organs of executive power with the aim to promote economic and social-cultural development of territories; considers proposals of hokims of region and the city of Tashkent on issues requiring decisions of the Cabinet of Ministers; controls the execution of



decrees and resolution of the Cabinet of Ministers and with this aim it may invite and hear reports of the heads of local executive power; ensures inter-action of ministries, state committees, agencies and other bodies of political and economic management with hokims of region and the city of Tashkent and adjust existing problems and contradictions; approves the main indices of economic and social development of territories; establishes the maximum quantity and model structure of the staffs of local executive organs; may suspend or revoke decisions and resolutions of hokims of regions and the city of Tashkent in the event they contravene legislation.

In the Constitution of the Republic of Uzbekistan chapter XXI is devoted to local state bodies. Article 101 of the Constitution specifies that local state bodies implement laws of the Republic and decrees of the President of the Republic, decisions of higher organs of state power, participate in public discussions of republican and local matters.

Local councils of people's deputies and hokims are primarily responsible for social-economic development of their region, district and city. Local councils adopt normative legal acts in the form of decisions. Hokims enact acts in the form of orders. Acts of local organs must be in conformity with the Constitution and laws of the Republic, acts of the national Parliament, President, Cabinet of Ministers and higher local state organs.

The term of powers of local council of people's deputies and hokims is five years.

Regional, district and city councils of people's deputies have the following main powers: to approve hokims and their deputies and remove them from their posts; to hear reports on their activities; formation, election and liquidation of

standing and provisional commissions of other organs of local councils, to change composition of these organs and to hear their reports; to confirm and to terminate ahead of time powers of people's deputies; to give consent for their prosecution in the cases and in the procedure as provided by law; to hear reports of heads of departments and other structural divisions of executive power; to consider requests of people's deputies and to enact decisions on such requests; to revoke decisions of hokims and lower local councils in the event they contravene legislation of the Republic; to approve upon proposals of hokims the structure and the scheme of the staffs of hokimiats and salary fund of their employees.

Decisions of higher organs enacted within their competence are obligatory to lower organs.

Hokims of regions, districts and cities are supreme officials of the respective regions, districts and cities. They act simultaneously as heads of representative and executive organs in their territories.

Hokims of regions and the city of Tashkent are appointed and removed by the President of the Republic of Uzbekistan with subsequent approval by the respective local councils of people's deputies. They are responsible to the President and the respective councils of local deputies. Hokims of districts and cities are appointed by higher hokims with subsequent consent of respective councils of people's deputies and they are responsible to these bodies.

Hokims of regions, districts and cities are entitled to: organize the execution of laws and acts of the national Parliament, President, Cabinet of Ministers, decisions of higher organs and appropriate local councils; adopt measures ensuring the maintenance of public order, struggle with



crimes, defending security of citizens and protecting their rights and health; organize works during natural calamities, epidemics and other situations of emergency; propose for approval of local councils main directions of economic and social development of regions, districts and cities, main positions of regional, district and city budgets and reports on their execution; present for approval of local councils decisions on appointment and removal of deputy hokims and heads of structural divisions of local executive power; nominate and remove heads of departments of the staffs of hokimiats; revoke decisions of lower hokims and request respective local councils to revoke decisions of lower councils in the event they violate the Constitution, laws and acts of the Parliament, the President and decisions of higher councils of people's deputies; control the work of structural divisions of organs of executive power the heads of which are appointed and removed by appropriate local councils; in the procedure as provided by law initiate application of disciplinary punishments of officials who fail to observe acts of local councils and hokims; consider petitions and make proposals on state rewards; act as official representatives of regions, districts and cities in the Republic and abroad; organize reception of citizens, consider grievances and proposals of citizens.

#### *5.2. Control over local government*

Decisions of regional, district and city council contravening the Constitution and laws of the Republic, decrees, orders and other acts of the President may be revoked by the Parliament in the procedure as provided by law.

Acts of hokims violating the Constitution and laws of the Republic, decrees, orders and other acts of the President, act of the Cabinet of Ministers and inconsistent with

the state interests of the Republic of Uzbekistan may be revoked or suspended by the President and the Cabinet of Ministers of the Republic.

The President of the Republic of Uzbekistan in accordance with Article 93 of the Constitution appoints and removes hokims of regions and the city of Tashkent with subsequent approval by appropriate local councils of people's deputies. The President may remove hokims of districts and cities in the event they violate the Constitution and laws or commit actions defaming honor and dignity of hokims; he also may suspend and revoke acts of hokims and other bodies of local state executive power.

#### *5.3. Protection of the right to local government.*

The all-national institution representing the interests of local government is the Senate of the Republic of the Republic of Uzbekistan. The Senate (upper chamber) is the chamber of territorial representation. Members of the Senate (senators) are elected on equal quota - six senators from the Republic of Qaraqalpog'iston, each of the regions and from the city of Tashkent – by secret ballot at the joint meeting of the deputies of the Parliament of the Republic of Qaraqalpog'iston, councils of people's deputies of regions, districts and cities.

Sixteen members of the Senate are appointed by the President of the Republic of Uzbekistan from the most distinguished persons who have rich experience and big achievements in the spheres of science, fine arts, literature, production and other spheres of state and public activities.

In the Senate it is prohibited to form parliamentary groups based on territorial, party or any other affiliation.



## 6. Functions of local government bodies

Joint powers of central and local state organs include: protection of human rights and freedoms; ensuring legality, legal order and security of citizens; the ownership and use of land, subsoil, water and other natural resources; the use of nature, protection of the environment and ensuring ecological security, regulation of natural reserves; protection of historic and cultural monuments; general issues of upbringing, education, science, culture, physical culture and sport; coordination of issues of health care, protection of family and maternity, paternity and childhood; social aid including social security; struggle with catastrophes, natural calamities, epidemics and liquidation of their consequences; establishment of general principles of taxation, levying of duties and other obligatory payments; state support of non-state non-commercial organizations.

Exclusive powers of local state bodies include: material and financial provision of the activities of local state bodies and state organizations located in respective territories; formation and execution of local budgets; formation and use of reserve funds of regional, district and city budgets; establishment and collection of local taxes and payments; prevention of extreme situations in appropriate territories, natural calamities, epidemics and liquidation of their consequences; support of agricultural production; planning of the use of agricultural lands; transfer of agricultural lands, with the exception of the republican lands into other categories of lands; construction and maintenance of roads of general use of regional and district significance; organization of transport services of population by automobile, railway and air transport; provision of general and of average level professional education; protection and preservation of

objects of cultural heritage of territorial significance; organization of library services of population by regional, district and city libraries; creation and maintenance of state museums (with the exception of state museums enumerated in the list approved by the Cabinet of Ministers of the Republic of Uzbekistan); organization of specialized medical aid, including urgent aid; conclusion of agreements in the fields of social-economic development, protection of the environment, science, fine arts and culture and other spheres of life with organs of other states; establishment of administrative liability for violations of local normative acts; direction of local residence-communal economy; registration of civil acts and deeds.

Local state management is exercised in close cooperation with non-state organizations and bodies of citizen's self-government. These organizations (commercial and non-commercial) are main driving forces of social-economic development and they often act as intermediaries in the relations between the state and citizens.

## 7. Local finances

Local taxes and duties specified by the Tax Code (tax for territorial amenities and development of social infrastructure, tax on physical persons for consumption of gasoline, diesel fuel and gaz for automobiles; payment for the right to trade certain kinds of goods; payment for registration of corporate persons and physical persons engaged in entrepreneurial activities) are introduced by bodies of state power of the Republic of Qaraqalpog'iston, regions and the city of Tashkent. Maximum rates of such local taxes and payments are defined by the Cabinet of Ministers of the Republic of Uzbekistan.





Joint powers of republican and local organs are financed by local budgets with the exception of subventions provided from the republican budget. The execution of these powers may be financed in addition by means of the republican budget and non-budgetary funds. The share of local budgets expenditure to general state expenditures comprised in 2004 – 54,5%, in 2005 – 55,0% and in 2006 – 54,6%.

It would be appropriate to note that legislation prohibits deficits of local budgets and that the republican budget provides subventions for discharging actual deficits in local budgets.

Table 1: The Share of Budgets of Different Levels in General Expenditures of the State

		Republican budget	Regional budgets	District and city budgets
<b>1</b>	<b><i>Social sphere</i></b>	<b>14,7</b>	<b>20,9</b>	<b>64,4</b>
	<i>Including</i>			
	<i>Education</i>	11,7	18,7	69,6
	<i>Health care</i>	11,7	26,9	61,4
	<i>Sport</i>	89,5	8,7	1,9
	<i>Culture and mass media</i>	63,0	16,3	20,7
	<i>Science</i>	95,5	2,9	1,6
	<i>Social insurance</i>	28,7	56,2	15,1
<b>2</b>	<b><i>Social protection</i></b>	<b>0,0</b>	<b>4,2</b>	<b>95,8</b>
	<i>Including:</i>			
	<i>Allowances to families with children and low income families</i>	0,0	0,0	100,0
	<i>Budget reimbursements of differences in prices for socially important services to population.</i>	0,0	100,0	0,0
<b>3</b>	<b><i>Economy</i></b>	<b>88,9</b>	<b>7,9</b>	<b>3,28</b>
	<i>Including:</i>			
	<i>Public services and amenities</i>	0,0	38,6	61,4
<b>4</b>	<b><i>Centralized investments</i></b>	<b>38,2</b>	<b>61,8</b>	<b>0,0</b>
<b>5</b>	<b><i>Bodies of state power and management</i></b>	<b>63,1</b>	<b>13,2</b>	<b>23,7</b>
<b>6</b>	<b><i>Prosecutor's office, courts and judicial organs</i></b>	<b>100,0</b>	<b>0,0</b>	<b>0,0</b>
<b>7</b>	<b><i>Self-government bodies of citizens</i></b>	<b>0</b>	<b>0</b>	<b>100,0</b>
<b>8</b>	<b><i>Other expenditures</i></b>	<b>92,9</b>	<b>6,8</b>	<b>0,3</b>
	<b><i>Total</i></b>	<b>45,4</b>	<b>18,1</b>	<b>36,5</b>

Table 2: Dynamics of expenditures of local budgets in 2004–2006 (billion sum)

	2004		2005		2006	
	Sum	share (%)	sum	share (%)	sum	Share (%)
<b>State budget</b>	2793,3	100,0	3420,1	100,0	4388,4	100,0
<b>Including:</b>						
<b>Republican budget</b>	1270,4	45,5	1539,5	45,0	1993,4	45,4
<b>Local budgets</b>	1522,9	54,5	1880,6	55,0	2395,0	54,6





Table 3: Dynamics of expenditures of local budgets according to economy classification

Budget articles	1999	2000	2001	2002
<b>I. Current expenditures</b>	77, 4	73, 8	75, 0	76, 6
Wages	26,4	27,3	28,3	28,7
Stipends	3,7	3,6	2,5	0,9
Allowances	13,3	12,6	11,7	12,1
Deductions to social funds	10,2	10,6	10,9	11,1
Expenditures for communal economy services	4,1	2,0	2,7	2,6
Current repair works	0,4	0,4	0,4	0,4
Other expenditures	19,4	17,3	18,5	20,9
<b>II. Capital expenditures</b>	22,6	26,2	25,0	23,4
Acquisition of main capital assets	1,0	1,4	3,4	1,9
Capital repair works	1,7	1,7	2,1	2,2
Investments	19,9	23,1	19,5	19,4
Total expenditures	100	100	100	100

Table 4: The share of subsidies in revenues of local budgets in 2004–2006 (billion of sum)

	2004		2005		2006	
	Revenue	Subsidies	Revenue	Subsidies	Revenue	Subsidies
Republic Carakalpakstan	95,4	42,1	123,1	41,4	147,7	46,1
Andijan province	101,0	12,8	150,2	28,7	190,8	39,7
Djizak province	58,6	26,0	77,2	26,8	94,9	31,6
Namangan province	104,9	31,9	145,3	33,2	178,8	39,7
Samarkand province	104,5	0,0	158,7	0,0	201,1	0,0
Surhandaryin province	108,8	33,6	133,0	27,0	174,5	40,5
Syrdaryan province	46,0	0,0	57,1	0,0	68,3	0,0
Horezm province	80,0	15,1	101,4	12,4	126,0	18,7
Total local budget	1434,0	161,5	1882,6	169,5	2274,1	216,2

Note: In Uzbekistan 11 regions do not receive subsidies. In 2005–2007 subsidies will be directed to three regions: Djizak, Namangan and Surhandaryin.



## 8. The staff of local management

In accordance with Articles 22 and 23 of the Law "On Local State Government" the Cabinet of Ministers approves the general structure and the procedures of local executive organs (hokimiats).

The structure and the personnel of organs of executive power of the regions and the city of Tashkent are established and modified by the respective hokim with consent of the Cabinet of Ministers of the Republic within the framework provided by the respective council of people's deputies. The structure and the personnel of the district and city hokimiats are established and modified by respective hokims with consent of higher hokims and within the framework specified by councils of people's deputies of regions, districts and cities.

Heads of structural divisions of executive power are appointed and removed upon proposals of hokims agreed with higher organs of state executive power by local councils of respective levels (in the period between sessions the decisions are enacted by hokims with subsequent consent of local councils, provided the other procedure is not stipulated by law).

Expenditures for the maintenance of the local state personnel are covered by the state budget. These expenditures total 1,9 % of expenditures the state budget.

The main problems in the provision of staff of local organs are the lack of uniform policy of recruiting, attesting, preserving and promoting state employees in public state service, the existence of informal systems of recruitment of state employees; waste of time on drafting reports upon requests of ministries and other higher organs, insufficient access to information communications, low wages.

The management reforms have revealed the following problems.

1. The existing system of double subordination of regional and district departments to hokimiats and branch ministries often prevents local employees from independent decisions. This leads to postponing decisions and frequently to incorrect or undue decisions for which eventually no one is responsible.
2. The role of local representative bodies is still not notable. The Law "On Local State Organs" does not specify their powers, does not determine conditions of organizational and resource provision of their activities, formally subordinates them to hokims. At present only hokims have real political, rulemaking, organizational, material and financial resources. Hokims practically are not responsible to representative bodies and citizens. Insufficient accountability to population results in low quality of public services.
3. Local bodies of state power lack real mechanisms for impacting social-economic situation due mainly to the shortage of financial, material and human resources. State employment policy is not supported by legislation. Still acute is the problem of low professional level of local state employees.
4. Relations between local government bodies and local business communities are deteriorated by long living administrative barriers. Direct interference of hokims into activities of small business is a frequent practice.
5. The institutions of civil society are weakly involved in the solution of problems of social-economic regions.
6. Acute problem is the lack of a full value legal normative basis which specifies goals and functions of local state bodies. Legal



vacuum creates premises for negative disproportions in practice: functions are substituted, doubled, atrophied under the impact of upper government level, legal norms are not fully implemented due to the absence of financial, professional and material resources.

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