

# EUUCAM

## EU-CENTRAL ASIA MONITORING

### *The EU and Uzbekistan: short-term interests versus long-term engagement*

*Sukhrobjon Ismailov and Balazs Jarabik*

Policy brief

#### *Introduction*

After fifteen years of independence, there are practically no democratic institutions in place in Uzbekistan. Only a few individuals are struggling to set up any viable alternative. The prevailing Soviet mentality in the country is set against a traditional, archaic group/family-driven political landscape. The lack of freedom has become an enormous obstacle to good governance. In particular, the lack of freedom of religion has been serving as a catalyst for radical Islamisation, due to the complete absence of political space in the country. This was aggravated by dramatic declines in income and employment and the growing poverty during the post-Soviet transition to a market economy. All of this has led to a loss of the stability and security that people previously enjoyed. This mix of economic and political stress is further exacerbated by the ailing regime of Islam Karimov – the only Uzbek establishment known by most Uzbek citizens. Alongside the repressive ruling methods and the increasingly inward-looking focus of the political elite, Karimov's age has raised the single most important 'what next?' question.

Four years after the 2005 Andijan crackdown and the subsequent sanctions by the EU, almost nothing has changed and the European Union (EU) still seems to be struggling to establish a credible policy towards the 'heart of Central Asia'. Germany appears as the most active European presence, and its policies are perceived to prioritise stability and security. European policy intentions are announced to promote human rights, development, education and water and environment policies, but these seem illusory in the absence of political change.

#### *Formalised democracy: Eurospeak?*

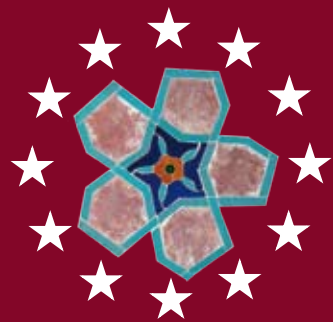
If the frequency of international meetings were a democracy indicator, Uzbekistan would steadily be moving towards democracy. In recent months, Tashkent has been hosting numerous roundtables, conferences and seminars on human rights, democracy, the rule of law and civil society. However, the few independent civil society representatives in the country have not been able to attend. Thus, there has been no discussion, and media reports have merely heralded the facts. The current regime understands the mechanisms

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of relationship building with the West, and in particular, Western countries' commitments towards democracy. Certainly, the years 2006-2008 were a notable period for the attention given to democracy and human rights in Uzbekistan, in comparison to any other previous period. There was a dramatic increase in rhetoric on human rights issues, but the situation continued to deteriorate. Tashkent developed a belief that Europeans like speeches, but do not necessarily want deeds.

One of the most significant achievements of the last year would seem to be the introduction on 1 January 2008 of the institute of habeas corpus – meant to safeguard individuals from state-ordered detention – into the national criminal justice system. Unfortunately, this has turned out to be a mere formality. The introduction of the post of special judge to hear cases on the fairness of pre-trial arrest, or to cancel the closed court proceedings, might help. However, torture and other forms of ill-treatment have remained rampant in the criminal justice system in Uzbekistan. According to credible reports, such practices commonly occur before formal charges are made, while evidence obtained under torture is continuously accepted as the main form of proof (boiling to death a suspect a few years ago remains the most notorious case). Only a limited number of cases of appeal or complaint reporting torture or similar ill-treatment have been officially registered and the authorities tend to open criminal cases under articles 205-206 (Abuse of power and official authority), but not under article 235 (Use of torture and other cruel, inhuman and degrading types of treatment and punishment) of the Criminal Code.

Another severe problem in Uzbekistan is human trafficking. In April 2008, the Uzbek Parliament adopted a law "On combating human trafficking", along with the establishment of the Inter-Departmental Coordination Commission, with subsequent regional commissions, and of the National Rehabilitation Centre for victims of human trafficking. Nevertheless, the government has continued with the practice of only recognising as victims those exploited in commercial sex, ignoring the cases of thousands of labour migrants. Independent sources estimate that 80 percent of human trafficking victims are Uzbek labour migrants to Russia and Kazakhstan.

In February 2009, in a most unlikely move, given the widespread state-sponsored use of child labour in the cotton industry, Uzbekistan adopted a law "On guarantees of the rights of the child". In addition, the country has ratified two international Conventions of the International Labour Organisation (ILO), which prohibit the worst forms of child labour and set a minimum age for employment. In the autumn of 2008 before the beginning of the annual cotton-picking season, the Uzbek government also adopted a decision to exclude children from forced cotton-picking. Official legislation notwithstanding, this year children have been forcedly conscripted into cotton-picking, as well as religious communities connected to local mosques, workers of state owned enterprises and businesses, law

enforcement officers and regular armed forces.

Comparisons with Belarus leave impressions of double standards - what the EU advocates as the minimum requirements in Belarus matters less in Uzbekistan. Currently, more than 20 political prisoners continue to serve prison terms. As in Belarus, but with more severe brutality, in Uzbekistan these prisoners are used mainly to terrorise independent representatives of civil society and for political negotiations with Western countries. Religious prisoners are in an even worse situation. If the authorities identify an 'extremist', his/her family members are also perceived as potential extremists. It is hard to estimate the number of religious prisoners due to restrictions on access to prisons. It is equally difficult to say whether trends in arrests based on religious charges are decreasing or increasing. Given that no political opposition is allowed, religion is the last bastion for opponents. The more widespread such policies become, the more they will radicalise the Muslim society in Uzbekistan.

Civil society is highly fragmented in Uzbekistan and given the lack of access to factual and analytical information, it often resorts to superfluous material of poor quality. During the past few years, no new independent and critical non-governmental organisation (NGO) or human rights group has been registered by the government, but more than 50 existing NGOs have had to close down. Harassment of journalists continues in Uzbekistan and those who publish what the government considers "hostile" information are persecuted. According to the latest amendments to the Criminal Code adopted on 17 February 2004, sharing information critical of the country's human rights situation is grounds for persecution. More than ten independent journalists are currently in prison, others are forced into silence and many have left Uzbekistan under fear of criminal persecution. International media outlets are denied state accreditation. The government continues to block access to the Internet. Self-censorship has proven effective because every journalist knows the regime's red lines on content, and so adjusts his or her output accordingly.

### *The EU's Strategy and Uzbekistan: a missed opportunity?*

To date, the Partnership and Cooperation Agreement (PCA) formally determines relations between the EU and Uzbekistan, along with limited bilateral relations with separate EU member states. Three major stages of relations can be identified: 1) relations based on the PCA in the early 1990s when Uzbekistan gained independence; 2) the deterioration of relations and EU sanctions against Uzbekistan in 2005 after Andijan; 3) the rapprochement between the EU and Uzbekistan in early 2007 and the adoption of the EU Strategy on Central Asia.

The EU has gradually come to recognise the strategic importance of Uzbekistan and in broader terms Central Asia. The German EU Presidency of the first half of 2007 pushed actively for what became "The EU and Central

Asia: Strategy for a New Partnership” adopted in July 2007. However the EU has only been represented in Tashkent by a project implementation and management support office established by the European Commission.

In the Strategy, the EU pays particular attention to the differences between Central Asian countries and has adopted both a country-specific tailored bilateral approach and a broader regional policy. Uzbekistan’s challenges are to be addressed in part through regional projects, including such issues as border control; the fight against organised crime; drug and arms trafficking; terrorism; transport; the distribution and utilisation of water resources; and environment policies. Issues such as human rights, the rule of law, good governance and democracy, education, economic development, trade and investment, energy, and inter-cultural dialogue are dealt with on a bilateral basis with Uzbekistan, as with other states of the region. In theory, the Strategy is a welcome step as it indicates more engagement, more resources and more attention to the specificities and pragmatic ways of interacting with Uzbekistan, as well as pushing forward the regional integration at the Central Asian level. But what does it mean in practice?

The Strategy presents a dilemma for the EU as most priority issues inevitably depend on political reform in Uzbekistan. Even improving the distribution and utilisation of water resources, as well as addressing cross-border human and drug trafficking, environmental degradation and the continuing salination in the Aral Sea basin cannot be achieved without some degree of political opening, regional cooperation and subsequent reforms. However, the Uzbek regime has shown no indication of an opening. Tashkent wants to focus on the “common threats and challenges”, which are mainly associated with combating terrorism and religious fundamentalism, as one of the seven priority areas of cooperation indicated by the EU Strategy. The regime continues to take small steps forward (such as the newly opened border between Uzbekistan and Kazakhstan) just to be able to take two steps back whenever it feels necessary.

Less attached to strong geopolitical interests than Russia, China and the US, the EU is in a better position to assist the regime progress along a transition trajectory. However it has to make it clear that Uzbekistan – now and in any form of post-Karimov transition – must address its political reluctance to embrace reform, its autocratic political regime, gross human rights violations, corruption and the lack of social perspective in many areas. Emphasising the EU Strategy’s overall development dimension is the political message the EU can develop and communicate. However, this message is lost due to insufficient communication with the local population and insufficient contact with the ruling elite.

A lack of precise benchmarks in the strategy makes independent monitoring and evaluation difficult and will continue to affect its implementation. Moreover, the

entire process, including discussions, development, incorporation into national systems (in early 2008 the EU developed bilateral priority papers with each of the Central Asian states) and implementation of the Strategy was an “insiders’ game” and elite-driven. Lack of public information about the EU’s Strategy and its relations with Uzbekistan necessarily leads to virtually non-existent public awareness within the country concerning the EU’s intentions. The strategy paper was not directly available in Russian and has yet to be translated into Uzbek. Many stakeholders in Central Asia depend on the European Union for detailed and reliable information on how the Strategy is applied in practice. All these factors, if not remedied, will further limit the EU to mere observer status in the power struggle over Karimov’s successor – one of the key development factors in current Uzbekistan.

### *What the EU has brought to Uzbekistan: interest and hope*

While pointing to human rights, democracy, good governance and the rule of law as priority issues, senior EU officials (such as the EU Special Representative and his staff) are hardly putting pressure on the human rights record of states in the region. The Strategy fails to put pressure on the Uzbek regime. This allows Tashkent to choose what suits its own policy path and continue to play its usual role: each time a UN human rights treaty monitoring body adopts a set of specific recommendations, the authorities respond by adopting a National Action Plan on the implementation of the recommendations. There are no changes in practice as a result.

After the 13 May 2005 Andijan massacre, at which hundreds of civilian protestors were shot by the security forces, the EU imposed sanctions against Uzbekistan (by the Common Position 2005/792/CFSP of the Council of the EU adopted on 14 November 2005). The Partnership and Cooperation Agreement between the EU and Uzbekistan was suspended and visa restrictions on key individuals were imposed, as was an embargo on arms supplies. These measures started to be eased two years later in November 2007, and only the arms embargo now remains effective. The sanctions brought some limited progress in the field of human rights with the release of imprisoned human rights activists and the introduction of judicial and legislative reforms. In dropping most of the sanctions, the issues of human rights, democratisation and the rule of law were at least brought to the table in EU-Uzbekistan relations. However most of these changes are of short-term character, and do not represent systemic reforms and most remain on paper. Indeed, released political prisoners can be re-arrested any day. Nevertheless, such measures at least brought some hope for ordinary Uzbeks as they represented the first major policy action from Europe; a principled stand towards the regime from a major world power. In this sense, EU sanctions against Uzbekistan did their job that time. Furthermore, when the EU started rolling back the bulk of the sanctions in mid-2007, there

was some improvement in EU-Tashkent relations.

All its deficiencies notwithstanding, one should be under no illusion that the EU's position is an easy one. Uzbekistan remains a difficult partner to deal with for all international actors: China, the EU, Russia and the United States. Tashkent is a partner that cooperates only on its own terms with countries it chooses – this is the essence of its multi-vector foreign policy. Nonetheless, even within this framework the EU could still be the best partner for Uzbekistan in terms of its inclusiveness and development dimension.

### *What should the EU focus on?*

There is an obvious fear among European policy-makers that putting too much emphasis on human rights, democratisation and the rule of law could drive Uzbekistan further into the orbit of Russia and China and move it further away from Europe. Moreover, some observers see the EU's position as too moralistic, and thus counterproductive to the EU's diversification of its energy imports. Brussels is well aware that the current elite has built its 'multi-vector' foreign policy as a strategy to get as much as possible for very little in return. But the EU should also bear in mind the possibility of different scenarios for the end of the Karimov regime. Brussels should step up its contacts with the political elite at all levels in order to be prepared for the post-Karimov regime, whatever form it will take. Meanwhile it needs to engage the elite by explaining that it is in the regime's interest to start with reforms and prepare for transformation and ease social tensions.

The Uzbek public mainly compares the EU to Russia, the 'policy model' the local officials and population have been engaged with the most. The EU cannot and should not compete with Russia, as in terms of political and economic weight it is comparatively under-represented in Uzbekistan. However, it can show the Uzbek public a different development path based on engagement with all possible stakeholders. The EU should pay special attention to analytical, public awareness and communication projects in order to provide as much information as possible about its own message, and open up the information space in and around Uzbekistan.

The EU has more chance of being perceived as an honest broker in Uzbekistan than the US, giving it the credibility to press for reforms, for the enhancement of the political space and for greater political pluralism. If such an engagement is applied consistently, with proper incentives and regular explanation of the threats of current policies/practices, Uzbek authorities may open the door a bit further.

A structured human rights dialogue, which has already been launched, could be valuable in order to engage with the embattled human rights community. The EU should

put greater emphasis on promoting human rights and democratisation, and ensuring the active involvement of local civil society, human rights groups, parliaments, local authorities and other actors in the 'public events' attached to the human rights dialogue. Engaging with various stakeholders, not only with the central authorities, along with public communication of the Strategy, would give greater impetus to European efforts. To achieve this, the EU must ensure that the Strategy does not become an official 'rigid' paper, but is maintained as a living and flexible document. The implementation of the Strategy should not become an insiders' game. All related information and papers should be made public and translated into Uzbek, with greater recourse to open, public events.

What the EU mostly lacks in Uzbekistan are diverse natural partners. The regime could easily point to the fact that they are the only ones left to talk to. As stated above, Uzbekistan lacks any form of structured civil society to ensure public scrutiny of the government and to provide a system of checks and balances on the implementation of EU policies. The main hope lies in engaging those thousands of talented young Uzbeks who have studied abroad on various Western scholarships and returned home. The EU should invest in the development of stronger and independent civil society groups by engaging young professionals.

### *Conclusion*

Uzbekistan is not an easy or predictable partner; on the contrary, it is full of (self-) importance. The Strategy on Central Asia, which has made the EU a new international player in the region, has also presented it with a dilemma, as most of the priority issues inevitably depend on political reforms in Uzbekistan. However, the EU is short of tools to influence the situation on the ground. The sanctions following Andijan were appropriate and served a certain limited purpose, but could not bring about durable policy change. The EU can hardly pursue a realistic regional approach by keeping the most populous country of the region in isolation while engaging with similar regimes (such as Turkmenistan). However, once the EU is on the path of rapprochement, this should at least be taken seriously.

The EU should put the strongest accent on the development dimension, clearly communicating its message and engaging with as many stakeholders in Uzbekistan as possible. The EU must make its message about the importance of reforms heard within and beyond the Uzbek political elite. Long-term EU commitment and engagement geared towards Uzbekistan's development may help to build relations and create clarity on both sides. This would be not *realpolitik*, but a realistic policy.



# About EUCAM

The Fundación para las Relaciones Internacionales y el Diálogo Exterior (FRIDE), Spain, in co-operation with the Centre for European Policy Studies (CEPS), Belgium, has launched a joint project entitled "EU Central Asia Monitoring (EUCAM)". The (EUCAM) initiative is an 18-month research and awareness-raising exercise supported by several EU member states and civil society organisations which aims:

- to raise the profile of the EU-Central Asia Strategy;
- to strengthen debate about the EU-Central Asia relationship and the role of the Strategy in that relationship;
- to enhance accountability through the provision of high quality information and analysis;
- to promote mutual understanding by deepening the knowledge within European and Central Asian societies about EU policy in the region; and
- to develop 'critical' capacity within the EU and Central Asia through the establishment of a network that links communities concerned with the role of the EU in Central Asia.

EUCAM focuses on four priority areas in order to find a mix between the broad political ambitions of the Strategy and the narrower practical priorities of EU institutions and member state assistance programmes:

- Democracy and Human Rights
- Security and Stability
- Energy and Natural Resources
- Education and Social Relations

EUCAM will produce the following series of publications:

- A bi-monthly newsletter on EU-Central Asia relations will be produced and distributed broadly by means of an email list server using the CEPS and FRIDE networks. The newsletter contains the latest documents on EU-Central Asia relations, up-to-date information on the EU's progress in implementing the Strategy and developments in Central Asian countries.

- Policy briefs will be written by permanent and ad hoc Working Group members. The majority of the papers examine issues related to the four core themes identified above, with other papers commissioned in response to emerging areas beyond the main themes.

- Commentaries on the evolving partnership between the EU and the states of Central Asia will be commissioned reflecting specific developments in the EU-Central Asian relationship.

- A final monitoring report of the EUCAM Expert Working Group will be produced by the project rapporteurs.

This monitoring exercise is implemented by an Expert Working Group, established by FRIDE and CEPS. The group consists of experts from the Central Asian states and the members countries of the EU. In addition to expert meetings, several public seminars will be organised for a broad audience including EU representatives, national officials and legislators, the local civil society community, media and other stakeholders.

EUCAM is sponsored by the Open Society Institute (OSI) and the Netherlands Ministry of Foreign Affairs. The project is also supported by the Czech Republic Ministry of Foreign Affairs, the Spanish Ministry of Foreign Affairs and Cooperation and the United Kingdom Foreign and Commonwealth Office.

## About FRIDE

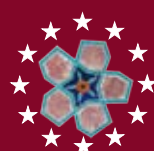
FRIDE is a think tank based in Madrid that aims to provide original and innovative thinking on Europe's role in the international arena. It strives to break new ground in its core research interests – peace and security, human rights, democracy promotion and development and humanitarian aid – and mould debate in governmental and nongovernmental bodies through rigorous analysis, rooted in the values of justice, equality and democracy.

As a prominent European think tank, FRIDE benefits from political independence, diversity of views and the intellectual background of its international staff. Since its establishment in 1999, FRIDE has organised or participated in the creation and development of various projects that reinforce not only FRIDE's commitment to debate and analysis, but also to progressive action and thinking.

## About CEPS

Founded in Brussels in 1983, the Centre for European Policy Studies (CEPS) is among the most experienced and authoritative think tanks operating in the European Union today. CEPS serves as a leading forum for debate on EU affairs, and its most distinguishing feature lies in its strong in-house research capacity, complemented by an extensive network of partner institutes throughout the world.

CEPS aims to carry out state-of-the-art policy research leading to solutions to the challenges facing Europe today and to achieve high standards of academic excellence and maintain unqualified independence. CEPS also provides a forum for discussion among all stakeholders in the European policy process and builds collaborative networks of researchers, policy-makers and business representatives across the whole of Europe.



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