



# CENTRAL ASIA – IN DEFENCE OF THE FUTURE

Media in Multi-Cultural and Multi-Lingual Societies

FIFTH CENTRAL ASIAN MEDIA CONFERENCE  
BISHKEK, 17-18 SEPTEMBER 2003

Vienna 2003



THE REPRESENTATIVE ON FREEDOM OF THE MEDIA

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The drawing was created in the context of his novel *Das Treffen in Telgte*, dealing with the literary authors of the time of the Thirty Years War.

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Freimut Duve	
<i>Preface</i> .....	5
Bishkek Declaration.....	6
Freimut Duve	
<i>Opening statement</i> .....	8
Contributors .....	12
<b>I. Latest Developments for the Media in Central Asia</b>	<b>15</b>
Zafar Abdullaev	
<i>Media Development Tendencies in Tajikistan for the Past Year</i> .....	17
Kuban Mambetaliev	
<i>The Current State of Media in Kyrgyzstan</i> .....	23
Sergey Vlasenko	
<i>Latest Developments in the Field of Mass Media:</i>	
<i>Amendments to the Media Legislation</i> .....	29
Tatyana Yakovleva	
<i>We Need the Market, We Need Equal Rights</i> .....	35
<b>II. Media in Multi-Lingual and Multi-Cultural Societies</b>	<b>49</b>
Alexei Goncharov	
<i>Media Development in a Multi-Ethnic and Multi-Lingual Society</i>	
<i>Exemplified by the South Kazakhstan Region</i> .....	51
Alo Khodjaev	
<i>Are the Media of Uzbekistan Adequate</i>	
<i>to the Country's National Diversity?</i> .....	57
Mazkhabsho Mukhubbatsho	
<i>Life Dictates That We Develop the Media in Indigenous Language</i> .....	63
<b>III. Access to Information</b>	<b>71</b>
Almaz Kalet – <i>Access to Information in Kyrgyzstan</i> .....	73
Ganna Krasilnikova – <i>Access to Information in Kazakhstan</i> .....	93
Nadezhda Stepanova – <i>Access to Information in Uzbekistan</i> .....	103
Nargis Zakirova – <i>Access to Information in Tajikistan</i> .....	115

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<b>IV. Role of Journalism in Modern Society</b>	<b>125</b>
Antonina Blindina	
<i>Perfecting Journalists' Training:     Aspects of Professionalism and Competence</i> .....	127
Sergei Ezhkov	
<i>The Role of Journalism in Contemporary Society</i> .....	133
Lucie Hribal	
<i>Priorities of Empowerment of Independent Journalism</i> .....	139
<b>V. In Defence of the Future</b>	<b>145</b>
Karim Bakhriev	
<i>Myths of Uzbek Journalism</i> .....	147
Karim Bakhriev	
<i>Realities of Uzbek Journalism</i> .....	181
Adil Djalilov – <i>What Will Be?</i> .....	201
Rustam Khaidarov	
<i>Central Asia: Prospects for Development     and Principles of Co-operation</i> .....	209
Almaz Kalet	
<i>Kyrgyz Media on the Threshold of Changes</i> .....	215
Maxim Klimenko	
<i>Specifics of Regional Print Media in the Kyrgyz Republic</i> .....	223
Oksana Makushina	
<i>What Kind of Foundation Does the Future of Kazakhstan Have?</i> .....	233
Kuban Mambetaliev	
<i>The Mass Media of Kyrgyzstan in the XXI Century</i> .....	237
Oleg Panfilov	
<i>The Future of Central Asian Journalism Depends     on the Understanding of Democratic Values</i> .....	251
Inera Safargalieva	
<i>Uzbek Media and the Authorities – A Strange Relationship</i> .....	259
Alisher Taksanov	
<i>Media in Uzbekistan: Transformation, Analysis and Issues</i> .....	265

## PREFACE

This publication groups together speeches made at the 5th Central Asian Media Conference held in Bishkek, Kyrgyzstan, on 17-18 September 2003 as well as thoughts, ideas and comments on how media have developed in the region and what could be done to improve freedom of expression in the Central Asian countries. Some of the authors have offered blueprints for the future, some have focused more on the past. Some evaluated the present. Different views, different ideas, all united by a feeling of patriotism for their countries and the need to start improving the human rights situation as soon as possible.

Freimut Duve  
November 2003

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## FIFTH CENTRAL ASIA MEDIA CONFERENCE

### **“Media in Multi-Cultural and Multi-Lingual Societies”**

Bishkek, 17-18 September 2003

The Fifth Central Asia Media Conference organized by the OSCE Representative on Freedom of the Media Freimut Duve and the OSCE Centre in Bishkek in co-operation with CIMERA was held on 17-18 September in Bishkek, Kyrgyzstan. The 120 participants included journalists from four of the Central Asia countries, government officials, members of Parliament and the civil society among others. Unfortunately, no participants from Turkmenistan were able to attend the conference.

The importance of remaining critical towards negative developments in all countries rather than making comparisons between them was underlined during the discussions.

The participants noted that the issues and problems highlighted in the previous declarations from the conferences in Bishkek 1999, Dushanbe 2000, Almaty 2001 and Tashkent 2002 still remain valid and of utmost concern to the media professionals. Above all the current global fight against terrorist criminals should not be used as a pretext to hamper civil liberties.

These following conclusions were stressed during the debates:

#### **BISHKEK DECLARATION**

1. The media should be able to exercise its corrective function towards the economic interests and activities of politicians and their families without any legal or other consequences. This is essential for the future success of the countries' economic development.

2. Governments should ensure that citizens as members of the different linguistic and cultural groups represented in the society have the right and the opportunity to freely express their views and preserve their language and culture via media.
3. The media should be free to play its constructive role in combating discrimination, promoting understanding and building stable peace in multi-cultural and multi-lingual societies. Hate speech must not be used to advocate and provoke violence.
4. Governments should ensure broad access for journalists to sources of information of public relevance. Governments should prevent and resolve cases of harassment by power structures of the media and journalists in Central Asia. Access should be guaranteed to state and non-state media equally.
5. Access to media for everybody should be ensured and supported. Control through printing, distribution, taxes and licenses should not be used to deny and hinder access to information for the public.
6. Media councils could be set up to facilitate, mediate and solve conflicts arising from journalistic activities as an alternative to court processes. The members should be elected and operate truly independent from state structures.
7. A clear distinction should be made between journalistic activities and public relations work for power structures and businesses. The public should be able to differentiate between these two.
8. Libel should be decriminalized and insult laws that provide undue protection for public officials repealed. In cases of civil libel the fines levied on the media by courts of law should be proportionate and not have a chilling effect on investigative journalism or lead to bankruptcy.



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## **FREIMUT DUVE**

16 September 2003, Bishkek

Ladies and Gentlemen, Dear Friends,

Today I welcome you to the 5th Central Asian Media Conference. We started this initiative here back in 1999, and once again we converge in Bishkek, this time to discuss Media in Multi-Cultural and Multi-Lingual Societies, a theme that my Office has been dealing with for some time. Just recently we published a book on this subject zeroing in on Moldova, former Yugoslav Republic of Macedonia, Serbia and Montenegro, Switzerland and Luxembourg.

A free and open debate is essential to the development of a modern democracy, be it in Europe, America, Asia or Africa. After the fall of a dictatorship free speech is generally the first thing to thrive before whoever comes to power starts understanding not only the benefits of an open media landscape but also the dangers it poses to a closed, authoritarian regime. Even when elected through a relatively democratic process, as is the case in several OSCE participating States.

The current global fight against terrorist criminals should not be used as a pretext to hamper civil liberties, as is the case in several OSCE participating States. However, when debating with Islamic radicals we should not forfeit our arguments for the sake of political correctness. Let us be clear, if these radicals come to power the first thing they will do is destroy any semblance of freedom of expression forcing the whole population to read one book and one book alone. We should be very clear here, even when we defend the right of some of these radicals to express their views publicly.

Few governments can withstand the scrutiny of a free press without once in a while opting for some form of pressure so as to stifle investigative reporting. We see this tendency all over the world, its success depending on the strength of another essential pillar of a democratic society, that of an independent and functioning judiciary. Only hand in hand, a free press together with the rule of law, do they provide for the defence of civil liberties and an economy based on market laws and not on nepotised markets.

One of the dangers that often threatens a new democracy is its mineral resources. To be blunt: the richer the country is in oil, gas, diamonds, gold, the fewer chances it has to develop into a state based on the rule of law where human rights are guaranteed and safeguarded. Countries tend to fall under this axiom. That is why, Kyrgyzstan, for example, has a better chance of developing into a democratic state than some of the other regional players that are represented here. It can focus on long-term economic and civil strategies without going for the ‘get—rich—now—for the few, forget—the—human—rights’ approach taken on board by some of its neighbours. It can use its ‘brains’ instead of its oil reserves.

Although, there is a history of market development without a free press (or in a restricted form), these cases are from the 60-80s of the last century when the era of globalisation did not kick in yet. In today’s age of instant communications, global markets and inter-dependability, an open media is essential not only to civil society but also to the economy, providing much needed information support as well as acting as a watchdog against the excesses of the market.

The debate in several post-communist states about the applicability of the Chilean Pinochet model is not only cynical, but also just plain outdated. The world has dramatically changed over the past thirty years. This does not seem to be very clear to several leaders in Central Asia who still cling to the view that authoritarian rule is crucial to the development of a market economy, at least in the initial phase. Gentlemen, look around:

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do you really believe that you can keep your societies under tight control and prosper at the same time?

When the Head of State of a major regional power in Central Asia starts defining the tasks of the media and even publicly declaring that advocating one's ideas "evaluating, making conclusions, thus influencing public opinion...is not the aim of journalism," this is very worrying. It is not the task of a public official, no matter what his rank, to tell the media how to do its job. The media is a part of a democratic structure just as is the office of the president, they are on the SAME LEVEL, both, in theory at least, serving the public interest. When we use the term "independent media" we do not necessarily mean independent from all political and business interests, that would be a naïve and unrealistic view of the state of affairs in a post-communist society. However, we do mean independent of any government control, direct or indirect.

The overall level of media freedom in Central Asia is the lowest in our region, here we have one of the most repressive regimes on this planet on par with North Korea and Cuba, a fiefdom in a declared family of democracies. I am of course referring to Turkmenistan, an anomaly in the OSCE that actually should have long ago lost its membership privileges.

As far as I know, this is the only country in the OSCE where the Head of State uses electronic media to spread pure and open racist propaganda, defining people based on the percentage of Turkmen blood they have in them. I see very little difference here with the propaganda of the Nazis in my country, Germany, back in the 30s of last century. Then, Germany left Europe and the civilised world. Today Turkmenistan has done the same.

Every year we have courageous journalists from Turkmenistan take part in our conference, hiding their names for fear of reprisals, they try to brief us on the reality of living in a unreal world governed by a Pres-

ident-for-Life. This time nobody was able to come from Turkmeni-stan. The few courageous people who were willing to speak at this event were denied exit visas.

Many of you remember Sergei Duvanov who was with us last year in Tashkent. This time he is absent, locked up in a prison in Kazakhstan, as far as we and many experts can see, on trumped charges of rape. His detention and subsequent conviction notwithstanding the hundreds of protests all over the world was precipitated by his opposition to the current government, his criticism of the policies of the President and his outspokenness about the situation in his country both inside and outside its borders. In the end he has been 're-located' to a four-by-four cell for the next few years.

Once again, I appeal to the President of Kazakhstan to personally look into the case of Sergei Duvanov and to ensure that the rule of law prevails in his country based on an objective judicial process and not tainted by accusations of bias and government pressure. There are several recommendations that have been issued by experts including from the current OSCE Chairman-in-Office, The Netherlands. I believe that these suggestions should not be lightly disregarded as seems to be the current situation.

We have two days of discussions in front of us. We will have a chance to debate the many issues that concern you and your work, that hinder your professional activities, that often force you to flee your countries. We may not be able to do very much to protect each and every one of you who has run afoul of the authorities, but we will bring into the public light all these cases in the hope that this type of Glasnost, a policy that has helped you become independent, will now help develop a free media in your region.

Thank you.

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**I.**

**LATEST DEVELOPMENTS  
FOR THE MEDIA IN CENTRAL ASIA**

**Zafar Abdullaev**

MEDIA DEVELOPMENT TENDENCIES IN TAJIKISTAN  
FOR THE PAST YEAR

**Kuban Mambetaliev**

THE CURRENT STATE OF MEDIA IN KYRGYZSTAN

**Sergei Vlasenko**

LATEST DEVELOPMENTS IN THE FIELD OF MASS MEDIA:  
AMENDMENTS TO THE MEDIA LEGISLATION

**Tatyana Yakovleva**

THERE'S A NEED FOR A MARKET,  
THERE'S A NEED FOR EQUALITY OF RIGHTS





**Zafar Abdullaev**

MEDIA DEVELOPMENT TENDENCIES IN TAJIKISTAN  
FOR THE PAST YEAR

*Although the past year has not seen any fundamental, global changes in the media market in Tajikistan, one may still ascertain that certain headway has been made toward freedom of speech and the development of independent media. Admittedly, this is to the credit of not so much the government or international organizations (as it had been in recent years), but rather to the opposition media.*

In my opinion, the most significant developments of the past year concerned the opening of several new social and political newspapers (including two independent ones), as well as a drastic policy change of one of the country's largest media holding companies, Asia Plus, which to all intents and purposes has moved from the ranks of independent media to those of pro-government.

Starting in January of this year, several newspapers commenced publication in Tajikistan, all of them appearing in the Tajik language. This merits special acknowledgement, especially considering the fact that, in the past two years, there had been no new newspapers in the country at all. Additionally, the emergence of a large number of new industry-specific newspapers serves as evidence of the media's increasing prestige with Tajik officials.

Among the newspapers that have appeared this year are: the *Bochu Khiroch* (founded by the Tajik Ministry of State Revenues and Taxation), Sipar (Ministry of Internal Affairs), Nerui Sukhan (edited by Mukhtor Bokizoda, who also serves as Chairman of the Foundation for Support and Protection of Journalists' Rights), and Ruzi Nav (with Rajabi Mirzo, an independent journalist, as editor).

The Nerui Sukhan and Ruzi Nav have assumed opposition stances from the very beginning, raising pressing issues and allowing for criticism of the Tajik authorities in their publications. Experts agree that this “boldness” is partially due to the fact that these two newspapers were founded by forces that are in opposition to the current government. Specifically, the Nerui Sukhan allegedly receives financial and moral support from Dododjon Atovulloev, a Tajik opposition journalist currently residing in Germany, while the Ruzi Nav allegedly received its initial funding from Makhmadruzi Iskandarov, the leader of the Democratic Party of Tajikistan, who openly spoke out against the government following the recent referendum on changing the country’s constitution. However, the editors of the newspapers in question deny these rumours, claiming that the necessary funding had been provided by themselves. Still, these two newspapers have already earned the “opposition” label, which is beginning to yield certain “fruit”: they get banned from the only state printing-house that meets the necessary standards, the editors are called in “for a chat” at the Prosecutor’s Office, and so on.

One must point out that all of these newly created newspapers are published in Tajik, which is rather characteristic for the current situation in the media market that is experiencing a sharp shortage of journalists. This is especially relevant for the Russian-language publications, which over the course of recent years have barely added any new journalists to their staff. This issue is quite possibly the most pressing one with regard to independent media development in the country.

In this situation, another notable event of the past year concerned the resignation of several prominent figures from their positions with one of the country’s largest media conglomerates, Asia Plus. Specifically, these individuals included the editor and commercial director of the newspaper that is a part of the conglomerate, in addition to the head of the information service of the information agency. They resigned due to disagreements over the financial/economic conditions and information policies within the conglomerate.

The Asia Plus media holding company is comprised of an information agency, a social and political newspaper, an FM radio station, a televi-

sion production studio, and a school of journalism. The company was created with funding from international organizations and foreign governments, and for a long time served as practically the only source of prompt and objective information in the country. However, as of today, Asia Plus has made significant changes to its information strategy, and actively supports the policies of the Tajik president and government, as well as the municipal authorities in the capital. Over the past 12 months, Asia Plus publications and programmes have been all but void of any material critical of the authorities. At the same time, the company has published a dozen public relations stories on the foreign policy efforts of President Rakhmonov and his staff. In addition, over the past year and a half or so, the company has implemented unofficial internal censorship, based on a principle of “quarrelling with no one”, although the conglomerate’s management does not admit to it.

Experts believe that Asia Plus’ deviation from its original stance has to do with the necessity to resolve its corporate issues with registration and the development of new media outlets, such as radio and television stations, which are strongly impeded by the government. Thus, following four years of fruitlessly trying to secure a radio broadcasting licence in the city of Dushanbe, the company was able to accomplish the task in September 2002, only after the President issued a personal order. Such gestures are certainly hard to ignore, especially since the company has yet to face the issue of securing a television broadcasting license.

Simultaneously with Radio Asia Plus, two other stations, Asia FM and Vatan, received broadcasting licenses. Out of the two, only Vatan is currently functional, constituting a certain alternative to Asia Plus. However, it falls behind with regard to the quality of news broadcasts because of the lack of a suitable news service.

There have been no major changes to the situation with television, except for the incident which temporarily halted the broadcasting of an independent TV-5 station in the city of Kurgan-Teppe. In this particular case, it was the journalists’ own negligence rather than government pressure, since the broadcasting was halted due to a technical malfunction of the transmitter. One must note that, for the first time in recent years, cap-

ital city broadcasts have included the *Nabzi Zindagi* programme, produced by the Tajik service of the Internews Network and aired by the Poitakht public television station, while the state television of Tajikistan (TVT) has begun broadcasts of the *News of the Commonwealth* programme, produced by the intergovernmental MIR television company.

The Internet media outlets of Tajikistan remain underdeveloped. The Tajik sector of the Web has at the very most four or five sites that provide news or analytical information on a more or less regular basis. These are the web sites of the state information agency Khovar, the Asia Plus information agency, the Varorud agency (active primarily in the Sogdi Region), and the information service of Telecom Technology, an Internet services provider. On all of these web sites, information is updated only once every 24 hours, which makes them inefficient and non-competitive in comparison with the coverage of Tajikistan by international information agencies. In my view, it is the international media accredited in Tajikistan, such as ITAR-TASS, the Russian Information Agency Novosti, Reuters, the British Institute for War and Peace Reporting, Eurasia.Net, and others, that currently provide the most objective and efficient coverage of events in the country.

Warranting special mention is this year's unveiling in Germany of a new web site by Dododjon Atovulloev, an opposition journalist. His online resource, [TajikistanTimes.ru](http://TajikistanTimes.ru), has rapidly become very popular in Tajikistan: not because of thousands of Tajiks using it, but rather because shortly after opening, the site was blocked throughout the country by Tajik authorities. Official Dushanbe has not reacted in any way to the numerous accusations and complaints from the opposition and international organizations regarding this matter. Meanwhile, the majority of Tajiks are left to guess whether the site has indeed been blocked, or whether it is not functioning for other reasons.

Certain changes have been made to the media legislation of Tajikistan. Thus, on 16 July of this year, Parliament adopted the Law on Advertising. There had been quite a bit of debate and disagreement over this Law, with the worst claims of dissatisfaction voiced by the media outlets themselves; however, in spite of that, the law was adopted with only minor

modifications from its original draft. Media representatives have been especially dissatisfied with the strict limits on advertising volume (no more than 20 per cent of air time for the electronic media, and no more than 30 per cent of space for the print media), as well as the transfer of responsibility for false advertising from the original advertiser to the outlet that publishes it.

Within the same time period, a group of national experts has developed, with support from the OSCE Centre in Tajikistan and the Internews Network, an alternative version of the Law on Mass Media, which is drastically different from the current legislation. Above all, this alternative version provides for a transfer of the television and radio licensing function from the State Radio and Television Licensing Committee to an independent institution, as well as for state support of the independent media. Naturally, the alternative version has caused much criticism and resistance on the part of the authorities; the prospects for its adoption by Parliament are hence slim. Especially since the Tajik authorities have recently secured a new trump card: responding to reproaches from the independent media, they now constantly refer to the latest report by the international organization Reporters Without Borders, which has managed to rate Tajikistan number one on freedom of speech in the Commonwealth of Independent States.

As for the economic situation of the Tajik media, it has changed very little in the past year, and continues to remain difficult. Since the beginning of the year, the rates at the state Sharki ozod printing-house have increased, along with the rent within the newspaper/magazine building complex, which was immediately reflected in the 30-40 per cent increase in the newspapers' cover price.

The independent media continues to be suffocated by the tax burden, which accounts for up to 50 per cent of operating expenses. This is especially true in the case of the VAT tax. A month prior to the referendum on changing the country's constitution, the chief editors of the leading newspapers and managers of the media NGOs issued an open letter to the president, requesting that the VAT and profit taxes for the media be temporarily abolished for the next ten years. Alas, their appeal remained unheard.

Despite the difficulties faced by the Tajik media, one can forecast that, over the next year or two, Tajikistan will witness the emergence of other private newspapers, radio, and even television stations, including in the capital, which so far has had no independent television. However, unlike the examples of the recent years, when the emergence of new media in Tajikistan was only possible with funding from international organizations, such as the OSCE, the Soros Foundation, the United States Government, and others, this time media investments will likely be made by representatives of the local business community. Recently, it has had a chance to see that the media may indeed appear as a powerful and effective tool in achieving political and economic goals. Considering the upcoming parliamentary and presidential elections of 2005-2006, as well as the constitutionally protected possibility of another term for President Rakhmonov (and an extension of his authority until 2020), potential presidential candidates are starting to think about creating their own media outlets. In fact, some have already started the negotiations.

In general, by the end of 2004 and the beginning of 2005, one can expect to see increased competition among private Tajik media outlets, as well as an increase in political and economic pressure on them on the part of the current authorities.

## **Kuban Mambetaliev**

### THE CURRENT STATE OF MEDIA IN KYRGYZSTAN

Over 12 years of national sovereignty, there have been no fundamental changes to the state of the media in Kyrgyzstan. Two camps, that of state-owned and non-state-owned media, continue to exist in confrontation with each other. All of the state-owned media are controlled by official state institutions. Executive managers of the state-owned media are appointed and removed according to a certain hierarchy: on the republican level, it is done by the President himself; on the level of individual regions, it is done by a governor; on the district level, it is done by an akim. Quantitatively, the state-owned media outlets are more numerous. Each district administration has a media outlet of its own, much like every regional administration, in addition to offices of state television located in every region. There are three state-owned newspapers, one information agency, and a television and radio corporation in the capital. Qualitatively, all of these state media outlets are of a mediocre potential. They have low circulation, low salaries, high taxes, and outdated equipment. They are delegated with the task of defending the honour and dignity of the officials in their struggle with opposition politicians and non-state-owned media. A newspaper war is underway. Whenever non-state-owned newspapers expose the shady dealings of the highest power echelon, the authorities do not hesitate to exert pressure through fiscal institutions, special forces, and legal channels. The independent media are often forced into bankruptcy by lawsuits from state officials.

Every year, the democratically-minded public raises the issue of implementing civilised standards in the relations between the state and the media – that is, of establishing through legislation the difference between “public persons” and “ordinary citizens” with respect to coverage by the press. Throughout the world, this difference has been established. The everyday life of a bus driver does not usually fall under the careful scrutiny



of the media. However, the everyday life of the country's prime minister does. There is no sense in elaborating on the cause for such differentiation, since the activities of a higher official or well-known politician are of continuous personal significance to the public. Officials play a formative part in the history of their time, either solidifying or disbanding democratic values along the way.

Likewise every year, during the presidential round-table discussions, the head of our state refuses to admit the necessity of restricting the personal ambitions of state officials whenever they are attacked by the media. He believes that the prime minister has as much right to defend himself from "the journalists' arbitrariness" as does his personal driver. He does not wish to acknowledge the difference in the extent of attention on the part of the media. Reporters are not likely to cover what the prosecutor general's wife have said in her kitchen last night and this morning; however, they will most certainly cover what the prosecutor general himself had said during a government session. All citizens are equal, but their functions in the state system are different. Hence the different view of them on the part of the legal system. In the event that a farmer files a lawsuit against the prime minister, accusing him of wrecking the country's agriculture, the judges will do everything in their power to neutralise such a suit. However, if the prime minister himself files a suit against a newspaper, accusing it of undermining the country's political foundations, the judges will make sure the claim is granted with an enormous fine placed on the newspaper. It goes without saying that such lawsuits are only filed against dissident newspapers. It likewise goes without saying that state officials never sue state-owned newspapers.

This situation will persist until some fundamental changes are made to the legislation and administrative apportionment with respect to the media. The top state authorities must relinquish their control of the media. Enlightenment was emancipated only after the separation of church and state, just as democracy will only be emancipated after the media and state are separated. Unless that is done, journalism will remain a "servant of the administration", just as in the Middle Ages philosophy was a "servant of religion".

What specifically is needed today? For one, the “serfdom” of the regional media must be abolished. In every district of our country, the local media are kept in check by the local authorities. The average monthly salary of local media staff is 700 soms (15 USD), while newspaper materials are being prepared with the help of 20-year-old typewriters. The only exception to that is the Osh Region, where the governor has managed to locate funding in the local budget for equipping the district media offices with computers. Travelling allowances and honoraria are paid only by the few district newspapers whose chief editors display some fund-raising initiatives and skills. The governor of the Djalal-Abad Region has provided all journalists with the right to use public transportation within the region free of charge, encouraging the local budgets to include a special item for funding district newspapers. These are the isolated examples of limited progress against the background of general decay. Over the course of this year, we have conducted, with assistance from the International Federation of Journalists, research projects on the condition of the country’s regional media; thus, the statistical information I have provided is based on facts.

The local district and regional authorities are quite capable of functioning without exercising control over print and electronic media, having given them the opportunity to develop according to the market conditions. Let the media outlets form their own readerships and viewer audiences. It should not matter that some will be more successful than others; however, it will matter that the situation is developing according to the rules of supply and demand, not according to some high-ranking official’s directives. Nature abhors a vacuum; every individual is above all interested in the news that concerns the area where he or she lives. Only local newspapers are fully capable of producing such news; that is why they must emerge and grow locally, just as it happens throughout the civilised world. Their circulation will depend on the number of inhabitants and the quality of articles delivered by the news staff. Only one condition is absolutely required: utter and complete independence and emancipation of the media from the local authorities. Such an order of business for the local media will become a blessing for the people residing

in the regions, as well as allowing the media to exercise their corrective function over the authorities.

Emancipated media would be of great value to the country in general, for it would help the society to get rid of corruption and corrosion in the state apparatus, and of elements of an authoritative personality cult. In order to reach this goal, large-scale assistance from international organizations is required.

As for the current condition of the non-state-owned media, they continue to exist and develop, overcoming the obstacles and barriers put up by the state authorities, which in turn have placed restrictions on the growth of independent media. That is the reason why every year, we have the same two newspapers and the same television station serving as a collective flagship of free thinking. They receive support from Radio Azattyk, BBC and IWPR.

Journalists and media outlets subjected to legal persecution and conflict situations have the opportunity to receive assistance in defending their professional interests from such local organizations as the Journalists in Peril Foundation, Public Association “Journalists”, and the Professional Union of Journalists of Kyrgyzstan. Their work yields specific results, which are well known to the public. Externally, significant support for the journalists and media comes from Internews, the Soros Foundation, the Eurasia Foundation, OSCE, Freedom House, and the International Federation of Journalists.

There are certainly problems, with solutions long overdue. For example, there is the problem of establishing, in Bishkek, an independent publishing house, which was supposed to start functioning in December 2002, or so said the foreign organizations delegated with this responsibility. However, it has been almost a year, and the project has not been launched yet. As a Slavic proverb goes, “it’s at dinner time that a spoon is most handy”. That is to say, a printing-house is needed by our independent media today, not the day after tomorrow. There is also a problem faced by the electronic media, which are being forced to adapt to the dubious Statute on Contests for Airwaves.

There is another problem with the idea of a media council, which has not found much support among the Kyrgyz editors and publishers. The structure recently created in Issyk-Kul may not be considered a nationwide institution, it will collapse on its own, just like the President's Public Commission on the Media collapsed in 1994, and the Ministry of Justice Commission on Morals and Manners in 1998. Organizations such as media or press councils are created as associations of persons, based on collective approval by a wide circle of editorial boards and publishers; otherwise, there is no sense in their existence. In our country, editorial boards and publishers have not yet expressed their desire for creating an association like that.

As for Codes of Journalists' Professional Ethics, they have already been adopted within the framework of the Union of Journalists of Kyrgyzstan (in 1997) and the Public Association "Journalists" (in 1999). In November 2003, the Republican Congress of the Professional Union of Journalists of Kyrgyzstan will likewise consider the issue of adopting a Code of Ethics for members of the Union, and creating a Council on Legal and Labour Issues. However, on a nationwide scale, such a Code and Council may only be instituted by creating a global organization, which would unite all of the country's journalists. That is only a question of time.

Our country today is in the process of preparing for political transformation. At this point, we need to have a constructive dialogue among the highest-ranking political authorities in the name of developing positive conditions for a peaceful transfer of executive power through presidential elections in 2005. It is imperative to block the temptation to extend personal authority for a longer period of time. It is critical for the country to develop a constitutionally impeccable succession of executive authority.

In this fateful process, the media can and must play a key part. It is impossible to develop a true democracy without prompt information and unlimited *glasnost*. In this sense, we have a very simple yet hard-hitting task ahead of us: to make sure that in our country the media plays the part of a "promoter of democracy", not that of a "servant of bureaucracy". That is what we are working to accomplish.



**Sergey Vlasenko****LATEST DEVELOPMENTS IN THE FIELD OF MASS MEDIA:  
AMENDMENTS TO THE MEDIA LEGISLATION**

Along with exerting influence over the mass media through various legislative acts and state institutions, the authorities are now searching for alternative means of influencing the media. One of those is through the various public organizations that are adequately loyal to the authorities. Thus, organizations such as the Congress of Journalists, or the Presidential Public Council on the Media of the Republic of Kazakhstan, have been created. The emergence of such an approach to influence the media testifies to the fact that the authorities are at least trying to somehow relax their relations with the media, and to show their desire to somehow start resolving the media issues. This, however, does not mean that the authorities intend to allow for a great degree of media discretion; as usual, they wish to have obedient media outlets at their disposal.

The latest developments with the official media oversight agency, as well as the introduction in the Parliament of the media law draft, serve as evidence that the authorities are trying to modify state regulation of the media and increase their influence. Thus, the Ministry of Culture, Information, and Public Accord has been divided into two separate Ministries, that of Culture and that of Information. Additionally, a new Minister of Information has been appointed, while the previous one has become a presidential advisor. The principal provisions of the proposed new media law call for concentrating all of the media regulating authority with the Ministry of Information, with a special emphasis placed on regulating television and radio broadcasting.

The currently existing 1999 Law on Media has not proven to be as tenacious as its predecessor, the Law on Press and Media from 1991. This is despite the fact that the Law on Media was amended in 2001, to allow

for an increased degree of state influence over private, independent media. However, even with the new amendments in place, the authorities have not achieved the desired effect.

This was proven by the 2002 events with the TAN television station in Almaty, the Irbis station in Pavlodar, several stations of the city of Temirtau, as well as a number of print media outlets. State authorities, represented by the Ministry of Culture, Information, and Public Accord (MCIPA), were having some difficulties in their attempts to close down the media outlets in question. The latter stood their ground if not always successfully.

In order to somehow mitigate the situation with the media following the 2001 adoption of amendments to the media law, the authorities made certain changes to the tax legislation, exempting the media from the VAT tax. This has allowed many television and radio companies to gain certain economic independence, as well as purchase new equipment, and commence the production of their own programmes. However, this independence is temporary, since the tax exemption is only valid until 1 January 2004. Therefore, it is possible that the new media law may contain provisions that will seek to restrict the rights of media outlets in exchange for tax benefits.

The draft of the new media law provides for virtually unlimited authority of the MCIPA for increasing control over independent media, and especially over private television and radio stations.

Historically, print media outlets have been *de facto* controlled by and depended directly on the MCIPA, while the latter has often been to blame for creating problems for the print media, including the numerous audits and lawsuits.

The electronic media have remained somewhat apart from the control of the MCIPA, since that institution has had to share its authority on regulating television and radio companies with the Committee for Information Technology Communications of the Ministry of Transportation and Communication. This Committee has been in charge of issuing broadcasting licenses to television and radio companies, and has likewise been in the position to suspend or revoke such licenses, as well as to ensure

that the companies adhere to the conditions set forth in the license Appendix. MCIPA has had to exert influence over this situation with the help of various bylaws. Thus, the Law on Communications contained the Procedure for Coordinating the Structure (of Channels) for Purposes of Television and Radio Broadcasting in the Republic of Kazakhstan. This Procedure was ratified by the MCIPA. A special government Resolution created a Commission on Conducting Tenders for Television and Radio Broadcasting Frequencies in Kazakhstan; according to the Resolution, the MCIPA was responsible for determining whether a contest should take place. However, the above were normative bylaws, with their status lower than that of the Laws on Licensing and on Communications. With this in mind, the authors of the new draft of the media law incorporated in it numerous provisions from the aforementioned normative acts, which will allow the MCIPA to exercise virtually complete control over television and radio companies.

At first glance, the authors of the draft are trying to simplify the broadcasting licensing process. In reality, things are rather different.

The authors' suggestion that the MCIPA should be responsible for both issuing the licenses and registering the media outlets looks rather tempting. It seems to reduce the number of procedures necessary for obtaining a license, as well as cut down the waiting time. Naturally, the MCIPA is hoping for support of this suggestion. However, is it really as tempting as the authors have made it appear?

The current licensing procedure is certainly far from ideal, since it involves the MCIPA, the state Commission, and the Committee for Information Technology Communications. It is also a rather lengthy procedure. However, the sheer number of institutions partaking in the licensing process should not be intimidating, since it has demonstrated at least one clear advantage, as one can see from the events of 2002.

Since the Committee for Information Technology Communications still acts as the licensor, it is the only institution capable of legally suspending or revoking a license. Therefore, regardless of any restrictive measures implemented against television and radio companies by the MCIPA or the state Commission, the Committee has always had its say



in the matter, with the final word being that of a court of law. Thus, in certain cases, the complexity of the procedures and responsibilities has allowed the parties involved to avoid the subjectivity of any one particular institution, in this case the MCIPA.

Analysing the current situation with the electronic media, one must point out that today, television and radio stations have permanent, non-expiring licenses, while very few new stations are seeking licenses. It is conceivable that the MCIPA, having received the right to issue licenses, will not be content with just determining the fate of private broadcasting companies, and will yield to the temptation of conducting new frequency contests and reissuing the licenses to the currently operating stations. In addition, there is another alarming innovation by the authors of the draft. While the previously issued licenses were dubbed “Licenses for Conducting Entrepreneurial Activities of Producing Airwave Broadcasts of Television (Sound) Programmes”, the authors suggest that the new licenses should be called “for Activities on Organizing Television and/or Radio Broadcasting”. However, the Law on Licensing does not provide for this kind of activity.

Another circumstance attesting to the fact that the MCIPA is not seeking to simplify the licensing process is the suggestion that it should be responsible for issuing registrations as well as broadcasting licenses. If the officials were indeed trying to simplify the procedure, the print media outlets would have been only required to register, while the electronic media would have been only required to receive a license.

Thus, a question arrives: why should the same Ministry have to issue two different permits to the same television or radio station, while only one of those permits would have been sufficient?

Apparently, the authors believe that the more documents are required by television and radio companies to function, the more reasons there may be for bringing up claims against them.

It appears that the authors are not seeking to introduce anything novel to the process of regulating television and radio companies, while the authority to issue licenses shifted from the Committee for Information Technology Communications to the MCIPA creates a potential threat of

subjectivism and arbitrariness on the part of the authorities.

Practice shows that there is certain movement to resolve the issue of broadcasting in the official and other languages of the peoples of Kazakhstan. Here, the focus is on television and radio companies fulfilling state regulations on programmes in the official language.

But how should the languages of other nationalities residing in Kazakhstan be treated? While this issue is present in the various international agreements ratified by Kazakhstan, there have been no specific mechanism for its implementation. Thus, the Resolution of the Intergovernmental Council of Belarus, Kazakhstan, Kyrgyzstan, and the Russian Federation “On the Ten Simple Steps Towards Ordinary People” provides for favourable conditions for distributing television and radio programmes of all four states on each other’s territory. There is a similar provision in the Agreement on Promoting Economic and Humanitarian Integration, which is more specific in stating that television and radio programmes should be distributed with regard to historic residence circumstances of the various peoples residing within the borders of the signatories. However, the new draft of the media law does not take these international documents into consideration, hence ignoring Kazakhstan’s relevant obligations.

The demands on broadcasting in the official versus other languages have also been increased to 50 per cent in each of the two categories, which creates additional difficulties for television and radio stations. Practice shows that currently, the stations calculate the language volume based on the weekly broadcasting grid; however, the draft of the media law calls for equal distribution of programmes in the official language based on the daily grid. Meanwhile, the draft provides no explanation as to the exact meaning of this provision. In the event that the text is adopted as it is, any official will have the right to independently determine what constitutes equal distribution. Needless to say, the stations will have to adjust their current broadcasting grids in order to accommodate the officials’ opinions. This is most certainly a restriction on creative freedom, and even on the right to conduct free business.

Thus the Ministry is attempting to incorporate in the legislation a legal justification for interfering with media activities.

There is a certain strange tendency for the media with respect to exemption from liability for distributing erroneous information. Thus, the Law on Media of 1999 provided for the media's exemption from liability for using information received from advertising institutions, information agencies, press offices of state institutions, and other organizations. In 2001, the Law was amended to exclude the words "and other organizations", while the 2003 draft is proposing to likewise exclude exemption from liability for receiving information from information agencies. Apparently, the authors of the draft believe that the media may only give credence to information received from advertising sources and press offices of state institutions.

This norm should be restored to at the very least reflect what was in the 1999 law, which stipulated that, in the event the erroneous information was reprinted or quoted from another media outlet, it was that other outlet that was ultimately liable.

International practice shows that media outlets whose information is used by other media outlets are not held liable. Liability should reside primarily with the original source of information, since one of its functions is verification of the information received. If the original source had failed to verify the information, it should be liable, as opposed to placing the liability on the person who has subsequently used the information with a reference to the original source.

One cannot agree with the authors of the draft that the latter is a new milestone in regulating media activity, since almost all of the content of the current Law on Media has been transferred to the new draft.

Regrettably, while preparing the draft, the authors were resolving their own issues, without regard for the fact that media activity has been regulated by other legislative acts as well. Media activity must be approached as a whole.

Thus, the authors of the draft must concurrently prepare modifications to the existing legislative foundation, as well as other laws. Otherwise, many of the norms of the new media law will turn out to be declarative, idle, or contradictory to norms or laws.

## Tatyana Yakovleva

### WE NEED THE MARKET, WE NEED EQUAL RIGHTS

As of today (September 2003, *ed.*), 25 non-state-owned television stations broadcast in Uzbekistan. They have been active for a number of years in almost every one of the country's 12 regions, including Karakaplakia. Some of the regions have two independent television stations. Meanwhile, the capital has no independent stations at all.

While only recently it was difficult for an Uzbek television station to receive a broadcasting license, due to the various organizational delays, the process has since been normalised. The Inter-Departmental Coordinating Commission, which examines applications and makes the decision on granting or denying a license, and the 12 state institutions that comprise it, now meet on a more or less regular, per-application basis. Previously, this procedure could take anywhere between one and three months. The problem is that one must secure the funding for paying the governmental fee imposed on broadcasting. This is where the non-state-owned stations run into problems. Of course, it is not an issue for the Uzbek State Television and Radio Company, which still remains a monopoly in the country's electronic media market, with all of its expenses covered by the state.

#### **1. The activities of television stations are regulated by state institutions**

So then, the problems. On 1 April 2000, the Centre for Electro-Magnetic Compatibility (CEMC) raised the tariffs for using the airwaves by 60 per cent (1.6 times). This was justified by the attempt to create comfortable conditions for the stations, and bring the level of broadcasting up to international standards. Concurrently, the CEMC was also resolving the issues of its own material base, since at that time it had developed a plan for providing itself with new equipment (such as scanning receivers

and radio direction-finders), and announced a tender for its delivery and set-up. Notice was given to the owners of private television stations that, as a result of this modernisation, the tariffs might go down. However, the opposite happened, with the tariffs going up another 38 per cent (by 2.2 times). In determining its tariff policy, the CEMC did not differentiate between the stations in the capital and the regions— in other words, the same tariff was imposed on Uzbek State Television and Radio Company with headquarters in the capital, and on regional private stations. In essence, that presented a significant impediment for the stations' further development, since it diverted the stations' funds.

On 24 October 2001, Resolution # 421 was adopted by the Cabinet of Ministers, establishing tariffs for the right to conduct activities in the area of communications. In accordance with this document, the tariffs payable by all the players in the telecommunications market were to be increased tenfold. For example, while prior to 1 November 2001 the state fee for television and radio stations' use of a transmitter was the equivalent of 300 USD, after that date the fee for receiving a license to plan, build, operate, and offer television distribution (that is, broadcasting) networks became the equivalent of 340 times the minimum monthly salary. Additionally, Resolution # 421 established that “the state fee shall be paid in the amount multiplied by the duration of the license”, which, in accordance with the same document, was now five years. Concurrently, certain benefits offered earlier to the stations were abolished (for example, if the state's share in a certain station was 50 per cent or more, the station in question had been 100 per cent exempted from the state fee). In the view of the executive officials at the Agency for Communications and Information Technologies (formerly known as the Ministry of Communications) this equated all since now every station was to pay the same amount. Incidentally, most television stations had knowingly chosen state institutions, primarily the local *khokimiyats* (administrations – *transl.*), as potential founders, which created a significant fiscal problem. Local administrations had been poor as church mice to begin with, and existed at the expense of “voluntary” contributions from industrial institutions located within the borders of a given administrative unit.

I should add that this Resolution was adopted on the basis of recommendations from international consultants, in this case, those representing the World Bank and TACIS. Let me quote from the statement by Tamara Prokopieva, the head of the Orbita television station, located in the Tashkent area: “Resolution # 421 of the Cabinet of Ministers of the Republic of Uzbekistan greatly perplexed me. The licensing fee charged for conducting telecommunications activities was increased by so much that it would be simply impossible to pay it all at once. Even the fee for one year would equal the amount of a station’s two month budgets. Where are we to get this money from? The Resolution does not consider the fact that different television stations have different revenues, depending on the capacity of their transmitter and audience coverage; in addition to that, television stations receive no tax benefits. While previously we had paid the licensing fee equal to 300 USD (at the official exchange rate), the new Resolution now obliges us to pay 1,706 USD (340 times the minimum monthly salary, or 1,166,200 Uzbek sums), which means the fee went up by 5.7 times. Can we raise the prices on our services by 5.7 times? It is advertising that serves as our main source of revenue.”

Almost as soon as the stations, having patched up the holes in their respective budgets, found ways to pay the new fee, another tax was introduced. On 1 January 2002, the Cabinet of Ministers adopted another resolution, this one “on Confirmation of the Resolution on the Procedure of Submitting the Fee for Utilising the Radio Frequency Spectrum in the Republic of Uzbekistan”. In other words, the stations were forced to pay for using specific air frequencies they utilised. The Cabinet proceeded from the notion that air frequencies are a natural resource which is the property of the state, and therefore their use must be paid for. Incidentally, this particular fee was imposed not all across the board, but rather only on those air frequency users that offered commercial services and received profits. An interesting fact about profits: essentially, no television station in Uzbekistan is profitable.

## **2. Television stations' activities in the absence of full-fledged advertisers**

Thus, I have arrived at what is essentially the most crucial condition for television stations to conduct their activities. Regardless of where throughout the world a station is located, its main revenues come from advertising. It is the advertising revenues that have the capacity for making an electronic media outlet commercial and profitable. As of today, the only institution that fits the description of “commercial television” is Uzbek State Television and Radio Company. Foreign advertisers, located primarily in Tashkent (and whose numbers, incidentally, are decreasing due to the inability to take the profits out of the country, as well as to the lack of conversion rules), seek to place their ads with the stations that belong to Uzbek State TV, since its programming is distributed throughout Uzbekistan. What about domestic advertisers, who seemingly have more reasons to work together with local private stations? Alas, the insufficient technical base and a low level of regional television programming forces domestic advertisers to place their orders with other kinds of media. Meanwhile, local advertising is underdeveloped due to the weakness of small business enterprises themselves. The kind of advertising often to be found on non-state-owned stations consists of wedding footage, congratulatory musical numbers, and news stories “made to order”.

Of the total number of non-state-owned television stations, only three or four have a more or less stable advertising revenue, mostly due to large audience coverage. The only enterprises that can offer sponsorship are the ones that have circulating capital. The barter system does not apply. Domestic businessmen also prefer not to “stand out”: hence a lack of interest in collaborating with regional media. What kind of an advertising market can one have under these conditions? What kind of revenues? One is left with the impression that entrepreneurs pay no attention to whether a particular media outlet has high or low ratings, and what kind of benefits are to be gained from collaborating with the media. Subsequently, this situation reduces to zero the few feeble attempts of some stations to be information-saturated, offer balanced information, and, most

importantly, sell it to the audience. Thus, in the words of Agzam Usmanov, the head of the Aloka-AK private television station (Gulistan, Syrdaria Region), "...due to the lack of funding we are limited in our actions, and do not meet the requirements for being a commercial station. On the one hand, it is sometimes convenient to call us 'commercial'; on the other hand, at other times it is convenient to put our rights and responsibilities on par with Uzbek State Television and Radio. Our stations are small, our staff does not exceed 20 people, our area of broadcasting is limited. In other words, we don't have as much as one thousandth of what Uzbek State TV has. However, the requirements forced upon us are the same."

### **3. On the economic non-freedom**

Such a state of affairs has been causing resentment on the part of non-state-owned television and radio stations for quite some time. Representatives from the Uzbek State Television and Radio Company, for instance, are even a part of the Inter-Departmental Coordinating Commission, and may be involved in conducting audits of non-state-owned stations. Meanwhile, everyone is supposed to be equal before the law. This situation may change; at least, there is some information on the potential disintegration of the Uzbek State TV and Radio Company into separate enterprises. However, this process is very lengthy, considering the unwieldiness of the institution in question and the inherent complexities of the disintegration process itself. Still, the 9th Session of the Oliy Majlis (Uzbek Parliament) made the following statement: "Time has come to consider adopting a Law on the Basics of Economic Relations in the Media, which would ensure effective protection for independent media outlets from the influence of unfair officials, natural monopolies, sponsors, advertisers, distributors, publishers, and so on." In the view of the leader, a Law on Television and Radio Broadcasting would also considerably strengthen the legal foundation for media activity.

The guarantee for freedom of the media lies within the development of market relations and competition in the field of information", said Karimov. "Today, media outlets are starting to have a real and wide range



of choice of economic partners, the opportunity to ensure economic self-dependence, self-sufficiency, and a comfortable level of existence, which serve as the principal factors of their independence and freedom.”

“The state must provide all the conditions necessary for honest competition in the information space for all of its participants, regardless of the form of ownership, circulation, coverage, or subject matter of any particular information outlet”, emphasised Karimov.

It goes without saying that a well-prepared and rightfully adopted Law on the Economic Foundations of the Media would promote the media’s economic freedom. In the words of Dostoevsky, “money is coined liberty”. However, a dilemma emerges: in order to rid themselves of the influence sponsors and advertisers may exert over content, media outlets must depend solely on their audiences. That is to say, they must have more subscribers (viewers, listeners). Meanwhile, the number of subscribers increases only when a media outlet writes or speaks of something exciting to the subscribers, not of something that the sponsors and advertisers want to hear. As a matter of principle, an advertiser should benefit from a media outlet increasing the number of its subscribers, since that would allow an increased number of people to learn of the advertiser. A publisher should benefit from an increased audience as well, since he usually wants to receive profit from the activity of his media outlet. Thus, it all comes down to a political component— that is, to grant and guarantee freedom of speech to the media.

A Law on the Basics of Economic Relations in the Media is certainly needed, especially if it provides effective protection from unfair officials, sponsors, advertisers, and publishers. The question is whether the media outlets indeed have “a real and wide range of choice of economic partners, the opportunity to ensure economic self-dependence, self-sufficiency, and comfortable level of existence”. The media is not just newspapers and magazines; it is also radio, television, both state and private. And if state television currently consumes 70 per cent of television advertising, it is not hard to calculate precisely how much that leaves to others. According to current practice, publicly available television stations receive revenue from selling airtime to advertisers. In the absence of a

sponsor, it is this revenue that is supposed to provide for a comfortable level of existence. However, regional television stations in Uzbekistan receive but miniscule revenue from local advertisers, while national advertisers are not interested in placing orders with these stations due to the limited area of their broadcasting, and the fact that their ratings are not always high. Meanwhile, local enterprises only invest in advertising under the conditions of tough competition in the market of goods and services. Such competition is usually absent from many of the regions where non-state-owned television stations operate. Low advertising revenue potential causes many stations to engage in the production of paid news stories, or else of programmes “made to order”; needless to say, objectivity is not an applicable term in these cases.

Sponsors, whose participation in information policy is restricted by the media law, are another potential source of financial support. Provided that there are no instances of the sponsor’s interference with the station’s policy, the sponsor essentially serves an important social function, as well as promotes his own public image, by investing in the development of non-state-owned media. But, at the current level of economic development, are regional stations really able to compete with state television, which enjoys enormous financial resources, in the form of a strong technical base, modern production facilities, replenishment of funds from the state budget, and so on? Of course they are not; therefore, the approach to state and regional stations, including the reassessment of the state license fee, as well as taxes on advertising and profits, must be differentiated.

#### **4. From censorship to self-censorship**

On 4 July 2002, an event long-awaited and hoped for by Uzbek journalists occurred; however, bringing very few changes to the press, radio, and television. I am speaking of the Decree issued by President Islam Karimov on the Perfection of Media and Information Administration. Essentially, the Decree signified the abolishment of media censorship in Uzbekistan. Concurrently, it transferred the responsibility for protecting state secrets in the media from a state institution directly to the chief edi-

tors. Paired up with the journalists' habit for self-censorship, the Decree's results have been somewhat different from the initial expectations.

I would like to offer only two examples that illustrate the "triumph" and folly of censorship over the past years past, and the interpretation of freedom of speech which existed back then, at the time when not only the Inspection for Protection of State Secrets but also any official could exert pressure on the media and journalists. Example one: Representatives of the State Communication Inspection once recommended that the DJs of a non-state-owned radio station record their feeds in advance, and get them approved by the editor before going on the air. Example two: a journalist once asked the Chairman of the Constitutional Court of Uzbekistan whether, in his view, the presence of censorship, which was supposed to have been abolished by the media law, was "contradicting the Constitution which you [the Chairman] were called upon to protect". The Chairman responded thus: "You are a mere journalist, and I am the Chairman of the Constitutional Court. How dare you address me with such questions?" No comment, as they say.

In Uzbekistan, there still exists a belief in the so-called "national mentality of Uzbek journalism", which to me is but a concealed form of censorship. It is rather troublesome that, besides state officials, the people who sincerely believe in the presence of this "national mentality" include educators, cultural figures, and journalists themselves. For example, a professor of journalism at Uzbek State University of World Languages, while agreeing in a private conversation that there is no such phenomenon, nevertheless believes that "when preparing materials for publication, one must consider the mentality of the people, as well as the principle of respect for the elders".

What was the situation with censorship at private and state-owned television stations? It had always depended on the ability and desire of the stations' management to work with the local authorities, which today still remain omnipotent, with a certain degree of influence over media activities. However, even during strict censorship, some (not all) stations aired stories based on real facts, presenting true, objective, and balanced information. This concerned such areas as politics, economics, healthcare,

education, municipal services, etc. Have there been any attempts on the part of the officials to close down private critically-minded media outlets? Yes, most certainly: for example, the ALC television station in Urgench was closed in 2000 due to pressure by the local khokimiyat, with the station's director having to leave the country for fear of persecution. Are attempts still made to force television stations to abandon their principles of producing objective and honest information? Of course they are. The form of such attempts has changed; these days, they carry more of a recommendatory flavour. However, the stations have learned to confront these "recommendations". The journalists have come a long way from asking questions like, "will they really be afraid of us, now that censorship is gone?" to realising that now, one must make every effort to help officials to overcome their fear of objectivity and honest interpretation of facts.

## **5. Media and the law**

A few words on the legal framework of non-state-owned Uzbek television and radio stations. In Uzbekistan, over 15 documents regulating media activities have been adopted. Not even too many developed democracies can boast this many media laws. However, the adopted legislation has its many drawbacks. The Law on Media has been amended to include a restriction on monopolies. Article 4.1 speaks of the inadmissibility of monopolisation in the media. Specifically, "no person shall serve as a founder (co-founder and/or possess, own, use, handle, manage, and/or control (directly or through affiliated persons) more than twenty-five per cent of the media outlets present in a national or local media market." This provision seems rightfully democratic; however, it is also unacceptable under present conditions. Karim Bakhriev, a legal expert for Internews-Uzbekistan, comments: "Let us assume that there is one television station that broadcasts in a given region, thus covering 100 per cent of the local media market. That makes this station illegal; the region would have to have three more stations operating in it in order to meet the 25 per cent share requirement. The Law should have stated that a media

founder or owner cannot have another media outlet with more than a 25 per cent audience coverage. Because, the way we have it, a single person usually owns a television station, a radio station, and a print media outlet. Even after it is adopted, the Law will not be able to regulate the activities of, say STV, or the Ekho Doliny. Their territory coverage is vast, while the circulation of their regional newspapers are well over that of many nationwide periodicals. If that is restricted by, say, cutting the circulation of *Darakchi*, then what about the rights of the readers and subscribers? The new Law does not provide for these issues.”

Meanwhile, the 10th Session of Uzbek Parliament adopted, in December 2002, the Law on the Principles and Guarantees of Freedom of Information. This document was translated into English and forwarded to experts representing international organizations, including Article 19. A memorandum issued by Article 19 subsequently stated that this Law did not meet international media standards and principles of freedom of speech. The memorandum was sent to the Oliy Majlis of Uzbekistan, which has had no reaction to the observations and recommendations made.

The Law on Television and Radio Broadcasting still has not been adopted, although a draft of this Law has already been sent to the Cabinet of Ministers and Parliament. Legislators have started working on another legal draft, one on the Economic Foundations of the Media, which considers the relations between media outlets and their sponsors and founders, the editorial boards, as well as transparency of the economic conditions for the media.

A quick word on an essentially progressive document, the Presidential Decree on the Reorganization of the State Press Committee of the Republic of Uzbekistan into the Uzbek Agency for Press and Information. This Decree was issued in 2002. The previously existing institution referred to in the Decree held many sad memories for every single Uzbek media outlet, with no exception. It was the State Press Committee that was in charge of registering the media; in other words, the Committee served as the reins with which the officials “managed the process of democratisation”. What is so progressive about this Decree? The institution’s name was changed from “State Committee” to “Agency”. The Uzbek Ministry

of Justice was charged with the responsibility of “introducing to the Cabinet of Ministers suggestions on the changes and amendments to the legislation concerned by this Decree”. This was in reference to abolishing Article 16 of the Law on Media from 1997, which stated that the power to establish and close down a media outlet resided with the founder, the court, or the institution which had registered the media outlet in question. The Ministry of Justice complied, and from now on the right to establish or close down a media outlet resides with either the outlet’s founder or the courts.

## 6. Professionalism of Television Stations

What are the non-state-owned television and radio stations of Uzbekistan like in professional sense? All of them produce information reports, participate in joint informational/analytical programmes such as *Zamon* (Time) and *Open Asia*, and produce their own programmes, albeit short ones. I am very far from putting non-state-owned stations up on an under-served, as of yet, pedestal with regard to either the journalists’ professional training or the stations’ technical equipment. However, when comparing programmes on private television with those on Uzbek State Television and Radio, it becomes evident that the representatives of the private sector do adhere to the principles of contemporary international journalism, such as objectivity, reliability, and providing balanced information. Meanwhile, the information programme of the First Channel of Uzbek State Television has been dubbed “Good Tidings of Heaven” by the people, due to the deliberate refusal of state television to be honest and principled toward its audience.

The fact that non-state owned Uzbek stations are indeed developing, both in a creative and technical sense, is evident since many of them have received grants from international organizations and foundations. Thus, in 2001, the Eurasia Foundation provided three grants (totalling over 60,000 USD) to television stations in Uzbekistan, Tajikistan, and Kyrgyzstan. These are the SM-1 station in Khujand (Tajikistan), Mulokot in Kokand (Uzbekistan), and Ekho Manasa in Djalal-Abad (Kyrgyzstan),

with grant given for producing and distributing a series entitled *Voices of the Fergana Valley* and *Voices of the Fergana Valley: the Neighbours' View*. These programmes have allowed the residents of the three countries that share the Fergana Valley to learn of the issues of concern to the entire region, such as the use of water and land resources, and frontier trade. This project is still very much alive and developing today. Another example: a competition held during the Third Eurasian Television Forum of the CIS and Baltic States had 14 nomination categories, including that of "best social news story". This prestigious Forum acknowledged the work of journalists from non-state-owned Orbita television station, as well as of a female television journalist from Andizhan. I should add that attesting to the growing skills and civil courage of non-state-owned stations' representatives is the fact that their stories are used by the most prestigious television stations of the world, such as BBC, CNN, and others.

Currently, the international organization Internews-Uzbekistan is conducting a project on uniting television stations into a single network, which signifies a new development, that of network broadcasting. The goal of the project is to attract the maximum number of potential advertisers that would be interested in promoting their products within a certain (the larger the better) territory by placing their ads within programmes with the highest ratings. The conditions for this project are: a strong programme, and high technical level of broadcasting. The potential results include a solid economy for the stations participating in the network, expansion of the goods and services market, and, most importantly, the meeting of the needs of the audience with respect to high-quality information.

## **7. Conclusion**

A few words on the things that are still impeding or may have a negative impact on the development process. Among those is the clearly corporate interest of private stations' management, which occasionally forces the stations to withdraw, as I described at length in the beginning. Cur-

rently, the Uzbek Ministry of Justice is processing documents necessary for the registration of the Association of Electronic Media of Uzbekistan (AEM), which is expected to unite stations' interests in developing an action strategy. In his conversation with me, Viktor Sapiro, the head of non-state-owned Chirchik-TV station, has said that we were in need of an organization that would be capable of providing professional protection and legal support; one that would coordinate the journalists' actions and develop strategic issues.

Lately, the Uzbek media has been called "the fourth power", which is essentially nothing but official flirting. It was the authorities that started calling the media that. I believe it is necessary to note that journalism and the official authorities are mutually excluding notions. They proceed from completely different social functions. Journalists must not let themselves be deceived by this flirting, otherwise they will turn into obedient puppets. The journalists' legal status derives from normative corporate acts.

The current authoritative regime and the imperfection and incompleteness of the legislation provide one with the temptation to implement information policies directed at serving the authorities' interests, as opposed to the strategic and economic interests of society.

Based on this, journalists must learn solidarity and develop effective mechanisms for influencing political and economic processes.

## Summary

The Uzbek media is still very much influenced by its financial dependence and the confrontation of various economic groups on one hand, and the production of ordered materials on the other. This results in a lack of trust on behalf of the media consumer, the population. Meanwhile, the population's level of political and legal culture is quite low.

Journalists are disconnected, while media legislation is imperfect, incomplete, and is not adhered to; unity is absent; the administrative resources of the authorities are still powerful and cunning.





**II.**

**MEDIA IN MULTI-LINGUAL  
AND MULTI-CULTURAL SOCIETIES**

**Alexei Goncharov**

MEDIA DEVELOPMENT IN A MULTI-ETHNIC  
AND MULTI-LINGUAL SOCIETY EXEMPLIFIED  
BY THE SOUTH KAZAKHSTAN REGION

**Alo Khodjaev**

ARE THE MEDIA OF UZBEKISTAN ADEQUATE  
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**Mazkhabsho Mukhubbatsho**

LIFE DICTATES THAT WE DEVELOP THE MEDIA  
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AND MULTI-LINGUAL SOCIETY EXEMPLIFIED  
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II

In order to gain an understanding of media development tendencies in such a multi-ethnic and multi-lingual society as South Kazakhstan, one must start with the statistics.

The region occupies 117 square kilometres, with a population of 2,100,000 people. The latest estimate of the region's national composition and the degree of fluency in any particular language was conducted during the census of 1999, and subsequently recorded in a two-volume publication issued by the Regional Statistical Administration. Back then, the population of the region was 1,978,000 people. Kazakhs constituted the largest ethnic group of the region, 1,341,000 people in 1999, and currently considerably more, since the major population growth factor is the Oralman ethnic returnees. Also, in 1999, 322,000 Uzbeks (an ethnic group with the highest level of natural population growth) resided in the region, in addition to 162,000 Russians, 25,000 Azeris, 24,000 Tatars, 21,000 Tajiks, 19,000 Turks, 13,000 Ukrainians, and 10,000 Koreans.

The majority of the region's population indicated fluency in two or more languages. However, this tendency hardly applied to the region's Slavic population.

There are 237 media outlets registered in the region, of which 194 are newspapers. However, only about 70 per cent of the registered media are actually functioning. 51 per cent of the media are published in the Kazakh language, 10 per cent in Russian, 4 per cent in Uzbek, and 35 per cent in two or more languages.

Historically, as far back as the early 1980s, the media situation saw rapid development of independent Russian-language publications. Most of the first independent television stations also broadcast in Russian. This

tendency was present up until the latter part of the 1990s, when the requirement for 50 per cent of programming to be broadcast in Kazakh was established for the electronic media by pertinent legislation. This legal provision was conducive to active development of Kazakh-language broadcasting, which at first was distinguished by a low professional level of programme production. This tendency is gradually fading. However, the quality of the state regional television station, with 90 per cent of its programming in Kazakh, still remains at an extremely low level. This station primarily airs endless conversations with aksakals (village elders – *transl.*), and provides coverage of rural holidays, etc. In the region, the station's ratings are extremely low.

Even with the ethnic tolerance characteristic of South Kazakhstan, which was historically a juncture of the nomadic and agricultural civilisations, any multi-ethnic society is bound to have a certain degree of inter-ethnic competition, reflected in the media.

In the late 1990s, with the decline of independent Russian-language media in the region, there began a rapid growth of independent publications in Kazakh, recently also joined by non-state-owned publications in Uzbek.

One must note that, as a rule, the non-state-owned Russian-language newspapers strived to provide coverage of all of the many facets of public life, while being very careful with the issue of inter-ethnic relations, as well as with certain points in history. Generally, their development went on within the framework of a global information field.

The Kazakh-language publications were for a long time unsuccessful, as they were caught in an endless loop of covering language-related and historical issues. The first newspaper to depart from these stereotypes was *Aigak*, which started to pay considerable attention to news and to pressing issues in the region. As a result, the *Aigak* was soon distributed throughout the country, with a circulation of 50,000 copies. A number of other publications have followed the example set by *Aigak*.

However, most recently the Kazakh press of the region has been exhibiting a new tendency. There has been an influx of newspapers whose single goal is to discredit a particular individual. The first of these was

the *Ardak* newspaper, which exclusively strived to undermine the people's trust in the former akim (governor – *transl.*) of the region, Berdibek Saparbaev, and his team. One should note that, in trying to reach its goal, the newspaper left no stone unturned: rumours were presented as facts, with instances of outright libel as well.

It is paradoxical that, while many newspapers in Kazakhstan were literally destroyed by lawsuits filed by officials, *Ardak* eluded this fate. Moreover, a court in the city of Shymkent simply refused to accept a law suit filed against this newspaper by the regional akim's press secretary.

Publications such as the aforementioned do not usually enjoy large circulation; however, they are distributed among people of little education, and may have a very negative influence on the people's minds.

The Kazakh-language media has also witnessed the rise of the so-called “balikhorist” tendency. A *balikhor* (Kazakh for pettifogger, complainant) has never enjoyed any respect in the Kazakh society. Today, certain people are not ashamed to openly call themselves *balikhors*, while the newspapers mentioned above readily publish articles written by these people.

With all of this in mind, one must momentarily dwell on the way that the media outlets (which are developing in such peculiar circumstances) are treating the issue of inter-ethnic relations.

Special monitoring conducted over the past few years by the “Dialog”, a South Kazakh non-governmental organization headed by Igor Savin, has shown that intolerant statements in the media differ based on the particularly targeted ethnic audience.

Thus, the Uzbek-language publications generally avoid any direct illusions between ethnicity and the social situation, as well as refrain from employing vivid metaphors. Even if the article in question is critical of something or someone, it merely describes the issue and names the specific people involved. Monitoring has been unable to detect in the Uzbek-language media any direct or indirect appeals to collective identity accompanied by a subtext which would make it clear that the ethnicity in question was the Uzbeks. Although certain publications do raise the question of ethnically contingent issues: for example, some speak of the underrepresentation of Uzbeks in the official bodies of the Sairam District,

where 60 per cent of the population is Uzbek, or of the lack of television programmes and free higher education in the Uzbek language. However, the Uzbek media makes no generalisations or far-reaching conclusions on these issues. In other words, one may state that the Uzbek-language press in South Kazakhstan is the most tolerant and self-restrained, even when covering reasonably serious issues.

Interestingly enough, the regional state television station produces no news reports in Uzbek. However, they are a part of the programming provided by the non-state-owned *Otyrar* television station, which initially used to broadcast primarily in Russian.

In contrast to that, the Kazakh-language press actively employs generalisations and mass appeals to the ethnic Kazakh community. Vivid metaphorical techniques are widely used, along with strong idiomatic figures of speech born in different contexts. Consequently, they form the readers' opinions without employing specific arguments but based on context associations.

The Russian-language press is distinguished by pompous article titles and a tone or irony directed at certain, primarily migrant, communities. Ethnic illusions are absent; however, contrasting stereotypes of the "us versus them" kind are actively used with regard to certain social groups.

While in the Russian-language press, especially up until the late 1990s, this tendency to contrast concerned largely social groups, such as officials versus the people, the Kazakh-language media has applied the contrasting theme to the subject of ethnicity. For example, the *Zamana* newspaper would publish an article entitled, "No One But the Kazakhs at Second Hand Clothing Stores", discussing the difficulties many families face during the back-to-school period. A story of everyday issues common to many people is thus preceded by an invocatory title which immediately traumatises the Kazakhs' self-awareness, forcing them to reflect on why exactly their lives are so poor. Another effective and frequent technique is that of using vivid metaphors, which impart a meaning that essentially does not follow from the account of events and facts.

*Barys*, one of the "balikhorist" newspapers, while covering the process of signing a protocol on the delimitation of the border between Kazakhstan

and Uzbekistan, produced an article entitled, “The Land Dispute Is Over: Kazakhstan Has Won”. To quote from the article, “Thus, the motley skull-cap people [*alatakhiyalar* verbatim, as the author dubs all Uzbeks due to the characteristic black-and-white headgear] received four auls [villages – *transl.*], while the Kazakhs received the dam, together with six auls.” Elsewhere in the article, the author describes the actual signing of the treaty: “Karimov arrived to Astana, leading one horde [*shubyrtyp* verbatim] of a delegation.” One must note that the word *shubyrtyp* in the Kazakh language signifies not only a large group of people, but also denotes the author’s scornful attitude towards them. This is the word Kazakhs use to describe a group of vagabonds, or people who are engaged in something worthless.

*Barys* has a circulation of several thousand copies in the South Kazakhstan Region, but is distributed throughout the country. It is a private newspaper, and as such does not reflect the views of the official authorities of Kazakhstan. There has been a certain negative reaction on the part of the journalistic community of the region to such publications. Meanwhile, publications of this sort consolidate the reign of narrowly grouped identity forms in society, as opposed to promoting values common to all Kazakhs or all citizens. In turn, these narrow identity forms impede the process of mutual understanding and social stability.

The Russian-speaking audience remains unaware of articles such as described above, due to the lack of fluency in Kazakh. There are no public discussions on the subject, while the monopoly on such ethnocentric perceptions remains unflinching. Meanwhile, here we have a large number of Kazakh citizens of a different ethnicity, who very likely disagree with such a depiction of the world; however, they exist within the framework of different views, and form their own collective identity differently from the above.

The non-governmental “Dialog” organization of the city of Shymkent, with assistance from the Soros Foundation of Kazakhstan, Department of Journalism of the Kazakhstan National University (City of Almaty), and the Institute of Ethnology of the Russian Academy of Sciences (Moscow), has initiated a programme on media monitoring and educating journalists on the principles of inter-ethnic tolerance.



One must note that the growth in the journalists' general professional level and the efforts of "Dialog" are indeed yielding fruit. Examples of discourtesy in the media are becoming rare. Still, there are certainly occasional offences.

In July of this year, an independent Russian-language newspaper emerged in Shymkent under the title of *The Unknown Homeland*. The editorial board has explained the unusual title by stating that "in fact, we know very little of the true history of Kazakhstan, as well as of the nature of the region". It has also stated that "certain backstage features of the public and political life also remain outside of our vision".

A mere two weeks later, the *Zhas Alash* newspaper published an article accusing the editor of *The Unknown Homeland* of "spitting into the soul of an entire people". The article greatly distorted some of the publications of *The Unknown Homeland*. It is notable that two other newspapers reprinted the slandering article, with *Kazakhstanskaya Pravda* publishing excerpts from it in Russian.

To the credit of the editors of the largest Kazakh-language media outlets of the region, they refused to join this campaign. This fact allows one to hope that mutual understanding among the different media outlets is indeed possible. It is this mutual understanding that will contribute to the preservation of stability in the country's south.

**Alo Khodjaev**

ARE THE MEDIA OF UZBEKISTAN ADEQUATE  
TO THE COUNTRY'S NATIONAL DIVERSITY?

*Equality is the touchstone of justice,  
And together they are the essence of liberty.*

- Johann Gottfried Seume, German writer (1763-1810)

I permitted myself to use this interesting thought as an epigraph since the correlation of equality to justice to liberty may certainly be counted among the triads integral to the history of humanity and uniting rational notions, such as truth, beauty, and kindness; or mind, feeling, and will; or body, soul, and spirit. By making this conclusion, I do not mean to enrich the theory of triads, but rather to attempt to determine whether the openly declared ideas and principles of universal equality of all citizens correspond to the realities of independent Uzbekistan. In doing so, I will certainly remain, in accordance with the program of our conference, within the limits of multi-cultural and multi-lingual factors reflected in the media of today's Uzbekistan.

The specific documents that determine the possibilities and conditions for media activity in this regard are the Constitution of the Republic of Uzbekistan, as well as the Laws on the Official Language, and on the Introduction of the Uzbek Alphabet Based on the Latin Lettering.

Article 4 of the Constitution establishes the official status of the Uzbek language. It also provides for the respect of the languages, traditions, and customs of all nationalities and peoples residing within the country's borders, as well as for the creation of the necessary conditions for their development. Meanwhile, the state legislation lacks any legal foundation for providing other languages with any additional functions, for example, designating the Russian language as that of international communication (which it still remains).

The new edition of the Law on the Official Language, adopted in December 1995, contains two relevant Articles: Article 16 states that “television and radio programmes shall be conducted in the official language, as well as in other languages”, while Article 17 determines that “publishing activity shall be conducted in the official language, and in other languages *as needed*”. These provisions refine Article 20 of the same Law, adopted by the Uzbek Parliament as far back as October 1989, which provided for the use of not only the official and Russian languages, but also of the languages of “other nationalities residing on the territory of Uzbekistan *in a compact fashion*”. The amendment is substantial, given that, for example, the Tatar diaspora in the country is rather numerous, but escapes the “compact fashion” description. Meanwhile, the new edition of the Law, like any of the by-laws, does not establish a mechanism for determining whether any media activity in unofficial languages (used by more than 130 different nationalities and peoples in Uzbekistan) is in fact “needed”.

So, language-wise, what is the media mosaic in Uzbekistan? Out of a total of 532 newspapers, 379 are published in Uzbek, 46 in Russian, 45 in both Uzbek and Russian, 21 in Karakalpak, 7 in both Uzbek and Tajik, 5 in just Tajik, 5 in both Uzbek and Karakalpak, and 5 in Uzbek, Russian, and English; 3 newspapers are published with articles in Uzbek, Russian and Tajik, 2 in Uzbek and Kazakh. There is one newspaper in each of the following combined language categories: Turkmen, Russian, and Ukrainian; Karakalpak and Russian; Russian and Kazakh; Karakalpak, Uzbek, Russian, and English; Uzbek and Turkmen; Uzbek, Karakalpak, and Russian; Uzbek and English; and Uzbek, Russian, Spanish, and French. The *Yangi Kun* (The New Day) newspaper is published in Kazakh, Kyrgyz, Tajik, Turkmen, Uzbek, Russian, and English, while the *Markazii Osiyo Madaniyati* (The Culture of Central Asia) is published in the same multitude of languages except English.

Of 157 magazines, besides the ones strictly in Uzbek, 53 are published in Uzbek, Russian, and English; 5 in Russian; 3 in Karakalpak; 2 in Uzbek, Tajik, and Russian; and one each in Uzbek, Kazakh, and Karakalpak; Kazakh and Russian; Tajik; Uzbek and Tajik; and Russian

and Bukharan-Jewish. There is also a geodesic magazine which is published in all of the native languages of Central Asia, as well as in English, German, French, and Russian.

Such is the general (possibly requiring certain amendments) scene of periodicals in Uzbekistan.

As for television and radio, the situation is somewhat more difficult. Two of the leading nationwide television stations, TV-1 and Yoshlar, broadcast exclusively in Uzbek. The third, TTV, has Uzbek-language programmes occupying 60-70 per cent of air time, with the rest of the programmes in Russian. On TV-4, the International Station, programming in Russian accounts for about 50 per cent of air time, with the other half comprised of programmes in Kazakh, Kyrgyz, Tajik, Uygur, Tatar, Korean, and other languages. There are television stations in the regions, primarily independent ones that broadcast not only in Uzbek, but also in Russian and Tajik.

The radio broadcasting media are doing better: just in Tashkent, there are 13 non-state-owned radio stations, which adhere to the provisions of the law by broadcasting 50 per cent of the time in Uzbek, and the other 50 per cent of the time in Russian.

In general, these figures depict a supposedly auspicious situation in which the linguistic interests and needs of multi-national Uzbekistan are satisfied. However, it would be extremely imprudent to so believe. There are a number of negative aspects which considerably decrease the effectiveness of the media with respect to multi-national policies in today's Uzbekistan. In my view, these aspects consist of the following:

1. Exceptionally low circulation of newspapers and magazines: Only two Russian-language newspapers, the state-owned *Narodnoe Slovo* and *Pravda Vostoka*, are published five times a week, with a circulation of 10-15,000 copies. This is notwithstanding the population of almost 26 million people, of which over 20 per cent are minorities, with a considerable part of the Uzbek intelligentsia continuing to use Russian.

Even the specialised *Edinstvo* newspaper of the Republican International Cultural Centre "Birlik" is published once every several months,

with a circulation of 1000 copies. The Tashkent regional *Dust, Drug, Dost* newspaper (in Uzbek, Kazakh, and Russian) used to be published only three or four times per year; however, it recently had to be closed due to financial difficulties.

2. An official steamroller approach to media activity: Financial considerations (rumoured to actually be those of censorship) forced the closure of a popular Tashkent newspaper, *Vremya i my*, as well as of the Samarkand newspaper, *Ovozi Samarkand*, which was published in Uzbek and Tajik.

For reasons unknown, the International Channel of Uzbek television is to be converted into a sports station within the coming months. There are other examples as well.

3. The lack of a clear and consistent multi-national policy on the part of the state. With the exception of the Republican Cultural Centre, there is no other efficient state or public institution that would address the issue of satisfying the demands and needs of ethnic diasporas and communities. Hence the little attention paid by the media to the country's minorities.

An analysis, in August 2003, of two consecutive weeks' worth of issues of the state-owned *Khalk suzi* newspaper has shown that only two of the articles, and one regarding sports at that, contained Russian last names. Only one article – actually, a reprint from the National Information Agency (UZA) – was published by a Russian author.

Even the relatively “advanced” and bold *Khurriyat* (Liberty) and *Mokhiyat* (Essence) newspapers display a clear deficiency of reflecting the multi-national composition of the country and of related issues. Thus, over a period of three months, the *Khurriyat* has published only one article on the Chairperson of the Women's Council of the Kyrgyz Cultural Centre, while over the same period of time the *Mokhiyat* printed only two articles by Russian authors on cultural issues.

The situation with the majority of city and district newspapers is no better. The lives and activities of dozens of ethnic communities and diasporas remain outside the media's attention, and hence outside that of the public.

Have there been any attempts to change the situation, and to attract the readers' attention to the considerable issues of the country's ethnic minorities? Yes, indeed: as the chief editor of the *Tashkentskaya Pravda* newspaper, yours truly had instituted a section entitled "The Faces of Uzbekistan", which over a period of several years published large photographs of the deserving representatives of ethnic diasporas, accompanied by feature articles on their lives. Among the title characters were Russians, Ukrainians, a Byelorussian, a Kazakh, a Kyrgyz, a Tajik, a Turkmen, a Karakalpak, an Uygur, a Tatar, a Korean, a Jew, a German, a Pole, a Greek, a Georgian, an Azeri, an Armenian, and others. Alas, with my forced departure from the newspaper, this practice of multiethnic education was discontinued.

Last year, a contest held by the UN Mission and the Open Society Institute Assistance Foundation of Uzbekistan included a new category of nominations, "Best Article on Friendship Among Peoples", suggested by me. On 3 May, over the course of the World Press Freedom Day conference, the two winners in this category received their prizes.

Since early September of this year, Radio Grand, with assistance from the Swiss Agency for Development and Cooperation and the Tashkent Centre for Public Harmony and Improvement "For a Decent Life", has been conducting a series of public and musical programmes devoted to the cultural life and creative work of Uzbekistan's ethnic communities. This series has already been met with great interest by our listeners.

There are probably other examples of responsible civic understanding of the necessity to continuously incorporate the issues of a multi-national and multi-lingual society into the media. A lot depends on the journalists themselves; however, until the official authorities develop a clear and purposeful national policy, a state of discomfort and uncertainty among Uzbekistan's ethnic minorities will persist.

That is, until the authorities begin to adhere to the high principles of inter-ethnic equality, social justice, and civil liberties, which is something that is needed for all of the people of Uzbekistan.



## Mazkhabsho Mukhubbatsho

### LIFE DICTATES THAT WE DEVELOP THE MEDIA IN THE INDIGENOUS LANGUAGE

Strange things are happening in Tajikistan. This Central Asia republic was the first, after the Baltic states of the former Soviet Union, to adopt a language law, whereby Tajik was proclaimed the official language, and Russian the language of interethnic communication. In 1990, at the height of *Perestroika*, the print media circulation equalled 900 copies per thousand people. Back then, 80 per cent of newspapers and magazines were published in Tajik. All of the television and radio programmes, except for official news reports in Russian and Uzbek, were also made in Tajik.

However, with the gaining of independence, and especially after the end of civil confrontation, the situation is turning out very differently. The number of newspapers and programmes in Tajik has been greatly reduced, while private and joint-stock publications in Russian are mushrooming all over the country. Three new radio stations in Dushanbe make most of their programming in Russian as well. Advertising, this new field of the media market, is done exclusively in Russian.

During their initial years in Tajikistan, foreign diplomatic missions and international organizations used to operate primarily in Tajik; currently, they, too, are moving to Russian. Despite being fluent in the primary language of the country of their professional residence, Western diplomats have started to use Russian-language interpreters. What is the matter here? What is going on?

The fact is that the emerging business enterprises in such cities as Dushanbe, Khudjand, Tursunzade, and Kurgan-Teppe are striving to cover larger audiences by choosing Russian as their primary working language. Likewise, people employed by these enterprises, including the private media and international organizations sector, are individuals who had received their basic education in Russian.



Journalists who once used to work for media outlets in Tajik are currently publishing newspapers in Russian. This is for three reasons: **firstly**, and most importantly, because of the opportunity to reprint, without any explicit costs, interesting publications from various Internet sites, as well as from Russian periodicals unavailable to the general population of Tajikistan, in other words, open plagiarism. **Secondly**, the false impression of a large Russian-speaking audience forces the owners of new print and electronic media to operate in Russian in order to attract customers. **Thirdly**, in the years preceding the civil war, professional Tajik-speaking journalists had either left the country or moved on to business enterprises. A number of them are currently working for foreign radio stations that broadcast in Persian, such as the BBC, Voice of America, Radio Liberty, Sadoi Olmon, Radio Khuroson (Islamic Republic of Iran), Voice of Russia, or else remain within the country and are disengaged from professional activities for one reason or another.

Emerging small and medium-sized business enterprises are also controlled by people who had once studied in Russian schools. Members of this whole Russian-speaking community are pretending that the entire country is linguistically similar to them, and thus produce goods and services for consumption exclusively by their own circle. Meanwhile, there is no Russian-speaking audience outside of Dushanbe and Khudjand. Not to mention that, following the collapse of the Soviet system, the periodicals delivery system has likewise collapsed. As a result, the majority of the country's population whose command of Russian is either poor or non-existent have found themselves in a complete information vacuum.

Meanwhile, the state-owned print media, television, and radio are mostly operating by the worst customs of Soviet journalism, and thus are distrusted by their audiences. These media are used primarily by state officials, who, in turn, are only interested in information regarding appointments or removals of other state officials. People in large cities prefer to listen to Radio Mayak, Radio Khuroson, Radio Liberty, BBC, and to watch Russian RTR, and, wherever possible, ORT television stations. In the rural regions of the country's south, the primary sources of information are the Persian-language service of the BBC, Deutsche Welle,

Radio Khuroson, Radio Ozodi, and, most recently, the twenty-four-hour FM broadcasting of the Voice of America for Afghanistan. In the country's northern regions, ideological expansion is performed by neighbouring Uzbekistan.

With respect to increasing the pluralism of opinions, there is certainly nothing bad about this. On the contrary, it would have been nice if they had resumed the broadcasting of Uzbek television programmes in Tajikistan, and the Tajik studio in Uzbekistan, like it used to be during the Soviet times. However, the ambitions of both countries' presidents, as well as displays of arrogance and exclusiveness, do not allow the two leaders to resolve this and other issues of interaction, despite the numerous promises. Meanwhile, in the current situation of mutual aversion, it does not bode well to be a citizen of one country and live by the spiritual standards and criteria of the other. Additionally, there is this proliferation of immoral music videos continuously aired by Moscow, as well as the broadcasting of pirated copies of television and feature films that popularise, in the most disgusting way, the sex industry, violence, and fear; all of that is destroying the people's mentality, and ruining the very basis of national moral traditions.

Due to the lack of transmitting stations, Tajikistan is unable to make its own television and radio programming available nationwide. As of today, the radio coverage area, particularly of the First Channel of Tajik radio, extends to 77 per cent of the country's population, and 66.6 per cent listen to the Second Channel. In a number of districts of the Sogdi Region, it is virtually impossible to receive radio programmes from Dushanbe.

The absolute majority of Tajikistan's population is currently in a state of complete indifference and apathy, due to the fact that independent publications and television and radio stations do not operate everywhere, or in the people's native language. The political awareness of the population has decreased catastrophically. This was especially evident during the referendum on constitutional amendments. The authorities had put forth 56 changes to the Constitution, and received, without any prior discussion, unanimous approval of all 56. Just like it was 20 years ago, in the times

of “unprecedented electoral victories of the bloc of Communists and non-affiliated candidates”.

The fact is that there is a serious gap between the media and official authorities in Tajikistan. The state-owned media outlets (which comprise over a half of all media) are exclusively engaged in praising the country’s president, regardless of whether or not there is an occasion for so doing, merely for an opportunity to once again say the name of His Highness the Dear President. Meanwhile, the listeners, viewers, and readers are so tired of it that the majority of them simply avoid such publications and programmes. Another matter of no small importance is that state-owned newspapers and television stations are beginning to engage in original business practices of printing or broadcasting, using the President’s mighty name, laudatory materials concerning an executive manager of some enterprise, or any other wealthy person who wishes to be noticed by the President. Such a practice brings in considerable revenue (at least by Tajikistan’s standards) for the media in question. Therefore, every page of every governmental periodical is full of empty praises for the president and his circle. Meanwhile, the state-owned media do not cover any social issues, since, in their view, there are no negative aspects to the country’s existence. One ought to recall that last year President Rakhmonov addressed the executive officials of various institutions, as well as the media, on two occasions, discouraging the growth of his personality cult. Now, everyone understands that, contrary to his words, the president was requesting a boost in his positive image propaganda.

The name of the President is so paramount to the state-owned television newsmakers that they simply have not noticed this year’s multiple reports of natural disasters, large-scale devastation, and death of their own compatriots. Regardless of the catastrophes that may have occurred in the country, the newspapers’ front pages and television’s initial news reports are graced by compliments made by the President on the occasion of a national holiday of some remote country in Africa or Latin America. This is followed by the coverage of the meetings conducted by the Parliament Speakers, the Prime Minister, or his deputies. Only then do the media outlets suddenly remember that somewhere in the Pamir Mountains, or

the Gissar Range, or the Zeravshan Valley, there has been a massive loss of Tajik lives due to a natural disaster and that homes, roads, and power lines have been destroyed.

Representatives of state-owned media are usually indignant over these accusations. It is as if they are saying, “What else do you expect? After all, he is the President (Chairman, Premier, etc.)!” What of the destroyed homes, roads, crops, perished people?

The Presidential Press Office covers the numerous foreign trips of the leader in the most general, meaningless terms, accompanying them with scenic views from the countries visited. An average Tajik viewer is perplexed: is this a report on a business trip by the head of state, or a *National Geographic* special?

Relations between independent media and the authorities are rather strained. On one hand, state officials try to avoid any contact with journalists at all costs, thus providing no information on their activities. On the other hand, even if some brave soul has managed to cast light on an issue unpleasant to the officials, the latter simply shrug it off. As the Bolshevik leader, Lenin, once aptly noted, “the writers keep on writing some, and the readers keep on reading some”, and that is the end of that; moving right along, folks.

In this situation, the only way to implement true democratic values is by developing the relevant institutions, particularly the media, in the language of the indigenous population. Unfortunately, nothing is being done in this direction, especially in the rural areas. The population of the mountain regions, living off humanitarian assistance, does not have the necessary funds, while international organizations usually look no further than Dushanbe or Khudjand. The Mountain-Badakhshan Region does not have a single independent radio or television station, neither do the regions in the Rasht, Vakhsh, and Gissar Valleys. Meanwhile, the demand for spiritual values and information in the native language is very high.

Another example to illustrate this necessity: since March of this year, the Central Asian television programme *Open Asia* by Internews has been broadcasted in Tajik. Internews Network of Tajikistan had offered its partner stations both versions of the programme, in Tajik and in Russian.

However, almost all of the stations preferred the Tajik version. Furthermore, the same version was requested by the Tajik-language stations in neighbouring Uzbekistan.

Currently, the most popular programme in Tajikistan is that of the Internews Network, entitled *Nabzi Zindagi* (The Pulse of Life). Although in a professional sense this programme is far from perfect, it is still popular with the viewers, if only for the reason that it shows things completely left out by the state-owned television station. Another popular programme is that of a Tehran-based station, *The World Press Review*, re-broadcast in Persian by the Somoniyon station of Dushanbe.

On to the print media: Until 2002, Tajikistan had no independent social and political newspapers published in Tajik. However, since January 2002, the weekly 16 page *Tochikiston* commenced publication exclusively in Tajik, and quickly gained popularity. Unfortunately, due to the publisher's anxiety over falling into disgrace with the authorities, this newspaper is drawing back day by day. Its position has already been filled by another newspaper, the *Nerui Sukhan* (Power of the Word), which has also earned the readers' trust, and still continues to cover pressing issues. It was the only newspaper that spoke out against the referendum, referring to it as undemocratic. In August of this year, another Tajik-language newspaper emerged under the title of *Ruzi Nav* (The New Day), going even further and covering issues that had been taboo for many years. All of this gives us the right to raise the question of increasing the network of independent media in the indigenous language.

SARS, a horrible disease, has destroyed censorship in the People's Republic of China. However, in Tajikistan, neither malaria, nor natural disasters, nor injuries from Uzbek mines, nor the distress of work migrants in Russia have been able to change the situation of the media vis-à-vis the authorities.

Currently, it is becoming fashionable for Tajik officials at all levels to imitate the President by not allowing anyone, especially any journalists, near themselves. Their deputies are usually unable to resolve any issues or answer any questions without prior approval from above. Even when they attend public meetings, the officials tend to talk at, rather than with,

the participants, and never listen to anyone. The budgets of all levels, from state to city, are still closed to the public eye. This is especially true of the so-called “Presidential fund”, or “the fund of the Chairman”, and so on. The same goes for the use of humanitarian assistance and the various grants that come from abroad. This approach by officials serves as a reliable shield for covering up the country’s thriving corruption and parochial ambitions of various clan groups.

Strange as it may seem, currently the least accessible Ministry in Tajikistan is that of Public Health. The fact is that most humanitarian assistance arrives at this particular institution. Although President Rakhmonov has recently removed the Minister of Public Health and all of his deputies from their positions, the Ministry has not changed its attitude toward journalists.

Private and independent Tajik media also have a lot of problems in covering the democratic institutions. They are likewise disinterested in the development of democratic processes in the country. Except for certain feeble actions by such outlets as *Nerui Sukhan* (Power of the Word), *Ruzi Nav* (The New Day), *Varorud* (an ancient name for Central Asia), *Evening Dushanbe*, *Asia Plus*, and *Tochikiston*, as well as the independent television stations in the Vosei and Kanibadam Regions, which occasionally let off some steam, other private media print all sorts of funny stories, horoscopes, and erotic materials from foreign countries, in order to avoid confrontation with the tax authorities. The only great recent accomplishment of the authorities and the Tajik media alike is that over the past few years, journalists have not been shot at, or tried in courts.

During the various seminars and other events attended by state officials, journalists of Tajikistan invariably point out the necessity of adopting a new media law, which would reflect the present-day demands of social development. It has also been suggested that the issue of the media owners’ legal status must be resolved, along with that of preventing the monopolisation of the media market, state support for informational pluralism, banning of censorship, raising the level of journalists’ professional skills, increased media transparency, media registration procedure, and so on.



**III.**

**ACCESS TO INFORMATION**

**Almaz Kalet**

ACCESS TO INFORMATION IN KYRGYZSTAN

**Ganna Krasilnikova**

ACCESS TO INFORMATION IN KAZAKHSTAN

**Nadezhda Stepanova**

ACCESS TO INFORMATION IN UZBEKISTAN

**Nargis Zakirova**

ACCESS TO INFORMATION IN TAJIKISTAN





**Almaz Kalet**

## ACCESS TO INFORMATION IN KYRGYZSTAN

III

Within the framework of the existing legislation, all citizens of the Kyrgyz Republic, including journalists employed by print and electronic media, are guaranteed the right of access to information, unless it is determined to contain state, military, or commercial secrets. The Kyrgyz legislation likewise guarantees to all citizens the right to freely seek, receive, research, produce, transfer, and disseminate information.

The aforementioned rights are regulated by such legislative acts as the Law of the Kyrgyz Republic on the Guarantees of Access to Information (of 5 December 1997), the Law on Protection of the Professional Activity of Journalists (of 5 December 1997), the Kyrgyz Criminal Code (of 18 September 1997), the Law on Mass Media (of 2 July 1992), the Law on Protection of State Secrets (of 14 April 1994), the Law on Commercial Secrets (of 26 June 1998), and the Administrative Responsibility Code.

In accordance with these legislative acts, the right of the media to receive information corresponds to:

- the right of state institutions, public associations, and officials to produce the information they possess upon request from media staff, as well as create the conditions necessary for the examination of pertinent documents;
- the obligation of state institutions, local governing bodies, public associations, enterprises, establishments, organizations, and officials to provide each and every person with an opportunity to examine documents, resolutions, and other materials which affect his or her rights and lawful interests; and
- the obligation of officials of state institutions and organizations to ensure access to state information resources for all persons.

Access to information is guaranteed by way of publishing and distributing the pertinent materials.

Every person (including media staff) has the right to request information, either directly or through his or her legal representatives.

In general, a journalist has the right to:

- freely collect, analyse, and disseminate information;
- request and receive information of public significance from state institutions, local governing bodies, public associations, enterprises, establishments, and organizations;
- be received by a public official, as necessary for fulfilling professional journalistic responsibilities;
- record professional conversations, by means of technological devices or otherwise, with the respondent's consent;
- receive access to pertinent documents, materials, and information;
- be present, upon verification of journalistic credentials, at open court hearings, in areas of military conflict and natural disasters, as well as at mass gatherings such as political meetings, demonstrations, etc.

However, all of these Laws are rather vague on the subject of access to information from governmental and other sources. Specifically, the Law on Mass Media, adopted as far back as 1992 by the Kyrgyz Supreme Soviet, states in Part III, Article 16 that “state institutions, public associations, and officials have the right [!] to produce the information they possess upon request from media staff, as well as create the conditions necessary for the examination of pertinent documents.” Experts agree that, in this case, the wording “have the right” may be interpreted liberally, the way a particular official sees fit, which, in turn, causes a *de facto* legalisation of access to information denial. This occurs despite the norms set forth in the following Articles of the same Law, specifically Part IV, Article 20, entitled “The Rights and Responsibilities of a Journalist”, which unambiguously establishes the media representatives’ right to free and unimpeded access to information from governmental sources. In reality, this norm is of a declarative nature, since it establishes no clear mechanism for receiving such information. Neither does it provide any legal instruction in the event that a public official refuses to provide information to a journalist for no apparent reason, or restricts a journalist’s access to information of any kind.

Articles 3 and 5 of the Law on the Guarantees of Access to Information state that “each citizen is guaranteed the right to access to information. The state protects the right of each and every person to seek, receive, research, produce, transfer, and disseminate information. Restrictions on access to information and dissemination can only be established by law.” However, a number of journalists from the country’s southern regions believe that state officials are free to establish their own rules for restricting access to information, making individual decisions as to whether or not certain information may be printed, broadcast, or recorded. Alternatively, journalists have to resort to establishing “friendly” relations with certain officials: even if the latter are not authorised to provide the information a journalist needs, they often may be able to “leak” the records that pass through the official channels. In the words of Pavel Gromskiy, the News Editor for the private Mezon television station based in the city of Osh, “In our city, it is ‘easy’ to obtain the needed information only from the Mayor’s Office, whereas in the local state administration, one has to establish ‘friendly’ relations with certain officials in order to receive firsthand information.”

Article 5 of the Law on the Guarantees of Access to Information also states that in order to receive any kind of information, whether from a government source or otherwise, a journalist must produce a written request, containing his or her full legal name and address, as well as a specific description of the information requested. Article 6 of this Law clearly states that officials must (!) provide each and every person with an opportunity to examine, publish, and/or disseminate the pertinent documents. Article 7 states that the information requested must be provided free of charge, except in special circumstances stipulated in advance. The Law provides no definition of such “special circumstances”, thus allowing for a liberal interpretation of the term. All of the aforementioned Articles clearly establish the freedom to access to information for all citizens, making no distinction for media representatives as a special group of individuals designated to exercise public control over state officials and institutions.

Much like the Law on Mass Media, this Law does not provide for any clear mechanism for obtaining information from governmental and other sources. It only regulates the common right to receive information, without establishing specific rights for the media regarding the guarantees to access to information.

The Article that establishes the procedure for obtaining information does not specify any time frame for fulfilling the information request: neither does it provide a course of action in the event that an official denies a written information request.

It is commonly believed that an information request may be made in either written or oral form.

Editorial offices and individual journalists should keep in mind that the time frame for either denial or postponement of a request commences only if a written request is made. All written requests are subject to registration, and the person making a request is entitled to a registration receipt number and date. However, in the case of an oral request, state officials are free to simply “forget” about the time frame, without any legal ramifications for doing so.

On the other hand, officials often do not trust journalists, since there have been cases of information misuse on the part of the media. In the opinion of Alexei Sukhov, editor of the online newspaper [www.oshmedia.kg](http://www.oshmedia.kg), “an official may bring a suit against a journalist who has misused the obtained information; however, that does not mean that the said official must not provide information upon a journalist’s request.”

According to Ernek Beisekeev, a legal expert for Internews-Kyrgyzstan, “The procedure for an information request and denial may be regulated by the Kyrgyz Law on the Procedure for Consideration of the Citizens’ Suggestions, Appeals, and Complaints, of 5 July 1995. The Law establishes a general time frame for consideration of the citizens’ letters by the state, public, or other institutions and enterprises. This time frame is one month for resolving the issue in essence, and 15 days for resolving an issue which does not require additional research or verification. In the event that the resolution of a particular appeal/complaint requires specific verification, additional documentation, or other measures, the time frame

may be extended by the organization's executive officer or his/her deputy, for no more than one month, with compulsory notification of the person who submitted the appeal/complaint in question" (Article 9).

Appeals/complaints submitted by media representatives are subject to the same procedure and time frame as any others.

Information that concerns the rights and lawful interests of the appealing party is furnished free of charge. This category of information should also include the following:

- exercising by the citizens (including journalists) of their constitutional rights, as well as the rights set forth in the legislation;
- requests for information from state institutions and organizations;
- whenever the issue concerns the citizens' rights with regard to the protection of the environment and medical/epidemiological safety.

Article 7 of the Law on the Guarantees to Access to Information, entitled, laconically and momentarily, "Openness of Information", states that "the openness of information includes free access (of the citizens) to periodicals, television and radio programmes, as well as opportunities for examining the sources [!] of information, as provided for by the legislation." In practice, this seemingly "innocent" notion of "examining the sources" has translated into certain officials demanding the disclosure of the sources of information published or broadcast by critically-minded media. Speaking on condition of anonymity, a journalist from Kyrgyzstan's southern region has given an account of publishing an article critical of the situation with the country's border troops, and subsequent pressure from military officials mentioned in the article, with demands to disclose the sources of information.

Article 138 of the Kyrgyz Criminal Code states that illegitimate denial of a citizen's request for information from governmental sources, or providing erroneous or deliberately incomplete information is punishable by a fine of up to fifty times the minimum monthly salary. Incidentally, the official minimum monthly salary in Kyrgyzstan equals 100 soms (as of 15 September 2003, the Kyrgyz National Bank's exchange rate for 100 soms is just over 2 USD). Article 151 states that impeding a journalist's lawful activities by forcing him or her to disseminate (or refuse to dis-

seminate) particular information is punishable by a fine of fifty to a hundred times the minimum monthly salary. The rather vague definition of “impeding of professional activity by forcing [!] (the journalist) to disseminate information” does not fully protect the journalist’s rights in the event of restrictions on access to information, placed by the legislative acts that regulate the journalistic professional activity.

Unfortunately, the Criminal Code does not include any guidelines for dealing with cases of denial of information by governmental sources, which the Law on the Mass Media refers to. In the view of Ermek Beisekeev, one must admit that the existing legislative acts clearly set forth the rights of officials with regard to access to information, while at the same time the rights of journalists to free and unrestricted access to information are not clearly established. The current legislation has a large number of limitations and ambiguities regarding the journalists’ professional activity.

According to Alisher Toksonbaev, the chairman of the public Foundation for Media Development and Protection of Journalists’ Rights, he has yet to encounter a single case of a media representative appealing to a court of law as a result of a denial of an information request. Toksonbaev believes that this phenomenon has to do with a certain lack of legal knowledge among journalists, as well as their general distrust of the legal system. The only exception to this is a claim Toksonbaev himself brought in May 2003 against the chief of staff of the Uzgen District (Osh Region) administration, citing denial of a written information request. The journalist claimed that he was conducting a professional investigation into an illegal sale of land belonging to local farmers in accordance with the new land reform. However, the local chief of staff, Mr. Kainazarov, refused to cooperate, stating that he would “give no information without prior authorisation from the akim [governor – *transl.*]”. According to Toksonbaev, even before the court hearing, the official in question submitted all of the necessary information, apparently fearing negative publicity. As of today, Toksonbaev’s claim serves as the only example of a journalist appealing a denial of information request in a court of law.

It often happens that, in the course of journalists’ coverage of natural disasters or ecological catastrophes, local officials refuse to provide infor-

mation, citing secrecy as the reason. A number of regional correspondents of nationwide newspapers encountered this difficulty while working on an article covering the Papan Reservoir, located in the Upper Akbuura River, which runs through the city of Osh. This reservoir supplies water to the entire southern region of the country. Some of the issues brought up by the journalists included the safety system at the reservoir, and the poor condition of the dam. A local branch of the Kyrgyz Ministry for Emergency Situations refused to provide full information concerning the state of affairs at the reservoir, citing “state secrecy”, while the management of the dam itself categorically refused to make any comment, claiming that the situation was within the competency of the central office in Bishkek.

The Kyrgyz Law on Protection of State Secrets sets forth a very specific notion of what kind of information is considered a state or internal secret, and who is responsible for procedural regulation thereof. Article 4 of the Law states that information on the following may not be classified as secret:

- natural disasters and emergencies threatening the well-being of citizens;
- catastrophes and their consequences;
- state of affairs in ecology, use of natural resources, health care, sanitation, culture, agriculture, education, trade, and law enforcement;
- instances of illegal actions on the part of state institutions and officials;
- instances threatening the rights, lawful interests, and personal safety of citizens.

During the infamous Aksy events, journalists representing the private media did not have direct access to information from law enforcement agencies regarding the situation in the district, since all of this information was classified. For the sake of fairness, one must also mention that representatives of the state-owned media, as well as those loyal to the state, likewise experienced limited access to first-hand information. The only media outlet trusted by the inhabitants of the Aksy District was the Kyrgyz service of Radio Liberty-Azattyk. According to Oibek Khami-



doy, the district correspondent for the pro-government newspaper *Evening Bishkek*, the locals refused to speak with him as soon as they learned which newspaper he represented.

The procedure for classifying information as secret is set forth in Article 5 of the applicable Law, which states that information containing internal secrets must bear a restrictive stamp, “Secret”. The procedure for assigning these restrictive stamps is regulated by the state government, and no other.

There have been some mildly amusing instances of restrictions on access to information. For example, a journalist representing the private *Press Park* newspaper was denied information on the divorce statistics of the past two years, and on marriages of Kyrgyz nationals to foreigners, requested (in written form, in accordance with the regulations) from the city branch of the Records and Registrations Bureau. The Bureau claimed that the requested information was strictly internal.

Article 4 of the Law on Protection of the Professional Activity of Journalists states that no one has the right to demand of a journalist to submit articles/materials for prior approval, or demand to change the text or withdraw an article/material from printing (broadcasting). The same Article states that no restrictions may be placed on a journalist’s access to information that is of public interest, or concerns the rights, freedoms, and lawful interests of the citizens. In reality, there have been multiple instances of officials and representatives of public organizations demanding that journalistic materials be submitted to them for prior approval, or else demanding to withdraw or alter existing materials.

Finding itself under pressure from the US-based NGO, ACDI/VOCA, the online newspaper [www.oshmedia.kg](http://www.oshmedia.kg) was forced to alter the text of a news report already published on the newspaper’s web site. This particular report concerned projects undertaken by ACDI/VOCA in the Aksy District, specifically the one started in the native village of an opposition member of the Kyrgyz parliament, Azimbek Beknazarov. The news report placed an emphasis on the fact that the NGO had chosen the opposition parliament member’s native village as the location for its new project. An ACDI/VOCA public relations officer demanded that any mention of the

parliament member be removed from the news report, stating that “the project being launched in Mr. Beknazarov’s native village is a pure coincidence. We have no connection with this person.”

Meanwhile, Article 5 of the Law on Protection of the Professional Activity of Journalists establishes in great detail the basic rights of journalists to receive information, disseminate it, make records, and conduct journalistic investigations. Article 8 speaks of these rights as well, adding that all of them are guaranteed by the state. Article 9 states that any data collected by a journalist in the course of a special investigation may be voluntarily submitted by the investigating journalist to the state institutions. The Law categorically prohibits any pressure on the media.

Article 13, entitled “On Responsibility for Violating the Legislation on Protection of the Professional Activity of Journalists”, states that officials and public organizations alike are to be held responsible for unjustified accreditation refusals, producing inauthentic or biased information, or otherwise impeding the journalists’ professional activities. In Article 14, entitled “On Responsibility of Journalists”, certain norms are defined in greater detail, such as the fact that a journalist is not to be held responsible for disseminating information contained in official statements.

Among things that do impede journalistic activity is the reference to commercial secrecy, often employed by public organizations and business enterprises. The Law on Commercial Secrets clearly regulates which items cannot be classified as a commercial secret. These include constitutive documents, statutes, constitutors’ contracts, statistical data, accounts, tax data, environmental pollution reports, violations of the anti-monopoly legislation, non-observance of safety regulations, sale of products harmful to citizens’ health, as well as information on state-owned enterprise officials who engage in commercial activity.

In the view of staff members of Internews-Kyrgyzstan, a non-governmental organization which has published a textbook entitled *Media and Law in the Kyrgyz Republic*, violations of a journalist’s rights in connection with his or her professional activities should bring the violating parties to account in accordance with the Kyrgyz legislation. However, the media and information legislation in Kyrgyzstan contains certain contra-

dictions which cause difficulties in exercising journalistic rights. For example, according to the Media Law, as revised on 8 May 1993, state institutions, public associations and officials have the *right* (not an *obligation*) to produce the information they possess upon request from media representatives. However, in accordance with the Law on the Guarantees of Access to Information, officials are *required* to provide information as long as it concerns the rights and lawful interests of the inquirer. This limitation places a heavy burden of proof on the shoulders of information seekers, and creates an access impediment for the media.

The same issue is treated differently by the Law on Information Resources. It states that information users making requests to the state information resources are not required to justify to the owner of these resources the necessity of receiving information, unless it is information of limited access. Meanwhile, the owner/proprietor of the information resources is required by this Law to ensure adherence to the rules of providing information to the user, and is legally responsible for enforcing these rules.

The Law on Information Resources grants equal rights of state information resources to all individuals, state institutions, and public associations.

Executive and other staff of state institutions and organizations that are found guilty of unlawfully restricting access to information and of violating the information protection regime are to be held responsible in accordance with the Criminal and Civil Codes, as well as the legislation on administrative offences.

Unlike the state information resources, which by law are open and available to all (except information that is classified as a state or otherwise protected secret), information held by private persons and organizations may usually be provided only with their permission. In accordance with the Law on Information Resources, persons possessing information have the right to determine whether it should be accessible and what the procedure for such access should be. They are not required to motivate a refusal to provide information to a journalist or an editorial board, except in strictly legally stipulated cases, when the responsibility

to furnish information is delegated to a non-governmental organization (for example, when owners of resources containing information on private individuals must furnish the pertinent information to the same individuals that this information concerns, unless the information is that of limited access).

Kyrgyz legislation does not provide a clear definition of accreditation. Instead, there is a vague explanation of the term in Article 10 of the Law on Protection of the Professional Activity of Journalists. Initially, the notion of accreditation was only applicable to foreign journalists working in Kyrgyzstan. Currently, accreditation is used mostly by state institutions, such as the country's parliament (Zhogorku Kenesh), and the Ministries of Defence and Foreign Affairs.

Since existing legislation does not provide for a clear, unified accreditation mechanism, each individual state institution, public organization, and local office of an international organization or foundation has its own internal rules for accreditation, which clearly violate the rights of journalists. This creates a rather vicious cycle, separating journalists into "insiders" and "outsiders", which, in turn, causes the emergence of "booked" journalists and PR articles in the local media.

Existing accreditation principles also become a means of pressure on the media and restrict access to information.

In the country's regions, it is a universal practice for press offices of state institutions to limit invitations to official functions to "inside" journalists who have been formally accredited.

In the opinion of Internews-Kyrgyzstan experts, the rules of accreditation must contain:

- a list of persons who have the right to be accredited;
- duration of the accreditation;
- accreditation;
- allocation of accreditations for the press;
- a procedure for applying for accreditation, and the time frame for its processing;
- name of the official responsible for issuing an accreditation;
- the rights of accredited journalists;

- the responsibilities of accredited journalists;
- the grounds for accreditation suspension, revocation, and denial;
- the procedure for accreditation revocation and denial.

Currently, the institute of accreditation officially exists only in the Kyrgyz parliament (Zhogorku Kenesh) and the Ministry of Foreign Affairs. The accreditation of journalists with the Legislative Assembly is performed by the Press Office of the Legislative Assembly of the Zhogorku Kenesh, which informs the editorial offices of the country's media outlets of the rules and deadlines for accreditation or renewal thereof with this state institution.

In order to accredit its journalists as parliamentary reporters, an editorial office must produce an official application. This application is submitted to the Press Office of the Legislative Assembly on the official letterhead of the editorial office, signed by the executive officer, and bearing an official seal.

The application must contain the full title of the media outlet in question, names of its constitutors or publishers, statutory objectives, circulation, periodicity, physical location, region of distribution, mailing address (including the postal code), and telephone and fax numbers. The application must be accompanied by a copy of the state registration of the media outlet with the Kyrgyz Ministry of Justice (for newly approved media and first-time accreditations); a copy of a broadcasting license (for electronic media); two photos of the journalist applying for accreditation; the journalist's registration card, which must contain his or her full legal name, official or permanent pseudonym, title, year of birth, home address, and home and business telephone numbers.

The accredited journalist receives his or her accreditation card in person, after the issuance of the card is recorded in the accreditation registration book. The accreditation card, bearing the words "Parliamentary Correspondent", grants one the right to be legally present in the building of the Legislative Assembly of the Zhogorku Kenesh of the Kyrgyz Republic.

In accordance with existing legislation, journalists accredited with the Legislative Assembly of the Zhogorku Kenesh enjoy a wide spectrum of rights, such as:

- a) the right to work during the open sessions of the Legislative Assembly of the Zhogorku Kenesh in specially assigned facilities, as well as the use of telephone lines in the building to maintain contact with the editorial offices and transmit information reports within the city of Bishkek;
- b) the right to visit (upon securing permission of the pertinent institutions) parliamentary associations, committees and commissions of the Legislative Assembly of the Zhogorku Kenesh, and subdivisions of the Personnel Office of the Legislative Assembly;
- c) the right to receive the necessary information from the staff of the Press Office of the Legislative Assembly;
- d) the right to receive assistance from the Press Office of the Legislative Assembly in organizing meetings and conversations with the Toraga (Chairman – *transl.*) of the Legislative Assembly and his deputies, members of the Legislative Assembly, and management of the Personnel Office of the Legislative Assembly and its structural subdivisions.

In accordance with Article 22 Part 1 of the Kyrgyz Law on Mass Media, foreign media have the right to accredit their correspondents on the territory of the Kyrgyz Republic and open correspondent bureaus upon prior approval by the Kyrgyz institutions of state governance. Within the framework of the existing legislation, accreditation of foreign journalists is performed by the Kyrgyz Ministry of Foreign Affairs. A foreign journalist may be accredited with a state institution or public association, with prior approval by the same Ministry.

An application for opening a correspondent's bureau or accrediting (temporarily or permanently) a correspondent must be forwarded by the foreign media outlet to the Kyrgyz Ministry of Foreign Affairs in written form.

Foreign journalists enjoy the same rights on the territory of Kyrgyzstan as do their local counterparts.

In the country's regions, the institute of accreditation is all but absent, with the exception of time periods during events of state importance or visits by the country's president, accompanied by foreign dignitaries. In the course of the International Business Forum, conducted in early May

2003 in Osh, a number of journalists representing such newspapers as *Argumenty i fakty Kyrgyzstana*, *Agym*, *Erkin Too*, and the *Osh* almanac, could not receive timely information from the press offices of the Osh Regional State Administration and of the Business Forum itself. The press office staff claimed that the information was strictly confidential and for use only by a certain circle of journalists representing state-owned media, and accredited at the Forum. Notably, at the start of the Forum, its organizers officially proclaimed that all of the information would be open and free to all those interested, and that no accreditation would be required.

The situation with access to information in the Kyrgyz capital differs rather significantly from that in the regions.

Some of the most critical problems in the regions are the restrictions placed on access to information, as well as refusals to provide information and attempts to impede its dissemination. These can be viewed as “soft censorship” on the part of the local authorities. Instances of such violations are especially frequent in the regions during election campaigns and emergency situations, such as natural disasters and border conflicts; additionally, they often surface in regard to articles covering religion.

Interestingly enough, private media appear to be more prone to self-censorship. More often than not, editorial boards of private newspapers and television and radio stations are reluctant to publish or broadcast critical “problem” materials due to the desire to avoid confrontation with the local authorities. Experts also agree that in the regions, the local governing bodies have significant leverage and control mechanisms. In the case of the print media, these are state printing-houses and the state-run system of distribution; for the electronic media, it is their dependence on transmitters.

In the course of an impromptu poll of upper- and mid-level management among the regional media, it turned out that in eight instances out of ten they would choose not to print certain materials. Those polled could not provide a clear justification for their actions, referring instead to avoiding confrontation with the local authorities. Erkin Kozhogeldin, the chief editor of the private *Zhany Zaman* newspaper of the city of Osh,

explained that “in our newspaper, we sometimes print investigative articles. But, frankly speaking, there are also instances when we refrain from such publications. Why? Simply because such information is too ‘screaming’, which causes distrust.” Begaiym Sadykova, the executive secretary of the private *Kadam* newspaper (village of Kadamzhai, Batken Region) has confirmed the “peculiarities” of access to information in the regions: “Our newspaper is still young. We have little funding. I think that, in order for a newspaper to be strong, to freely publish any kind of information, it must be wealthy. However, our newspaper will likely never be fully and completely independent. In the regions, especially the remote ones, the situation is drastically different.”

The situation with “soft censorship” was especially evident during the election campaign to the city Kenesh (parliament) of Kyrgyzstan’s southern capital, Osh. In the spring of 2003, Osh changed its status, becoming a city of republican significance. It was believed that Osh’s change of status would seriously affect the election campaign and the elections themselves; this was predicted by a great number of experts, who claimed that the temperature of the local parliamentary elections would be significantly higher than during the previous campaigns. However, in reality, the elections did not cause a high degree of regional media interest that experts from the capital city had predicted.

The campaign was covered largely by the local media that were legally under the control of the local executive authorities: the *Evening Osh* newspaper was owned jointly by the local Mayor’s Office and the city Kenesh, and thus was obligated to cover the elections by virtue of its official capacity. It was joined by the regional *Echo of Osh*, *Osh Zhanyrygy*, and *Ush Sadosi*. In addition to these media outlets, the elections were also to one degree or another covered by Kamil Satkanbaev, a reporter for the newly created Asrasia news agency. In the course of his work on the elections, Satkanbaev ran into a number of difficulties, as the staff of the electoral commission refused to provide information, often with no reason given.

According to Satkanbaev, on 21 September 2003, the executive secretary of the city electoral commission, I. Bekenov, refused to provide information regarding the commission’s pre-election work.



On 22 September 2003, D. Khodzhaev, Chairman of the Osh Regional Electoral Commission, refused to provide information on the work conducted by its organization in light of the city Kenesh elections. He likewise refused to provide any information on the budget of the upcoming elections.

On 27 September 2003, Satkanbaev attempted to interview a member of the electoral commission regarding the process of the commission members' selection and criteria used. The commission member in question, T. Nusupbekov, refused to speak to Satkanbaev, citing a lack of time.

The journalist admitted that all of his requests were made in oral form, which demonstrates that officials almost always ignore requests made in that fashion.

In the opinion of Ermek Beisekeev, a legal expert for Internews-Kyrgyzstan, it is important to request information in written form, which would then allow one to cite the Law on the Procedure for Consideration of the Citizens' Suggestions, Appeals, and Complaints and bring legal action against the official who refuses to furnish information, in accordance with the current legislation.

Also in Beisekeev's opinion, the Kyrgyz Code of Administrative Responsibility provides for certain accountability of officials in cases such as the aforementioned. Article 58 of the Code states that a refusal by a Chairman to furnish or publish information regarding the outcome of elections or the voting results is punishable by an administrative fine of five to ten times the minimum monthly salary. Article 59 states that restrictions on the citizens' elections campaigning (within legal limits) and examination of the voter list are punishable by a fine of twenty to fifty times the minimum monthly salary. Article 62 likewise establishes a fine for unlawful refusal by an official of a citizen's appeal. However, experts maintain that the reality of things is quite the contrary.

Even though Kyrgyzstan's legislative acts on the professional activity of journalists provide for legal ramifications for state officials who refuse to provide information or restrict access to it, many journalists simply do not wish to encounter an extra set of problems.

In the view of Pavel Gromskiy, the news editor of the private Mezon

television station, another difficulty is that the local authorities do not view the regional media as a powerful force that has much of an influence on public opinion, as compared to the media in the capital city. There are multiple reasons for that, both objective and subjective, such as the relatively small circulation of the regional media, and lack of political influence; every media outlet in the capital has a specific political force behind it, whereas in the regions private print media survive primarily on grant money and are published sporadically, while the regional state-owned media receive budgetary “rations”, which certainly has a bearing on their influence. The authorities, NGOs, political movements and parties do not perceive regional media as an instrument in promoting their political, social, and economic objectives in southern Kyrgyzstan.

Editors and journalists of state-owned regional media have dispelled the myth of their supposedly privileged positions. According to Nurilya Kalenova, the deputy chief editor of the *Evening Osh*, “Many people think that state-owned newspapers are in a better position, as they supposedly continue to receive large subsidies. That is not so; perhaps, they used to, but in all of my time working here, which is over five years, we have not received any subsidies at all. The only thing that the government helps us with is the subscription. But even the subscription campaign is very much imperfect, despite a special resolution by the local authorities.”

An analysis of the situation with the regional media in Kyrgyzstan’s south shows that there are no fundamental differences between state-owned and private media, especially since many correspondents work for both the state-owned media outlets and the newer private ones. Based on this, the editorial policy does not vary much, since all of the private media are directly dependent on state-owned printing-houses and distribution, which, in turn, are a powerful instrument of pressure on the media. There exists a significant labour fluctuation, accompanied by a lack of staff, despite the professional training programmes conducted by multiple international organizations. In the words of one journalist (who wished to remain anonymous), “Whenever a journalist comes back to the office after a training session or seminar, the editor wants to hear of no changes. Things resume their usual course.”

Interestingly, the journalistic profession is currently one of the most popular, which is evidenced by the fact that almost all Kyrgyz institutions of higher education have recently added departments of journalism to their facilities. The presence of departments of journalism and the numerous training programmes have not yet influenced in a fundamental way the general state of journalism in the regions, if only because the level of teaching at the new departments is far from ideal, concentrating primarily on grammar, while the training programs are of a fragmentary nature.

Currently, there is only one non-governmental organization in Kyrgyzstan that engages in analysis of the media situation in the regions and the violations of journalists' rights. It is the Foundation for Media Development and Protection of Journalists' Rights, headed by Alisher Toksonbaev, an opposition journalist well-known in Kyrgyzstan. According to the Foundation, violations of the journalists' rights occur not only on the level of state institutions (as commonly believed), but also on that of NGOs and the offices of international organizations.

Alisher Toksonbaev stressed that the Foundation for Media Development and Protection of Journalists' Rights is engaged only in collecting information concerning violations of the journalists' rights, disseminating it among the media and international organizations that deal with media issues. The Foundation is unable to provide legal assistance, since it has no legal experts on staff.

In the analysis and monitoring of the situation, one must consider the local specifics of Kyrgyzstan's southern region, its complexity derived from its multi-confessional, multinational nature, which is certainly reflected in the professional activities of local journalists.

This means that there exist certain unwritten taboos, in particular, on the coverage of international and inter-ethnic conflicts (often motivated by the authorities as the unwillingness to "agitate the people"), as well as on the coverage of extremist religious movements and their activities (often viewed by the authorities and secret service forces as a certain public relations activity on the part of these movements). Representatives of local governments are reluctant to comment on, or provide (within the limits of the law) any information regarding inter-ethnic relations, par-

ticularly those between people of Kyrgyz and Uzbek descent. Thus, M. Siradzhinov, deputy mayor of the city of Osh, and the president of the Kyrgyz-Uzbek University have both refused to be interviewed by a reporter from the *Times of Central Asia* and his Italian colleague, as soon as they learned of the subject of the interview.

A. Kurbanov, the chief editor of the country's only religious newspaper, the *Moslem* (published in the Kyrgyz and Uzbek languages, and founded by the kaziat (Muslim administration – *transl.*) of the Djalal-abad Region), was assaulted in May 2003 by the police and secret service agents. According to him, everything happened as if in an action movie. Secret service agents and police officers accused Kurbanov of being loyal to the outlawed Hizb-ut-Tahrir party, claiming that, according to their sources, he kept banned literature at home, and regularly conducted secret meetings of the outlawed party members at the same location. "I do not know whose fancy that was. My family adheres to traditional Islam. I have acquaintances who are indeed devoted to Hizb-ut-Tahrir, and I do happen to occasionally speak with them, like everyone else around", says Kurbanov. It remains unclear whether the assault was a provocation or a targeted operation. Kurbanov never appealed to anyone for help. According to him, he simply did not know whom to appeal to for help and advice.

Another journalist in the Djalal-abad region (who wished to remain anonymous) stated that, following a series of his articles on the activities of the Hizb-ut-Tahrir party, the local department of the Kyrgyz National Security Service accused him of "the promotion of Hizb-ut-Tahrir ideas in the press". The security service agents attempted to turn the case into a criminal offence. The issue was resolved through a peaceful agreement, whereby the journalist in question pledged to henceforth refrain from writing articles on the subject of religion.

Existing Kyrgyz legislative acts broadly guarantee journalists the right to access to information, its free dissemination, and promulgation. However, as shown above, existing legislative rules interpret these rights in a variety of ways, often contradicting each other.

In order to improve the situation, several changes will have to be made to the existing Laws. Specifically, to the Law of the Kyrgyz Republic on

the Guarantees to Access to Information (of 5 December 1997), the Law on Protection of the Professional Activity of Journalists (of 5 December 1997), and the Law on Mass Media (of 2 July 1992).

A certain degree of legal nihilism, as well as the lack of legal knowledge among journalists and managers of media organizations, also serve as serious impediments for improvement of the situation regarding open access to information from governmental and other sources.

**Ganna Krasilnikova**

## ACCESS TO INFORMATION IN KAZAKHSTAN

III

### **Introduction**

#### **The legislative foundation providing for access to information sources, implementation mechanisms for legislative acts, legal issues, and principles of access to governmental information.**

Article 20 of the Constitution of the Republic of Kazakhstan guarantees its citizens (and, therefore, journalists) the right to freely receive and disseminate any information, with the exception of classified state secrets. In accordance with Article 18 Paragraphs 2 and 2.1 of Kazakhstan's Law on Mass Media, state institutions and other organizations must provide the media with the requested information on equal terms, and within a period of three days; or otherwise provide a response indicating the specific date the information will be provided, or justify the reasons for an information request denial. If a state institution does not possess the information requested, it must notify the inquiring media outlet of transferring the request to a competent institution within five days. In the event that the information request requires further research and examination, the results must be furnished to the inquiring media outlet within one month. Pursuant to Article 20 Paragraph 5 of the Law on Mass Media, a journalist has the right to not only receive information, but also to freely access the pertinent documents and materials, with the exception of those documents or parts of documents that are classified as a state secret. According to Article 18 of the same Law, refusal to provide information may be appealed in a court of law.

State secrets are protected by the Constitution of Kazakhstan, as well as by the country's Law on State Secrets. This Law contains a lengthy list of data that is considered to be state secret. The legislators have included

in this list information on the personal health and private lives of the President of Kazakhstan and members of his family. As a rule, neither a journalist nor an editor are capable of independently determining whether or not the information contained in a given article or broadcast can be classified as a state secret. Meanwhile, Article 172 of Kazakhstan's Criminal Code establishes criminal responsibility (for journalists as well as others) for unlawfully receiving information that contains state secrets. Pursuant to this Article, the *corpus delicti* of such a crime may only be directly intentional. However, the *actus reus* of the crime is formulated in such a vague way that prosecution of a journalist based on carelessness is not improbable. It is satisfying to note that, to date, not a single Kazakh journalist has been prosecuted on the basis of this Article of the Criminal Code.

Besides aforementioned classified materials, all other information received from the state institutions should be viewed as that of public significance. Kazakhstan's legislation guarantees that such information shall be received upon request, whether written or oral. The state institutions' obligation to provide this information is set forth by Article 18 Paragraph 3 of the Constitution, as well as by a number of legislative acts, such as the Law on Administrative Procedure, on National Security, the Governmental Resolution on Approval of the Rules for Receiving Citizens Petitions at the Central and Local Level of the Republic of Kazakhstan, and the Presidential Decree on the Procedure for Examination of Citizens' Appeals. The legislation specifically stipulates the inadmissibility of bureaucracy and official circumlocution with respect to examining citizens' appeals (as well as those submitted by journalists and organizations).

According to the monitoring performed by the International Foundation for Protection of Freedom of Speech "Adil Soz" (hereinafter referred to as "Foundation 'Adil Soz'"), over the first six months of 2003 there have been 168 instances of refusals to provide (and unjustified restrictions on) information of public significance. The monitoring sections entitled "Unjustified Refusals to Provide Information of Public Significance" and "Unjustified Restrictions on Receiving Information of Public Significance" are the most extensive ones in comparison with other kinds of jour-

nalists' and media rights violations ([www.adilsoz.kz](http://www.adilsoz.kz)). For the first six months of 2003, there is no data available on journalists appealing to courts of law citing refusals of (or restrictions on) access to information.

### **Accreditation of Journalists and the Media**

Kazakhstan's Law on Mass Media contains an entire chapter on accreditation. In addition, on 5 January 2000, the Kazakh Ministry of Culture, Information and Public Accord issued Order #1, establishing the Rules of Accreditation of Mass Media and Information Agency Journalists with State Institutions and Other Organizations. However, these documents do not define the notion of accreditation *per se*. The General Provisions of the Accreditation Rules cover rather extensively the principles of conducting accreditation:

“Accreditation of mass media and information agency journalists is conducted for the purpose of efficiently informing the public regarding the activities of executive and representative institutions of governance, as well as other organizations of the Republic of Kazakhstan.”

The Law on Mass Media does not provide for the possibility of a journalist's accreditation denial. He or she must be accredited with an organization in any case.

Since Article 20 Paragraph 2 of the same Law provides journalists with the right to freely visit state institutions and other organizations for the purpose of collecting information, one must admit that accreditation of journalists is a registration procedure not requiring any approval. Consequently, the institution with which a media outlet intends to accredit its journalist may not deny accreditation.

Meanwhile, Article 22 of the Law on Mass Media and the Rules of Accreditation of Journalists stipulate that accreditation denial may only be justified in the event of libel against the institution or organization that the journalist seeks to be accredited with. Since such cases concern the honour, dignity, and reputation of the institution in question, the decision regarding accreditation denial may only be made by the respective executive officer.



Accreditation denial for any far-fetched reason (including the argument that accreditation is inconsistent with the institution's internal documents and/or procedures) is unacceptable. Unjustified accreditation denial may be appealed by a journalist in a court of law.

### **Access to Information in the Capital and the Regions: Are the Differences Substantial?**

One must note that access to information is better ensured in the capital, where officials and journalists operate on a higher professional level, with a better knowledge of the legal aspects of access to information. Journalists in the capital have better opportunities to appeal an unjustified refusal of information. They are more likely to vocalise and undertake legal proceedings in the event of unlawful action on the part of officials. There has been a number of cases whereby journalists were able to obtain information through a court decision. Thus, for example, in 2001 the court of the city of Taldykorgan considered two lawsuits filed by the *Evening Taldykorgan* newspaper against the director of the Central Administration of Passenger Transportation and the president of the TRKES (energy supply) joint stock company, citing refusal to provide information. The legal proceedings went on for over a month; however, the competent and consistent actions of the media representatives forced the officials to provide the requested information in the very courtroom.

In the regions, the situation is different. The remoteness from the information centres, lack of legal knowledge of both parties involved, and the *l'état, c'est moi* position of the local authorities essentially deprive the public of the opportunity to examine significant information materials, thereby violating the citizens' constitutional right to access to information. The impunity of officials who refuse to provide information of public significance, the remoteness of the higher organizations and courts, and dependence of the local courts on the executive authorities give journalists a sense of vainness when appealing official unlawful actions. These conclusions are confirmed by the monitoring data of the Foundation "Adil Soz", such as the reports from regional journalists, which do

not reflect (with very few exceptions) any appeals or complaints to the higher authorities against the unlawful actions of state officials. Additionally, the conclusions above are justified by the journalists' requests to the Foundation's experts for legal assistance, as well as by the legal seminars conducted in the regions.

### **Identification of Information Sources**

A journalist often receives information through a third or fourth party. This kind of transfer frequently causes the information to be distorted. Erroneous information may, in turn, cause criminal prosecution and libel lawsuits, as well as civil suits citing the protection of honour, dignity, and business reputation, or the plaintiff demanding a right of reply. Reacting to disparaging materials in the media, officials often appeal to the courts for the protection of their personal, non-material rights. Therefore, the most effective way is to turn to the origin of information, that is, to identify its source.

Articles 20 and 21 of the Law on Mass Media provide a journalist with the right to confirm the validity of information received, as well as consult experts on this matter; they also place an obligation on a journalist not to disseminate information that is found to be contrary to fact.

Whenever requesting information from official institutions, a journalist must use official sources and official texts. However, journalists often use information from various web sites, and are either unable or unwilling to confirm its authenticity. Kazakhstan is currently facing the problem of Internet information source identification. The Law on Mass Media stipulates that web sites shall be considered media outlets. At the same time, the legislation makes no distinction between the responsibility of the original source and that of the subsequent distributor. In this regard, the original source is rarely called to account. A good example is the lawsuit filed by R. Aliev against the online *Navigator* newspaper, citing protection of honour and dignity, and demanding compensation for moral damages. In 2002, the chief editor of the *Navigator* received, via electronic mail, an anonymous article entitled "The Third Force Hypoth-

esis”, which was subsequently published on the *Navigator*’s site. The editor did not identify the original source of the article. The court did not attempt to identify the author, either; furthermore, in the resolute part of its decision, instead of placing the responsibility on the author, it exempted him of any responsibility whatsoever, with no justification for doing so. On the other hand, the same court fined the *Navigator* and its chief editor (also serving as publisher) 300,000 tenge (approximately 2,000 USD).

### **Positive and Negative Tendencies of Access to Information Sources**

The Constitution and existing legislation have reasonably provided the citizens with the right to receive, seek, and disseminate information. Democratic changes in the country, starting in the early 1990s, instituted a number of changes to the legislation, and promoted the population’s interest in the country’s political life, as well as legal knowledge and awareness. Appealing for protection of one’s rights to the courts (as opposed to appealing solely to state institutions, a practice common under the totalitarian regime) has become a norm. Mass media outlets have certainly played an important role in raising the population’s legal awareness.

Today, legal mechanisms protect this right. One may note that officials of various levels do, in fact, provide information; they do not avoid (in the majority of cases) giving answers to specific and direct questions, and thereby contribute to a great transparency of the state institutions and their activities. Furthermore, some officials seek to establish partner relations with journalists and the media.

However, along with the positive tendencies one must also note the negative ones. For example:

- Officials demand that information requests be made in written form, although the current legislation provides for oral requests as well. Considering the specifics of their profession, journalists seek to receive information of public significance in reasonably short periods of time; consequently, they usually make information requests in oral form. It appears that the majority of officials do not consider an

- oral request as lawful, and use all sorts of excuses to avoid providing information.
- Quite often, officials respond to written information requests from journalists and the media with brief noncommittal notes, or else take it upon themselves to classify the requested information as confidential.
  - Journalists and the media receive unjustified denials of information requests (see monitoring sections entitled “Unjustified Refusals to Provide Information of Public Significance” and “Unjustified Restrictions on Receiving Information of Public Significance”, [www.adilsoz.kz](http://www.adilsoz.kz)).
  - In practice, officials are not held liable for refusing to provide information, contrary to the criminal and administrative norms and Kazakhstan’s Law on State Service.

### **Violations of Journalists’ and Media Rights: Steps Undertaken by Human Rights Organizations**

Every month, the Monitoring Service of the Foundation “Adil Soz” prepares and distributes over Kazakhstan up to 50 reports (based on its own correspondents network and publications in the media) regarding the refusals to provide information of public significance, as well as the unjustified restrictions on receiving such information. These reports are accompanied by legal commentaries submitted by the Foundation’s experts.

“Adil Soz” publishes an informational/analytical bulletin entitled “Legislation and Practice of the Media of Kazakhstan”, which is distributed among the media and state institutions. The Foundation’s legal experts provide journalists and the media with consultations regarding the issues of access to information. In June 2003, the “Give Me My Information!” effort was launched. Within the framework of this effort, journalists received a manual accompanied by a computer disk containing a systematisation of Kazakh legislation regulating access to information. In addition, “Adil Soz” systematically appeals to state institutions for explanations of cases of denial of information requests.

In the course of this work, one must note an increase in the professional level and legal awareness of journalists, a certain warming in the relations with state institutions (especially with the judicial branch), and adequate reactions from state officials to criticism on information refusal. To give an example, in 2002-2003, “Adil Soz” and the Union of Judges of the Republic of Kazakhstan, with financial backing from the European Union (within the framework of the European Initiative for Democracy and Human Rights), conducted a number of seminars on the consolidation of the principles of openness and legality through the strengthening of the partnership and mutual responsibility of the judicial system and the media. In the course of the seminars, the attending judges and journalists discussed issues of access to information and coverage of open court hearings. Additionally, in August 2003, “Adil Soz” received a response to its official letter regarding violations of the rights of journalists and the media through refusals to provide information. The response was signed by the deputy chief of staff of the regional akim (governor – *transl.*), B. Nurkabay, who admitted to certain violations and outlined measures for their elimination. The response stated that “In general, the region is witnessing a strong interconnection between the state institutions and the media.”

One must also note the work of several Kazakh NGOs which contribute significantly to the protection of media rights and the increase in the journalists’ legal and professional awareness.

For example, the Kazakh Press Club conducts a series of educational programs for the media and journalists on professional skills and management. In addition, this organization conducts roundtable discussions and press conferences regarding freedom of speech in Kazakhstan.

Internews Kazakhstan is an office of the international non-profit organization Internews Network, which specialises in global communications systems. This organization conducts seminars on increasing the legal awareness and professional skills of media representatives, as well as offering legal consultative support to electronic media, and legally represents the media and journalists in courts.

The National Association of Television and Radio Broadcasters of Kazakhstan provides consultations (including legal assistance) on the issues of professional activity of the media and journalists.

The Karaganda Centre for Legal Assistance to the Media offers consultations of the media and journalists, conducts legal seminars, as well as represents and defends the journalists' legal interests in courts.

### **Recommendation: How Can Access to Information Be Improved?**

- Strict adherence to the current legislation that concerns access to information;
- Continuing increase in the professional level of officials and journalists, and further awareness of the legal rights and responsibilities that concern access to information;
- Development of informational co-operation (collaboration) programmes for state institutions and the media;
- Continuing monitoring of the violations of journalists' and media rights with respect to providing information of public significance, and informing the state institutions and journalists of the monitoring results.



**Nadezhda Stepanova**

## ACCESS TO INFORMATION IN UZBEKISTAN

The journalists' right to free access to information is provided for by several current laws in Uzbekistan. Article 2 of the Law on Mass Media stipulates that the media have the right to seek, receive, and disseminate information. Another Law, on Protection of the Professional Activity of Journalists, establishes a set of rights and responsibilities for journalists as individuals employed by the mass media outlets of Uzbekistan, or those of foreign countries. This legal document guarantees media representatives the right to collect, analyse, and disseminate information. For this purpose, journalists may "address the state institutions, self-governing public bodies, public associations, enterprises, establishments, and organizations, receive access to documents, materials, and information, with the exception of those that contain state or otherwise legally protected secrets". According to Article 10 of the same Law, the state guarantees to the journalist free disclosure and dissemination of information, as well as provides protection for the journalist while he or she is engaged in his or her professional activities.

The country's legislation likewise provides for the procedure of information disclosure to the citizens of Uzbekistan, journalists included. This procedure is set forth in the Law on Guarantees to Access to Information. Article 5 of this Law states that "each and every person has the right to request information, whether directly or through legal representatives. The request may be made in either oral or written form."

The written request must contain the full legal name and address of the inquirer, as well as a specific description of the information requested (Article 6). The organization which receives a request must respond as promptly as possible, but no later than 30 days from the receipt of the request. As for oral requests, an organization must respond to them immediately, if at all possible. The Law on Guarantees to Access to Informa-



tion provides for court appeals of the actions (or lack thereof) of the state institutions, self-governing bodies, and other organizations, as well as the officials who infringe upon the citizens' right to receive information (Article 12). Those found guilty of violating journalists' right to information are to be held legally responsible (Article 13).

Article 14 of the Law on Protection of the Professional Activity of Journalists also provides for legal responsibility of the officials representing state institutions, self-governing public bodies, public associations, enterprises, establishments, and organizations for violating the journalists' rights to seek and receive the necessary information. However, this Article is of a referring nature, as it, too, provides for legal responsibility in accordance with Uzbekistan's legislation. In both cases, the Articles refer to the Administrative Code, which stipulates that an official may be taken to court for violating the Articles on exceeding (or neglecting) his authority.

According to Karim Bakhreev, a well-known Uzbek legal expert and journalist and deputy director of Internews, citizens of the republic, including journalists, may appeal to the court in the event they are refused information that is not considered classified. For example, the information on child mortality may not be classified as a state secret. If an institution refuses to provide it, a citizen of Uzbekistan has the right to appeal to the court, accompanying his or her appeal with an original and copy of the information request and the institution's response, if any.

Unfortunately, there have been no examples of such court appeals in Uzbekistan. Journalists are routinely denied access to all kinds of information; however, according to Bakhreev, they have never appealed these violations of their rights in any of the country's courts.

The journalists' (and all other Uzbek citizens') right to access to information (unless it has been classified as a state or commercial secret) is also established in the new media Law on Principles and Guarantees of Access to Information, adopted in December 2002. With respect to the procedure for providing information, this document largely duplicates the Law on Guarantees of Access to Information. Practice shows that the streamlined wording of the Article concerning the procedure for respond-

ing to an oral information request (must respond immediately, if at all possible), has caused officials to use only part two of the Article – more specifically, the excerpt that gives them the right to delay their response to a written request for up to 30 days.

Obid Shabanov, the head of the journalistic discussion club Reporter, of the city of Bukhara, says that his organization is currently working on a new project, one that entails conducting model press conferences for journalists who work in the Bukhara and Navoi Regions. The goal of the project is to educate the journalists on the coverage of press conferences in the print and electronic media, as well as on using such events for receiving information of public significance.

While working on the project, members of the Reporter club have encountered a problem with access to information necessary for press releases and reports on the subject matter. According to Shabanov, officials almost invariably ask the same question, “What do you need this for?” They subsequently state that, in order to disclose the information, they need permission of the top regional authorities. The next step in this circumlocution is the advice to submit a written information request.

The same scenario was used in the preparation of press conferences with representatives of law enforcement and health care agencies of the Bukhara Region. Khikmat Tashev, Deputy Chief of the Bukhara Regional Healthcare Administration, stated that journalists would receive no information without a prior written request to and approval of the chief executive of his organization. “We had to make an appointment to see him, had to explain that there was nothing unlawful in our actions, use excerpts from the legislation that guaranteed free information access to journalists, even quote Presidential speeches. We spent a whole month on that”, says the head of the journalistic club.

Journalists often encounter instances of circumlocution while working on articles for their own media outlets; this is especially true for representatives of the non-state media which publish articles critical of the government. Lack of access to information have been reported by Igor Biryukov of the *Uzbekistan's Youth* newspaper; Ivan Yakubov of the *Uzbekistan News*; Charos Abdullaeva, editor of the Poitakht radio station;

Tashpulat Rakhmatullaev, an independent journalist from the city of Samarkand; Yuri Chernogaev of the *Tashkentskaya Pravda* newspaper; Bobomurad Abdullaev, the chief editor of the *Ozod Ovoz* online newspaper, and many other journalists throughout the country.

The circumlocution follows a more or less same pattern: a journalist places a call to an organization with an information request. He or she is told that such information cannot be disclosed over the telephone, and that he or she must appear in person. The journalist does just that, and meets with an official. The official asks for a written information request, and states that additional time will be required for processing of the request. There have been cases of officials simply trying to avoid the more persistent media representatives: the secretaries would be instructed to say that the official has gone on a business trip, or else is in a meeting. If the journalist needs the information promptly, then, after passing through the aforementioned obstacles, he or she will find that the information is no longer valuable. In a month, he or she will have no use for it.

When the Law on Principles and Guarantees of Access to Information (adopted in December 2002, as mentioned above) was being drafted, a nationwide discussion of that document took place. The draft of the Law was published on 8 October 2002 in the *Khalk suzi* (in Uzbek) and *Narodnoe slovo* (in Russian) newspapers. The observations on the draft were examined by the Oliy Majlis (Parliament – *transl.*) of Uzbekistan. According to Karim Bakhreev, an initiative group of journalists came forth with several changes to the draft, suggesting to establish a three-day processing period for written information requests, and immediate processing for the ones made in oral form. However, this suggestion of media experts was not taken into account by the members of the parliament as they revised and approved the law in question.

The Law on Protection of State Secrets is also active in Uzbekistan, and serves as a considerable impediment for information access by journalists. This document, too, is of a referring nature. Classifying and declassifying of information in Uzbekistan is performed on the basis of this Law and two by-laws issued by the Cabinet of Ministers, the Procedural Statute of Definition and Establishment of the Degree of Secrecy and List

of Information Subject to Classification as Secret. However, these two documents are themselves classified. Thus, journalists are forced to adhere to legal norms to which they have no access.

In practice, Uzbek journalists do not know which information has been classified as a state secret. Therefore, they cannot appeal an official's refusal to provide information, since the official usually refers to the secrecy of the information requested. This means that any kind of information may suddenly become a state secret, pursuant to the wishes of any given official. According to one of the staff members of the former Ministry of Macroeconomics and Statistics (currently subdivided into two different institutions), in today's Uzbekistan a much larger (and more diverse) amount of information is classified as compared with the days of the Soviet Union.

Meanwhile, the legislation provides for legal responsibility for disclosing state secrets, but not for unlawfully classifying information as secret.

### **Situation with Access to Information**

Official press conferences organized by the Press Offices of the President's Staff and Ministry of Foreign Affairs constitute the principal means of receiving information of public significance. Journalists have very limited access to these events. The list of journalists authorised to attend is comprised by the aforementioned Press Offices. Usually, the attendance lists for different press conferences include the same media outlets and the same people: representatives of the foreign media accredited in Uzbekistan, and a small number of several local media representatives, with the decision on their participation made at the very top. As for the representation of the Uzbek media, the chosen few are usually correspondents for information agencies and select radio and television news services.

According to one of the journalists with access to official press conferences, even the representatives of the two largest nationwide newspapers, *Narodnoe slovo* and *Khalk suzi*, do not attend these official

events. Instead, they receive official information exclusively from the National Information Agency, abbreviated as UZA. Other state media also must acquire (purchase) this information, and subsequently print or broadcast it.

Notably, the number of media outlets whose representatives were authorised to attend presidential briefings and other important official events used to be much larger. According to a staff member of Uzbek Radio, only several years ago the Russian-language news service was allowed to participate in such events. That is not the case anymore, and the news service in question must rely upon the same official information from UZA.

The journalists' right to accreditation in Uzbekistan and the principles of an accredited journalist's activity are established in Articles 11 and 12 of the Law on Protection of the Professional Activity of Journalists. However, these Articles are quite general in nature, as they state that a journalist who is an Uzbek citizen may be accredited in a foreign country, while a foreign journalist may be accredited in Uzbekistan, with prior approval from the Ministry of Foreign Affairs. The Law does not provide for the accreditation procedure. The same is true for a journalist's right to be accredited with a state institution or public association (Article 11). The Law merely obliges these institutions to "inform them [journalists – N.S.] ahead of time of the planned events, and provide the necessary documents and materials."

Accredited journalists working for the foreign media do not have to worry about admission to an event of public significance, such as a visit by a delegation of foreign dignitaries. These journalists are invited well ahead of time to attend such events. In addition to press conferences, they are also invited to attend certain official talks, as well as to join the official tours of the head of state and other upper-level officials around the country. However, it is not easy to secure an accreditation.

The accreditation processing is performed by the Uzbek Ministry of Foreign Affairs. A foreign media outlet wishing to accredit its journalist must submit an official application to Mr. Safaev, the Foreign Minister. If the media outlet seeks to accredit its journalist for the first time, an

original of the application has to be mailed. In addition, the journalist must provide a full autobiography, as well as information on the media outlet he or she intends to represent. The time frame for processing of such applications is between two and three months. However, that does not mean that the decision is made automatically at the end of the waiting period.

Journalists are expected to be loyal to the government. The degree of loyalty is determined by the nature of the journalists' publications in the foreign media. Any foreign correspondent is under tight control in Uzbekistan, and may be stripped of his or her accreditation at any time. One of the journalists who used to represent a Russian media outlet has noted that his articles published outside of Uzbekistan were examined on a regular basis, with occasional claims of dissatisfaction presented to the author.

In practice, the institute of accreditation for local journalists with the local authorities and public associations has not been formed. There exists a certain unwritten right for a number of media outlets to visit and cover the official events of the centralised state institutions, such as the Oliy Majlis and the largest Ministries and state departments. In this regard, foreign journalists accredited in Uzbekistan, as well as representatives of the state-owned media, receive preferential treatment. However, the state-owned media correspondents also must secure special permissions, which require official letters from the top executive officers of the outlet in question, usually publishers or branch executives rather than chief editors. Journalists representing the non-state media usually have an even more difficult time; non-state media thus often resorts to offering dual employment to state-owned media representatives, who have access to information of public significance.

A similar situation with media access exists in the regions, with the exception that access-related decisions are made locally by the khokim (head of administration) of a particular region, city, or district. Official information is provided in the first place to the regional state-owned media, managed by the local administrative institutions.

A poll of journalists working in the Navoi, Bukhara, and Taskent Regions has shown that they repeatedly encounter instances of informa-

tion refusal in their work. The officials justify their actions by referring to restrictions placed by the higher authorities. The journalists claim that the second most popular official excuse for information refusal is the officials' busy schedules.

Both journalists working in the capital city and in the regions have identified the National Security Service, Ministry of Internal Affairs, Cabinet of Ministers, the Prosecutor's Offices, and courts as the institutions least open to contacts with the media. On the other hand, journalists from across the country have noted that some officials who possess significant information are, in fact, easy to approach, and often provide assistance to journalists.

Regrettably, the only institutions that deal with the issues of access to information in Uzbekistan are primarily international organizations. Since June 2003, the Swiss-based CIMERA (funded by the Swiss Agency for Development and Cooperation, SDS) has been monitoring instances of violations of journalists' rights within the framework of the Central Asia Media Support Project. This monitoring is performed in several categories, such as information access problems, legal prosecution of journalists and the media, pressure on journalists or the media, arrests or instances of detainment, as well as censorship.

All of the recorded violations will be entered into a monitoring database. Based on it, a semi-annual report will be published for three consecutive years, to be distributed among journalists, as well as representatives of the state, public, and international institutions. Additionally, the monitoring project intends to conduct roundtable discussions, with journalists and representatives of state institutions participating, in order to discuss the revealed violations.

The Central Asia Media Support Project involves Kyrgyzstan and Tajikistan, in addition to Uzbekistan. The International Centre for Re-Training of Journalists serves as the Project's institutional partner in Uzbekistan. This professional association, along with CIMERA's partners in Tajikistan (The National Association of Independent Media) and Kyrgyzstan (The Osh Resource Centre), will strive to influence a number of journalistic and media structures, with the objective to improve the

general work conditions of all media and journalists, in their own countries as well as with respect to media legislation.

On 1 September 2003, a regional project entitled “Monitoring of Media Legislation Violations” was launched in Uzbekistan by Internews. The Project intends to publicly reveal the instances of violations of the journalists’ rights to information access, as well as to publish bulletins containing the results of the monitoring. The Project is active in Tashkent as well as in all of the country’s regions and the Republic of Karakalpakstan. Currently, the Project is recruiting correspondents; in October 2003, they will undergo monitoring training, which will include information on the 27 different types of violations of journalists’ rights.

Within the framework of another Internews-Uzbekistan project, conducted jointly with the Soros Foundation, a textbook with commentaries on the media legislation is planned in 2003, in addition to a monthly bulletin on information law. The latter will commence publication as early as October of this year. Besides that, the project intends to conduct five seminars to increase the journalists’ legal awareness in all of the country’s regions.

Unfortunately, there are no Uzbek journalistic associations or human rights organizations that could provide their own monitoring of violations. Meanwhile, after ten years of totalitarian control, journalists themselves are reluctant to express their opinions, not only in print and on the air, but also in the course of public discussions and non-anonymous polls.

From April to August 2003, I personally polled close to 20 Uzbek journalists, representing primarily media of national significance. They confirmed the continuing instances of bureaucratic red tape on the part of the official authorities with regard to information access. Most of the people polled wished to remain anonymous.

However, one cannot say that the situation is completely stagnant, and that officials are never willing to collaborate with journalists and improve the conditions of information access. A fine example of progress is a large event planned for 25 September of this year in the suburb of Tashkent. It is an international conference, conducted under the title “A Good Government Needs Transparency”. Among organizers of this con-



ference are the Centre for Re-Training of Journalists, the Konrad Adenauer Foundation, and the Information Service of the Office of the President of Uzbekistan.

Press secretaries of the presidents of Central Asian countries, Ministries and departments of Uzbekistan, and journalists from all across Central Asia will participate in the conference. The primary goal of this event is to establish contacts among the journalists and press offices, in order to facilitate the opportunities for receiving official information of public significance.

The organizers of the conference also intend to find out, in the course of dialogues and discussions, what problems exist in other countries of Central Asia with regard to information access. They likewise plan to discuss the goals and objectives of the press offices of the Ministries and official departments, specifically how those should provide journalists with information on the activities of their respective institutions.

Gulnara Babadzhanova, the director of the International Centre for Re-Training of Journalists, has noted that the Information Service of the Office of the President of Uzbekistan was very keen on organizing this event. According to Babadzhanova, the Information Service has been working for the past two years with the press offices and press secretaries of the Uzbek Ministries and departments, with regard to education and training in organizing press conferences, as well as the establishing of ties with the public and the media. Now, a new stage of this process is planned, consisting of discussions and finding solutions for the problems that impede journalists' work.

In addition to establishing personal contacts among the press offices and journalists, the conference has another major goal, that of promoting a permanent connection among press secretaries and journalists of the entire Central Asian region.

## **Suggestion for Improving Information Access**

First and foremost, it is critical to unite the efforts of the members of all the projects that are active in Central Asia with regard to information access problems. This may take the form of information exchanges, participation in each other's events, and possibly in organizing joint projects.

Secondly, it is very important that journalistic legal awareness with respect to access to information is continuously promoted. As mentioned above, a textbook with commentaries on the media legislation is currently being planned in Uzbekistan. In addition to that, it would be reasonable to prepare and publish, in every country of the region, a brochure of questions and answers on access to information. This brochure could include explanations of the most pressing issues, such as a journalist's right to seek and receive information, the procedure for accreditation, requesting information from private individuals, seeking and receiving information from the courts, election committees, archives, etc. It would be critical to provide every journalist in Central Asia with such a brochure. Having a document such as that in his or her possession, a journalist is likely to learn of his or her rights and responsibilities, and should be able to always be able to prove the right of access to information to any official.

Thirdly, another critical avenue of work is with the representatives of state institutions. It is important to continually look for new points of contact with the officials, and invite them to participate in events on the subject of information access as often as possible. Meanwhile, it is likewise critical to concentrate the attention of journalists and civil society institutions on the continuous monitoring of the authorities with regard to information access, with the objective of attaining gradual yet unswerving increase in the transparency of all official institutions, including those of a legal and financial nature.



**Nargis Zakirova**

## ACCESS TO INFORMATION IN TAJIKISTAN

Various experts, local as well as foreign, believe that the peak of freedom in Tajikistan occurred in the very early 1990s. Even during the first years of the civil war, journalists had better access to official government information. Back then, the opposition was actively using the media to advance its agenda, while the authorities strived to likewise remain abreast. However, since 1995, and especially after the 1997 signing of the General Agreement on Peace and National Accord in Tajikistan, the situation has changed drastically. First, the authorities started to distance themselves from journalists; later on, representatives of the political parties comprising the United Tajik Opposition, having gained power in accordance with the 30 per cent quota, chose to forget about their opposition views, disregarding the journalists' reminders that only a few years before, members of the opposition had literally competed for the right to be interviewed.

Apparently, this is one of democracy's rules: a lack of opposition in a given country results in restrictions on freedom of speech.

The current political situation in Tajikistan warrants noting that, following the past summer's referendum on changing the country's Constitution (with the objective to give the current president the opportunity to participate in the next two consecutive elections), Tajikistan is starting to be labelled "the second Turkmenistan". However, along with that, certain opposition parties have stirred to life in the country, such as the Social Democratic Party of Tajikistan (SDPT) and the Democratic Party of Tajikistan (DPT), which does offer some hope for optimism. Thanks to these parties, the media outlets of Tajikistan are exhibiting a tendency for a more open discussion of public issues.

Still, despite this tendency, the problem of Tajik journalists' access to sources of official information remains most pressing.

The right of journalists of Tajikistan to access to information is established by the Law on Press and Other Mass Media, adopted in December 1990. Articles 5, 6 and 27 of this Law entrust the state, political, and public organizations, as well as officials, with the task of providing to the media the necessary information, with the exception of that containing state or otherwise legally protected secrets.

However, practice shows that representatives of state institutions in Tajikistan are reluctant to collaborate with journalists. Quite often, officials refuse to provide information to journalists, justifying their actions by claiming that the information is secret, or else asking the journalists to produce a written permission from a top executive, such as a minister, who is usually away at the moment. According to Mukhtor Bokizoda, chief editor of the independent *Nerui Sukhan* (Power of the Word) newspaper, “While in post-conflict Tajikistan pressure on journalists was exerted in a cruder manner, by means of murders, assaults, threats, and arrests, today the pressure is of a different nature: journalists are ignored by officials, there is never any official reaction to the articles published, and access to government information is restricted.”

Tajik journalists have identified the state institutions that are most open and, conversely, most closed to contacts with the media. In this regard, the private *Asia Plus* newspaper published for the first time, on 2 May 2002, an independent rating for the country’s Ministries and departments most and least accessible to journalists. Thus, for example, the Department of Information at the Ministry of Foreign Affairs, Press Offices of the military and special forces, Ministry of Transportation, Ministry of Energy, the Tajik Parliament, as well as the Press Office of the President, are among the most accessible. According to *Asia Plus*, the model press secretary is that of the Tajik President, for he is not afraid to accept responsibility, and is ever ready to competently answer any kind of “provocative” question from any journalist. However, in the opinion of the majority of Tajik journalists, the Presidential press secretary may cover only the latest meetings of the head of state, or elaborate on the latest Presidential decrees; producing “rationed” information, he cannot comment on events, processes, or convey the opinion of the President.

The National Bank, Ministry of Finance, and of Economics, Education, Labour, and Population Affairs are counted among the least accessible to journalists. All of these institutions submit to the so-called unwritten internal law, which all members of the staff adhere to: refrain from providing any information to journalists without a sanction from the executive officers. Considering the fact that over the past several years, Tajikistan has received large amounts of financial aid from donor countries and international monetary institutions, and that experts believe a certain part of the country's leadership is quite corrupt and prone to misusing the funding received, many journalists would like to conduct their own investigations of the subject matter. However, trying to reach the Tajik bankers and financiers is a hopeless feat.

*Asia Plus* included a number of international organizations accredited in Tajikistan on the list of inaccessible institutions. "Despite the fact that certain international organizations appeal to Tajikistan to reform its economy and develop its democracy, they themselves appear as examples of bureaucratism and inaccessibility", writes *Asia Plus*.

Another one on the list of the least accessible institutions is the Ministry of Public Health. Its officials invariably refer information seekers to the Minister himself for permission. An example of this behaviour is the situation in the summer of 2003, when there was an outbreak of typhoid in the country's south. Doctors and other experts of every medical facility categorically refused to provide any information, claiming that they had no right to disclose anything, and referred journalists to the Ministry of Public Health. However, the latter did not provide any information on the numbers of the sick, either, even though it was evident that the hospitals were filled with typhoid patients, and Tajik television was broadcasting a large-scale typhoid-prevention campaign. Only after several disparaging articles published in the private Tajik newspapers and the Russian *Nezavisimaya Gazeta*, did the Ministry of Public Health produce official information, denying any typhoid outbreak.

The situation at this Ministry has started to change only after the dismissal of Minister Alamkhon Akhmedov, who had occupied this position for the past ten years. The new executive officers at the Ministry have

recently made several statements proclaiming the institution's openness and willingness to collaborate with the media.

Some journalists see a connection between this state of affairs and the lack of professionalism displayed by the press offices of the Ministries and official departments. Khurshed Atovullo, deputy chief editor of the independent weekly *Ruzi Nav* (The New Day), is convinced that one of the principal causes of closed access to government information has to do with the low professional level of the press secretaries. In the words of Atovullo, "Most of them are 'chance' people, who know little of journalism and nothing of its mission. They are incompetent, and cannot provide any information, regardless of its significance, without prior approval from their superiors."

This is confirmed by officials of certain press offices, who claim in private conversations that they would like to cooperate with the media, but cannot disseminate "unnecessary" information or comment on the events without prior authorisation by their superiors, for fear of losing their jobs.

However, Marat Mamadshoev, editor of the independent *Asia Plus* newspaper, believes this argument to be fallacious. He claims that if the officials were truly concerned with their public image, they would have solved the problem by creating competent and prompt press services. "However, top-ranked officials do not currently need that. They mostly wish that media representatives would pay as little attention to them as possible", Mamadshoev said.

One must also note that some officials agree to accommodate journalists by providing the necessary information, but only on the condition that they remain anonymous and will not be disclosed as sources of the information provided. Naturally, such information is unconvincing, while the authorities may bring up a lawsuit against the journalist for reporting erroneous information, if they so wish.

In the spring of 2003, certain amendments were made to the Tajik Law on State Secrets, classifying as secret information on economic growth in the country. Meanwhile, even the journalists with "very well informed sources" are unable to obtain information on the production of alu-

minium, Tajikistan's primary export commodity. The fact is that the aluminium production plant, along with the Dushanbe Cement Factory and the Vostokredmet plant (a defence enterprise), is answerable not to the Ministry of Industry, but rather to the Tajik President himself. Apparently, only the President is allowed to know exactly how much of the country's primary export commodity is produced in Tajikistan.

The problem with access to governmental information is quite critical in the country's regions as well. While journalists in the capital city (especially those working for independent media) somehow manage to procure certain information, albeit not always complete, regional journalists usually cannot manage even that much. Regional and district khukumats (administrations – *transl.*) provide any kind of information only with prior approval from the higher authorities. Naturally, the information provided is satisfactory only to the administration of the regions in question. Thematically, it reminds one of the Soviet TASS reports regarding the quantities of the milk yield, magnitude of the wheat crops, and dutifulness of the local authorities as they fulfil the directives contained in Presidential decrees.

Article 162 of the Criminal Code of Tajikistan states that impeding in any shape or form the lawful professional activities of a journalist is punishable by a fine of 500 to 800 times the minimum monthly salary, or incarceration of up to six months. While the actions of certain Tajik officials fall directly under this Article, in recent years the country has not witnessed any court hearings of the relations between journalists and state authorities, which may create an illusion of mutual contentment between the state and media. One should note that many independent journalists and media outlets are quite willing to take the authorities to court; however, due to the lack of an independent judicial system in the country, the potential triumph of such an undertaking is doubtful at best.

At the same time, some journalists tend to connect the lack of legal hearings between the media and state authorities with the aftermath of the civil war in Tajikistan. The fear of "a man with a gun" is still quite strong among Tajik journalists: after all, 78 journalists and media representatives perished during the years of the Tajik civil war.



On the other hand, some are of the opinion that a low level of professionalism among the journalists themselves may also be a reason for information refusals. Mukhtor Bokizoda of the *Nerui Sukhan* believes that many Tajik journalists have only themselves to blame for being refused information. “If a journalist is not professionally prepared, cannot conciliate his interlocutor and draw the information out, that is the journalist’s own fault. A lot depends on the journalist’s professional preparedness”, Bokizoda said.

Marat Mamadshoev also believes that journalists are sometimes to blame for the fact that the doors of many Ministries and departments are closed to them. “Occasionally, we do not treat the officials properly as sources of information. Journalists may interpret their words liberally, or distort the information received.”

Here, one can compare the staff of the Tajik media with the foreign journalists accredited in Tajikistan. Many of the local media outlets tend to bypass the “sharp edges” in their coverage of the political, social, and economic life of the country; hence the lack of problems with information access for a part of journalists working for these media outlets. Meanwhile, representatives of the foreign media, despite the fact they are, to put it mildly, not very well loved by the authorities, manage to obtain the information they are interested in. It seems that some journalists are correct in stating that each of us lives in his or her own country with its own laws and regulations, and each of us must find his or her own way of resolving the information access problems, based on these laws and regulations.

Since I mentioned foreign journalists, permit me to say a few words about the Tajik system of journalistic accreditation. It is regulated by Article 33 of the Media Law, which establishes that media outlets, in coordination with the state, as well as political and public organizations and movements, may accredit their journalists with these institutions. An accredited journalist has the right to participate in meetings and other events organized by the institution which accredited him or her; he or she is provided with the transcripts, protocols, and other pertinent documents, in accordance with the rules of the accrediting institution. One must note

that the journalistic accreditation system is practically absent in most state and public organizations in Tajikistan. This is likely due to the weaknesses of their respective press offices. However, the accreditation system functions rather successfully in the Tajik Presidential Administration, the Parliament, and the Ministry of Foreign Affairs. A representative of any print or electronic media may be accredited with any of these institutions with no problem.

Article 39 of Tajikistan's Media Law stipulates that the Ministry of Foreign Affairs shall be responsible for accrediting foreign correspondents, and that a representative bureau of a foreign media outlet may be denied accreditation in the event that the outlet's activities are found to contradict the Tajik Constitution, law, or are deemed harmful to the national interests of Tajikistan. Article 34 of the Law on Television and Radio Broadcasting states that the accreditation of foreign television and radio correspondents is performed by the Ministry of Foreign Affairs in collaboration with the Government Committee on Television and Radio Broadcasting.

One should note that international organizations, as well as local NGOs, make certain contributions to resolving the problems of access to information, especially to that of the government institutions. Among these organizations are the OSCE Centre in Tajikistan, offices of the Internews Network, local organizations such as the National Association of the Independent Media of Tajikistan, Foundation for the Remembrance and Protection of the Journalists' Rights, and the non-governmental "Fourth Power" organization, of the northern city of Khujand.

Within the framework of the Central Asia Media Support Project, conducted by SDC-CIMERA, and a regional project entitled Protection of Democratic Principles of Freedom of Speech in the Media of Central Asia (USAID), in July 2003 the National Association of the Independent Media of Tajikistan was able to launch a network for monitoring violations of media and journalists' rights. This project is at work in all of the country's regions. According to the project's Dushanbe office, the revealed violations will become part of a monitoring database, which will then produce a semi-annual report, to be distributed in a brochure format

among journalists, as well as representatives of the state, public, and international organizations. Following that, the project envisions a roundtable discussion, with journalists and state officials participating. The Dushanbe office also shared that, just over the past months, monitoring had revealed over 30 instances of violations with regard to the media and journalists. The majority of those (20 instances) involved difficulties with information access.

A number of Tajik journalists still believe that the impunity of the officials serves as the main reason for problems with access to information. Officials are not held responsible for refusing to cooperate with journalists. Some journalists see two possible ways to improve the situation. The first is to start actively fighting for their rights through judicial institutions. The second is to pillory the officials in question by publishing materials critical of them. Marat Mamadshoev believes the second way to be more effective. “Every journalist has an opportunity to report, through his own media outlet, instances of being denied information by a particular department, or publish monthly ratings of any particular Ministry or department especially ‘distinguished’ by its lack of access”, says Mamadshoev.

Other journalists believe that the professional skills and legal awareness must be raised through the various seminars and training sessions. They say, “If the journalists are not aware of their rights, have never read the Constitution or any of the media laws (which the majority of them have not), then they are certainly unable to defend their rights or demand anything from the officials.” Journalists also think that the same kind of educational seminars have to be conducted for the officials as well, since the majority of them are likewise suffering from a lack of legal awareness.

However, there is also an opinion that educational seminars and training sessions may not always change or influence the situation. A Tajik journalist who wished to remain anonymous claimed that “in the past few years, we have been taught how to legally defend ourselves, and where to turn to in case our rights are violated; but I do not see any effect from those seminars. Our journalists continue to remain legally unaware. The situation will not change until there are real legal hearings involving jour-

nalists and the authorities. In that event, both parties involved will have to study the laws, and consult legal experts. Practice is the best schooling you can get.”

Finally, some journalists have also expressed an opinion that the situation will not change until Emomali Rakhmonov, President of Tajikistan, starts an open dialog with journalists. “By organizing a single press conference, President Rakhmonov would have provided a good example for the representatives of all of the country’s Ministries and departments. Perhaps access to government information would have become easier then”, they say. One must note that, over the years of his presidency, Rakhmonov has given neither a single press conference nor a single interview to any Tajik journalists.

Analysing the situation with access to information, I am compelled to conclude that, in my view, the situation is unlikely to improve until every journalist starts demanding, within the legal limits, that the authorities demonstrate their respect for his or her professional rights. The various international and local journalistic organizations may aid this process only by way of establishing an active dialogue between the authorities of all three government branches and the media.



**IV.**

**ROLE OF JOURNALISM IN MODERN SOCIETY**

**Antonina Blindina**

PERFECTING JOURNALISTS' TRAINING:  
ASPECTS OF PROFESSIONALISM AND COMPETENCE

IV

**Sergei Ezhkov**

THE ROLE OF JOURNALISM IN CONTEMPORARY SOCIETY

**Lucie Hribal**

PRIORITIES OF EMPOWERMENT  
OF INDEPENDENT JOURNALISM



**Antonina Blindina**

PERFECTING JOURNALISTS' TRAINING:  
ASPECTS OF PROFESSIONALISM AND COMPETENCE

The issue of improving the training of journalists is starting to be of global significance in Kyrgyzstan. The country's information market is developing rather rapidly. Almost every month, there appears another newspaper or magazine, another radio or television station. A total of 700 print media outlets and 125 electronic ones are registered in Kyrgyzstan today.

A number of media outlets this large requires a suitable cadre potential. Media growth has caused an increase in the number of educational institutions that have added departments of journalism to their facilities. However, the media's cadre hunger has so far not been appeased. According to the National Report on Sustainable Human Development, only 10 per cent of the journalists working in the Kyrgyz media have obtained basic higher education in their chosen profession, with the majority of them receiving their degrees in journalism during Soviet times. However, Kyrgyz journalism is currently functioning in a dimension that is utterly different from the previous Soviet years. Freedom of speech, having existed in the country for merely 12 years, is still in the making. Perhaps that is the reason for characterising it as a relative freedom. This relativity is reflected not only in imperfect legislative norms, or the arbitrariness of judges and officials, but also in the professional level of journalists, which as of today leaves a lot to be desired.

The cadre hunger has brought our journalism to the era which had existed at the dawn of journalism, and was referred to as "personal journalism" by theoreticians. One brilliant representative of this movement was Daniel Defoe, the author of the famous *Robinson Crusoe*. Over the course of nine years, he published, at his own risk, a periodical known as the *Review*<sup>1</sup>, serving as its publisher, editor, and author. Centuries have

<sup>1</sup> The periodical's full title was the *Review of the State of the British Nation* - transl.



gone by, but there's life in the old dog yet! "Personal journalism" is fully evident in our mass media. In the remote Alai District, the local newspaper has only one journalist left on its staff. This young woman writes all of the articles, types them up on the computer, does the layout, puts everything on a computer disk, and takes it to the regional printing-house. She then picks up the entire circulation and brings it back to her district for distribution.

This situation persists in the remote regional media, as well as elsewhere. Publications in Bishkek are displaying the same kind of "personal journalism". Many of the newspapers lack the positions of assistant and managing editors, desk editors, special and regular correspondents, and proof-readers. Lists of staff members at respectable newspapers have also been cut down to a minimum. This is a result of the media's weak economic development, and a cadre shortage. Analysis of the situation shows that even the most respectable publications, television, or radio stations have not been able to attract many recent college graduates in the past few years, although close to 200 young people receive degrees in journalism annually. Media outlets have to resort to extending employment offers to anyone who simply wishes to work for them. Meanwhile, a lack of professionals results in all newspapers and television stations looking much like twins, not only in form, but also in content.

The lack of professionalism also results in analytical journalism, comments, interviews, and event-triggered reports disappearing from the pages and screens. The standards of newspapers and other media continue to decline. This is attested to by decreases in print media's circulation, as well as the viewers' low interest in certain television programmes.

One of the causes of that is the fact that our educational institutions are not ready to be training journalists. Not too long ago, in order to be accepted to study at a department of journalism, one was required to successfully pass a creative contest, provide proof of two years of professional experience, along with sample publications in the media, and letters of recommendation from the editorial boards. However, today anyone can become a student of journalism; although life proves that not everyone can become a journalist. In a best case scenario, such a person

can be taught to record information at briefings and press conferences, whereas he or she will likely not be able to produce a commentary or conduct a journalistic investigation. Journalism is special work, and the selection process for admittance to a department of journalism must likewise be special. However, since a real fight for every applicant goes on among the country's numerous institutions of higher education, one should not expect any changes to the selection process any time soon.

Success in training the journalistic cadre depends in large part on the level of teaching. Today, very few professionals are teaching at the departments of journalism. What can a future journalist learn from a person who has never written as much as a sentence, or has not participated in the production of a single programme? Departments of journalism need to have teaching practitioners. High-quality journalism is born of first-rate knowledge. That first-rate knowledge must be imparted fully, and most importantly, with the use of professional experience.

A serious detriment to the current system of journalistic training is the gap between instruction and practice. In the current situation, when young people who are accepted to departments of journalism have never held a pen or microphone in their hands, the issue of media practice is especially important. It constitutes a young journalist's first attempt at writing, as well as a barometer that determines whether or not it is indeed the young person's calling. However, these young journalists usually attend the first day of practical training, whereupon they disappear without writing a single article, or taking any interest in the editorial office's functions. This kind of attitude indicates that the institutions do not check the results of practical training.

However, for the sake of objectivity, one must say that the universities are not the only ones to blame for the poor state of journalism. The editorial offices have stopped collaborating with freelance writers, and rarely publish original author's articles. They tend to view those occasional students that do show up for their practical training as temporary burdens that require extra precious time, not as potential colleagues. The great Ivan Bunin once said, "talent is a seed that must be sown in well-tilled soil and cultivated long and patiently". In order to cultivate a journalist,

one needs to have close collaboration between the editorial offices and departments of journalism. So far, there has only been talk of that. It is time to move on from talking to doing, starting with changing, on the state level, the training programme for students of journalism.

When I was a student of journalism, my particular group in the department was considered to be experimental. The experiment consisted of journalistic practical training being the predominant factor in the educational process. The training started after the first year. Every summer following a year of education, we worked at editorial offices. We completed the curriculum in four years, and spent the entire fifth year working for newspapers, radio, and television. The articles we published and programs we produced over that period of time served as our senior thesis papers. Our department did not encourage pseudo-scientific papers. The results of this experiment are self-evident: my former classmates are now working as leading journalists at the largest publications.

The improvement of quality of the information provided is one of the principal factors of an open democratic society. Training sessions and seminars conducted by international organizations for the country's journalists are directed primarily at raising the attendees' professional qualifications, and may not substitute for full-fledged professional journalistic training. Kyrgyzstan needs a National Institute of Press, an educational and scientific institution, which would train journalists, develop fundamental journalism, as well as re-train journalists with no basic professional education. This idea may appear naïve, but life itself confirms that all of the experience in teaching journalism-related disciplines and training journalists must be brought together. The currently existing media needs journalists capable of working in an open democratic society.

There is another problem. Journalists are in need of a professional magazine devoted to specific issues of their profession, such as its ethics, legal cases involving the media, experience and practice of journalism, as well as other professional issues.

“If I have nothing, I can't grieve for anything”, says the ancient Russian “Tale of Woe”. However, today's journalists really do have something to grieve for. We have the chief accomplishment of democracy, that of

freedom of speech, and independent media. The level of democratic media development is determined not just by the quantity of media outlets, but primarily by their quality, which, in turn, depends primarily on journalists, those who are already working, as well as those who are getting ready to do so. The kind of information they offer the readers will depend on their professionalism and competency. Those two things will, in turn, determine the level of democracy of our media.



**Sergei Ezhkov**

## THE ROLE OF JOURNALISM IN CONTEMPORARY SOCIETY

Let me begin my brief presentation by daring to offer a rather seditious thought: there is no such thing as journalism in the true sense of the word in Uzbekistan today. I am speaking of the phenomenon of journalism, not individual occurrences of it. As for those who can, with certain reservations, call themselves journalists, you can count them on the fingers of one hand.

The problem is that in my country, publications that reflect the life, interests, and intentions of the official authorities are still commonly dominant. It is of no consequence whether these publications are financed by the government or private individuals. The latter, as you understand, wish to stay on the government's good side as well.

This is the case despite the fact that society is famished for objective and comprehensive information on internal events; despite the fact that subconsciously, people still rely on journalists, even though they have long since ceased trusting them. For your information, people in today's Uzbekistan are more likely to refer in discussions to Internet articles than those published by the local periodicals.

A year and a half ago, my colleagues, speaking at conferences much like this one, expressed their outrage at censorship, which supposedly served as the only restraining force on freedom of the media. Preliminary censorship is now supposed to be a thing of the past; however, Uzbekistan's newspapers have not undergone much by way of change.

Could we really expect things to go differently? Hardly so, for the people who are employed by newspapers, radio, and television stations are but a part of the society, with all of its weaknesses. The vast majority of them, much like the country's population in general, do not wish to complicate their lives by confronting the authorities with objective and impartial publications.

Shortly before this meeting here, Uzbekistan was celebrating the twelfth anniversary of its independence, with practically every media outlet singing praise to the motherland and the president, not always in that same order. Truthfully speaking, much more often they did so in the reverse order. Such epithets as “wise” and “sagacious” are now most commonly used to describe the country’s leader; these terms have become the norm, and a publication of any significance hardly ever does so without them.

Naturally, a question emerges: is it true that the obtuse newsmen are failing to see and comprehend that the country is using the worst of the Soviet heritage, taking it from bad to terrible?

The trouble is that they do very well see, and do, in fact, comprehend that; yet most of my colleagues are overcome by the desire to gain favour with the authorities, and to be noted by the same, even when unprompted. Much like the larger part of Uzbekistan’s population, over the past 12 years media employees (I am deliberately avoiding the word “journalists”) have not managed to crush the slaves within, or shed the slave mentality. I will be even more blunt: many are quite content with the current state of affairs, for it entails a fairly peaceful existence. One with no heart attacks, incursions, conflicts, or any of the related unpleasant things that so often accompany one’s professional activities.

For example, over the past few months, Uzbekistan has seen several major acts of protest, with people joining impromptu, “unsanctioned” demonstrations and blocking highways to demand the payment of their wages, pensions, child benefits, and so on. However, not a single newspaper in Uzbekistan spared as much as a line to cover these events. What is my point? It is that democratic processes in Uzbek society are at times more intensive and dynamic than the same processes in the media. The newsmen are working the same way they did twenty years ago; they either fail or do not wish to notice that the people they are writing for have grown up, and are now a head taller.

Still, as a citizen and, I dare hope, a journalist, I can claim that regardless of all the costs, drawbacks, and sluggishness, democratic processes are indeed underway in Uzbekistan. True, we are far, if not hopelessly, behind even our immediate neighbours, but even our country boasts a

certain dynamic. Here is a fact: only a couple of years ago, picket lines of human rights advocates in Tashkent were unambiguously and categorically broken up. Today, they are rarely touched, perhaps only on the eve of a parliament session, and that but by a force of an old habit or natural stupidity.

Another example: not too long ago, a good friend of mine by the name of Oleg Nikolayev was travelling along Uzbekistan's capital city in his automobile, its rear window graced with a poster which read, "Retire the Government of Uzbekistan". True, his drive was rudely interrupted; true, he himself, a veteran of the war in Afghanistan, was forced to leave the country. But he was not imprisoned as he would have been only a year ago. Is it bad that he was exiled? Of course it is. But it is good that he was not imprisoned.

One must also say that the Uzbek authorities today are forced to at least marginally react to claims presented by the international community and organizations that are reasonably meticulous in tracking the situation. Today, it is more difficult than before to groundlessly put a man away in prison for his views and convictions. I am not saying it's impossible; I am stressing that it's more difficult. This is determined in part by the fact that these days, it is also much more difficult to conceal any particular information objectionable to the authorities. The development of the Internet, truncated as it may be in Uzbekistan, has an influence on the information exchange. It is true that, unfortunately, the authorities restrict world wide web users' access to sites that publish negative information; however, such information still becomes public in the form of print-outs. Incidentally, these restrictions are also quite unintelligent. For instance, the contract that a user signs with an Internet provider contains the so-called "force majeure circumstances". I quote, "Force majeure circumstances making Internet access impossible are the actions of governmental and other organizations that restrict the client service capabilities of an Internet provider." How very frank and candid. It presents no difficulty to figure out what is meant by the term "other organizations".

What about the society? The society, much like the press, is not outraged by this fact. Likewise, silent are the diplomatic missions of the



majority of foreign states, also affected by this item of the contract. The only international institution to submit an inquiry regarding this issue was, in fact, the OSCE. Unfortunately, I do not know of the result...

It is commonly known that the press reflects the state of its society. It serves as a mirror, but certainly not as a locomotive, like the one that pulls the rest of the train toward democracy. Can the press be something different in an autocracy? Can a society be democratic if it has chosen as its fetish, its symbol, a lame conqueror from the Middle Ages, “renaming” him Amir Timur instead of Tamerlane?

I am far from mysticism, and yet I pause sometimes when passing by the equestrian statue in the centre of Tashkent.

The monument to the great lame man was erected in the same spot where previously had stood the monuments to General Kaufmann (in the times of the tsar), and later to comrades Stalin and Marx. This is both symbolic and appropriate.

Symbolic, because the actions of Timur and those of the current leader of Uzbekistan have been driven by an inferiority complex. The former had his disfigurement to blame; the latter is still haunted by the decades of having to bow to Moscow. Hence the continual “kicks” in the direction of the Soviet regime and present-day Russia. Hence the inability and unwillingness to take a sensible view of the situation, and admit the malignancy of an authoritarian policy line, which is quickly sliding into a dictatorship, accompanied by the leader’s personality cult.

Appropriate, because today’s Uzbekistan is ruled by a man who very sincerely considers himself the messiah, and allows for no dissent. True, he is a remarkable person; true, he is talented in his own way, but he is a dictator, and not at all a democrat.

It is no secret that the per capita income of Uzbekistan is closer to that of Sierra Leone than to Kazakhstan; yet the authorities are trying to convince the people of unprecedented economic success. They are doing so mostly in vain, yet they are still trying.

It is no secret that among the former Soviet states, only two still require their citizens to obtain official permission when travelling abroad. In

Uzbekistan, you must fill out the application and pay the fee for the so-called exit visa every two years.

It is no secret that the country is trying to fence itself off from its neighbours, restricting human, family as well as economic, contacts. Incidentally, Russian-language newspapers in Uzbekistan have written about this, but the authorities have displayed nothing but indifference.

It is no secret that in Uzbekistan, much like in other former Soviet republics, the authorities live in accordance with their own laws, while common people live in accordance with theirs. However, in other countries this phenomenon is written about, but not so much as a word in Uzbekistan.

The most serious problem of the relations between the press and the authorities in Uzbekistan is that the former does not wish to change, while the latter promotes this unwillingness, at times actively, unobtrusively, making an argument that society, the state, and every individual journalist benefits from the lack of change. It is paradoxical, and yet in Uzbekistan it would be hard to find as many as five to seven journalists even for participation in conferences such as this one. As a rule, the same people always speak at such events, occasionally presenting identical theses.

Will this change in the foreseeable future? Perhaps it will, in another five or ten years. I do not exclude this possibility, although I have no optimism looking into the future. Unfortunately, world history knows of many examples of societies and their media remaining passive for a considerable period of time. It is of no consequence that countries with such a situation are usually somewhere out on the edge of civilization. After all, their official authorities are quite comfortable...



**Lucie Hribal**

PRIORITIES OF EMPOWERMENT  
OF INDEPENDENT JOURNALISM

In the course of this conference, I have heard about the manifold problems, that you and the media organizations you work for, face on a daily basis. You have raised the question, what exactly independent media are independent from – “nezavisimie SMI, ot chevo”? I consider it more relevant to concentrate on what the media in fact still are dependent on.

In Central Asia, among other regions, you can find a common answer to this question. It is the legacy of the former or partly still intact totalitarian structures and values. How effectively these political and economic structures and socio-cultural values still prevail, varies from country to country, from “oblast” to “oblast”. The process of modernisation, in the sense of adopting a governmental and political leadership, which acknowledges human rights such as the freedom of speech, seems to be underway, though with exceptions. How far have your countries come? How much of the dependence of journalism on the totalitarian legacy has been abolished?

Such questions form the background of possible ways to empower independent journalists and media organizations to fulfil a socially relevant function, to improve their everyday situation, or to simply not give up.

Conferences such as this may serve the purposes of empowerment. One of them is to perceive in what field empowerment is needed and which kind of empowerment is feasible. Be it that the measures are initiated from outside your system, by the international community, be it that you apply your own ways of defending your rights. For all activities to be effective, they must be adequate to the state of dependence on the totalitarian legacy. But how can you determine the priorities of an adequate empowerment? Is it protection from harassment, financial support or professional consulting?

Empowerment is always closely linked to the process of modernisation, because the circumstances involved are what limits the freedom of your work as journalists. The process of modernisation is always understood as a process of democratisation. It can be structured into three main phases: decentralisation, representation, and consolidation.

Decentralisation refers to the allocation of the formerly authoritarian power to new structures, governmental bodies, whose representatives are chosen through free elections, whose functions are limited to very specific political or social realms, and whose responsibilities are defined by a new constitution, which acknowledges modern norms of society such as the participation of the people in the political process or the human right of freedom of speech. In many formerly totalitarian countries this seems to be the case, yet very often only on paper and not in practice. Reality, or to be exact, the daily practice of independent journalism often shows that although the ruling power may have relinquished absolute control, there are still many and apparently legitimate ways to maintain the dependence of journalism. Censorship may occur in various forms, it may for example articulate itself in the fact that a media organization can be “shut down for tax reasons within five minutes”.

When we speak about modernisation, the next phase, representation, says much more about how far the country or society has progressed in acknowledging modern political values. You need to determine, whether the new power structures actually represent their people. This enquiry should be based on two factors: You have to evaluate the kind of social problems the ruling system concentrates on, as well as on the quality of interactions between the representatives of the people and the people themselves. I think it becomes apparent that independent journalism can serve as an evaluation tool.

In a modern society the media are a forum, an arena for the exchange of ideas and options. The media provide information to meet the citizens' right to know. They portray problems from various and diverse points of view, and they give the people a voice by discussing their everyday needs and concerns. Dependent journalism, no matter whether governmental powers or oligarchs control it, can never live up to these expectations.

But, do not take it for granted that independent journalism knows no problems at all. There are various difficulties to be dealt with, financial means are required and skills need to be professionalized. Yet, as long as the main problem of independent journalism still remains censorship in various forms, society has not progressed very far in its modernisation.

Just to show what the theoretical ideal envisions as the last phase of modernisation, let me briefly explain consolidation. Assuming that the new democratic structures start to fulfil their designated functions and even achieve to come to terms with the consequences of privatisation and market economy, then, this new system of society still requires its members to trust the new democratic structures, and to participate in their development and their daily confirmation. The democratic system consolidates through being trusted, accepted, and lived.

But let us come back to decentralisation and representation as the relevant phases of social modernisation in Central Asia. There is no simple answer to the question, where exactly your countries find themselves in the process. As I judge from your discussions the problems independent journalists face range from danger to their lives, the closing down of media organizations or, as one of you pointed out to me, being denied a visa to attend an OSCE conference, to the solitary struggle of insufficiently equipped regional newspapers, the need for more professional journalistic skills or the poor command of an ethnic language in a multilingually edited newspaper.

At a certain point within this range lies what in theory is called the “threshold of the decline of fear”. It is not a threshold you surmount once, and then shake off the earlier oppression and modernise yourself. These thresholds may rise up again, threats and the fear of repression may resurge. But what is more important: Some of you professionals deal with problems on the safe side of the threshold, whereas others still suffer from basic and grave interference with their human rights and find themselves on the undesirable side of the threshold. Rephrasing my earlier statement, that the empowerment of independent journalism must be adequate to its state of dependence on the totalitarian legacy, I underline, that empowerment must also be adequate to the degree or gravity of your problems as journalists.

Although your problems represent a wide variety of diverse kinds of difficulties, they have a common denominator. In order to be able to work and fulfil your democratic function as independent journalists against overwhelming odds, you need perseverance. This term stands for endurance, resilience, and a strong belief in your cause. I argue that grants, material help, and professional counselling may be the most important measures of empowerment, but your perseverance is its backbone. While representatives of the international community negotiate with the officials of your countries in order to facilitate the modernisation of the media sector, you lead your own daily negotiations with the ruling power or with other problematic circumstances.

You daily negotiate the environment of journalism, which consists of regulations and restrictions, some of them being enforced through unwritten rules. Given the problems independent journalism faces, the “*losung*” of perseverance might simply mean survival and thereby subordination to dependency. But, every small exception from a rule may become a guiding example to your fellow journalists. Every small exception from a rule may help to reproduce the media environment in a shape more opportune for the democratic functions of journalism. Therefore, perseverance means much more than pure endurance or the belief in a cause. You can use it as a strategic way to help change the rules. Of course you take risks, grave risks, or at least you invest a lot of your time and energy.

In order not to waste your perseverance you need to know and understand three circumstances: First, where exactly do you as journalists and as citizens of countries find yourselves with regard to the threshold of the decline of fear? Second, where do your problems and the required support or empowerment fit in when the media are being negotiated on the official level? And third, to which solutions of problems of other independent journalists can you contribute? The answers to these questions are the basis to determine the priorities of an adequate empowerment.

Previous OSCE media conferences in this region have concluded that solidarity among the journalistic community is imperative. You can take the first step right here. This conference provides you with the opportunity to acquaint yourself with the overall process of the empowerment of

independent journalism. By acknowledging and understanding the circumstances I just named, you can play an active role in empowerment, further the solidarity with your colleagues, and make independent journalism and your ideas prevail, owing to your own perseverance.





V.

**IN DEFENCE OF THE FUTURE**

**Karim Bakhriev**

MYTHS OF UZBEK JOURNALISM

**Karim Bakhriev**

REALITIES OF UZBEK JOURNALISM

**Adil Djalilov**

WHAT WILL BE?

**Rustam Khaidarov**

CENTRAL ASIA: PROSPECTS FOR DEVELOPMENT  
AND PRINCIPLES OF CO-OPERATION

**Almaz Kalet**

KYRGYZ MEDIA ON THE THRESHOLD OF CHANGES

**Maxim Klimenko**

SPECIFICS OF REGIONAL PRINT MEDIA  
IN THE KYRGYZ REPUBLIC

**Oksana Makushina**

WHAT KIND OF FOUNDATION DOES THE FUTURE  
OF KAZAKHSTAN HAVE?

**Kuban Mambetaliev**

THE MASS MEDIA IN KYRGYZSTAN IN THE XXI CENTURY

**Oleg Panfilov**

THE FUTURE OF CENTRAL ASIAN JOURNALISM DEPENDS  
ON THE UNDERSTANDING OF DEMOCRATIC VALUES

**Inera Safargalieva**

UZBEK MEDIA AND THE AUTHORITIES  
– A STRANGE RELATIONSHIP

**Alisher Taksanov**

MEDIA IN UZBEKISTAN:  
TRANSFORMATION, ANALYSIS AND ISSUES



**Karim Bakhriev**

## MYTHS OF UZBEK JOURNALISM

### 1. INTRODUCTION

*The forest government reprimanded the donkey and the giraffe, very nearly imprisoning them. The donkey was reprimanded for his stubbornness, while the giraffe was scolded for sticking out too much. Then there was a coup d'état, and the government changed. Both animals were subsequently decorated: the donkey for his fidelity to principles, and the giraffe for his foresight.*

– A folk parable

Unlike avant-garde poets, who continuously escape from reality and exist in some surreal dimension, or cotton-growers, who are preoccupied chiefly with their crops, we journalists may not relinquish our thoughts on the problems of being. We are concerned about the issues that persist in our society and our state; those include the respective fates of the country's avant-garde poets and cotton-growers. However, from time to time we have to ponder the essence and destination of our own profession: why one needs to write or speak; what one needs to say; where, when, and how one is to say anything.

Some compare journalism to a mirror, citing a proverb, “don't blame the mirror if your face is crooked”, but a mirror, too, can be crooked, and media in many countries have already turned into certain “kingdoms of false mirrors” under the “careful supervision” of the authorities. How does one work under such conditions?

Another colleague of mine compares media to a light bulb, or a candle. “We merely throw light upon an area, and if that makes the dirty spots obvious, there is no sense in blaming the light bulb.” Most often, in order

to conceal the dirt made obvious by the light, the bulb is “unscrewed”, or the electrical cord is “cut off”. Meanwhile, the public keeps silent.

It has been ten years since the proclaiming independence and pledging allegiance to democratic ideals in this country, and yet freedom of speech has not become a reality. Why is that so?

It seems to me that a lot, if not everything, depends on the condition of public thinking regarding freedom of speech. It is a vicious cycle: there is no freedom of speech which would promote and solidify strong public thinking, while the lack of public thinking impedes the realisation of the need for freedom of speech and its protection. Without the development of freedom of speech and public thinking, the people cannot participate in public life. Democracy as a people’s self-governing system is absent, and so is the people’s participation in the organization of their lives.

The people are systematically infused with an erroneous representation of the media as some destabilising force, which must be controlled at all costs. Such a representation is supported by a series of myths, disseminated among the people and sustained by the officials. These myths are vocalised by respectable public figures which, in the officials’ view, have the people’s trust. As a result, Uzbekistan lacks freedom of speech, the kind that would drive the country forward, foster creativity in individuals, participate in improving the well-being of the people, and serve as a reliable instrument of meaningful stability, supported by thinking people. Instead, the country has a passive constituency embittered by its poverty, dosed with myths, blindly believing that all of its troubles come from “democracy that is alien to us” and the over-abundance of freedom of speech.

## 2. THE MYTHS

*“Daddy, why has the bright future not come yet?”*

*“How could it have come, silly? It’s the future.”*

– A piece of folk wisdom

## 2.1. THE MYTH THAT “THE UZBEK PEOPLE ARE NOT READY FOR DEMOCRACY AND FREEDOM OF SPEECH”

They say that **“the people are not ready for democracy, and certainly not for freedom of speech”**. It is as if the authorities are ready, while the people are not. Apparently, our government is progressive, and wishes to develop a democracy; meanwhile, our people are retrogrades displaying a dependence mentality. Therefore, it must be too early to bestow democracy on them. Decidedly, our government has been unlucky with its people.

However, a statement that some nations are more suited for democracy than others is racist.

What is a democracy? It is a self-governing system of the people. In a democracy, the people and each individual choose their own lifestyle, govern their own lives and activities, and assume full responsibility for their actions and their choices. That is dignifying of people, dignifying of an individual. It is not dignifying when a person allows him or herself to be manipulated. Do the people not wish to live in a dignified manner? Perhaps they wish to be controlled and manipulated instead.

Democracy means an honest life for every person. When they say that “one mustn’t hurry the development of democracy”, it sounds like “one mustn’t hurry to live honestly; why don’t we continue to live dishonestly for a while”.

Who benefits from this position? Is it the people? Most certainly not! The people wish to live in a dignified manner, they wish to stop being manipulated. They cannot wish to remain in a subdued position. The people are, in fact, quite ready for democracy, and hope for it. They cannot but hope for it.

Then, who benefits from claiming that “it’s too early for the people to make a transition to democracy and freedom of speech”?

For the past ten years Uzbekistan has not been moving ahead, standing still, waiting for a transition from socialism to democracy. The country is distinguished by an almost complete absence of economic and political reforms. Totalitarian thinking officials have proved to be more

resilient than the people's wish for reform. The following is a list of some characteristics of the system that continues to exist in Uzbekistan:

- absolute monopoly by the executive authorities over the courts, Parliament, and the media; consequently, official arbitrariness, corruption, and rule of clan groups;
- a lack of self-dependent civil society organizations (including political parties, associations, and professional unions);
- absence of freedom of speech and independent media;
- just like in the Soviet times, state officials continue to be responsible for distribution of a significant part of resources (natural, material, credit, and currency), as well as for controlling the prices on many goods and resources (including regulating interest rates, currency exchange rates, salary rates, etc.);
- in an agrarian country, in order to create an appearance of reform, the dekhkans (peasants – transl.) were renamed “farmers”; however, as before, they are forced to grow specific crops, and sell them at extremely low prices to the government itself.

Instead of driving the economy forward and providing for the well-being of the population, private and small business enterprises are used primarily for servicing the interests of the ruling clan groups and individuals affiliated with them, as well as of state officials in general. Every official owns a supermarket, a commercial company, or a shop, registered to his wife or another relative. Every single person who is engaged in developing any kind of business either “belongs” to the officials or is forced to pay for their “protection”. Economic reforms have not concerned the masses. Artificial restrictions placed on currency exchanges allows entrepreneurs that are close to the authorities to sell foreign currency at very low rates, with subsequent sharing of the surplus profits. Supermarkets and joint ventures belong primarily to relatives of officials, or other affiliated persons. “One’s own” entrepreneurs are blessed with extremely favourable conditions, while “others” are suffocated with high taxes and bureaucratic restrictions. The officials of this kind are the ones

opposed to reforms, presenting arguments like **“the people are not yet ready for democracy”**, **“currency conversion must be prepared for”**, and **“we need a gradual change to democracy and freedom of speech”**.

**True, we do have affluent people, those who manage to earn more than officials take away.**

**Organized crime is invisible in Uzbekistan, because it is very well organized here.**

What is happening to the idea of democracy? At the dawn of our independence, there was talk of the “definitive and unalterable choice for the democratic way of development”, of “building a democratic society”. Then, two or three years later, they started talking of the “intensification of the democratisation process”. Another five years later, there emerged the idea of the “principal directions for the intensification of democratic reform”. Later, there was a notion of “perfecting the democratisation process”. Now, they are starting to talk of “liberalisation and democratisation of society”, and write of the “radical steps for the intensification of democratic reform”. Meanwhile, natural laws tell us that continuous radical steps are likely to put us right where we started from. That is precisely what is happening. How much longer can we “intensify”, “liberalise”, or “perfect”? One feels compelled to ask, “So when does the actual process of democratisation start?”

For some reason, throughout the world, the countries clearly dominated by state officials are the ones least ready for democracy and freedom of speech. They say, **“the people must be gradually prepared for freedom of speech and democracy”**. That is not happening. In order to prepare the people for democracy, one must be gradually developing a civil society, without impeding the formation and existence of non-state civil institutions or freedom of speech, moving along the way of developing an independent judicial system, and an independent parliament. In reality, officials impede the process of democratisation, and the society thus fails to gain any experience with democracy. They speak of a “gradual movement toward democracy”, but there is no movement to be seen, gradual or otherwise. There is a parliament which “votes correctly” without any discussion; there is the media which praise the “achievements of democ-



ratisation” day and night, but leave serious social and economic issues untouched; there are professional unions and committees which are supposed to be public, non-state institutions, but are actually defending the interests of the state. With institutions like these, one cannot “gradually move along the path of democratic development”. The word “parliament” comes from the French words “to speak” and “a place”, meaning “a place of argument”, “a place of discussion”, consequently, it must discuss issues and search for optimal solutions, taking into consideration the interests of the people which have elected it. Thus, it is not the people who are unprepared for democracy, but those who skilfully manipulate the people in the name of their own good. Meanwhile, a bureaucracy will never be prepared for it on its own free will, since both democracy and freedom of speech run counter to its philosophy.

No single khan (president, tsar, monarch) in history has ever been able to combat bureaucracy on his own. This gigantic official organism of many thousands of lives reproduces according to its own internal laws. World history and practice demonstrate that only a civil society and its institutions may successfully confront the power of official clans and bureaucracy. Such institutions include an openly and honestly elected parliament, independent courts, independent media, independent professional unions, opposition parties, and local self-governance. The kind of monarch who does not allow for such public institutions, including independent media, turns himself into a hostage of bureaucracy, yielding to its power, and consequently unable to protect the people’s interests. Our society lacks an understanding of these things. Instead, it is infused with an anti-democratic myth advantageous to the officials. According to it, since the population has never lived in a democracy and has no experience of it, it supposedly could easily be overwhelmed by “chaos” and the “anarchy of democracy”.

## **2.2. THE MYTH THAT “DEMOCRACY IS NOT ANARCHY”**

They say that “**democracy is not anarchy, and freedom of speech is not all-permissiveness**”. This thesis sounds convincing. But how and

what is it used for? Do you think it is used to prevent anarchy? Not at all! Whenever someone dares to criticise the state of affairs in the economy, the army, or expose the tyranny of local authorities over their citizens, officials and state-affiliated writers are quick to launch a counter-attack: “This is not America we have here, this is the East, you need to have respect for the elders.” Meaning, for the officials.

Uzbek officials are ever ready to listen to anyone praising them, but they invariably display child-like offence at media criticism.

Anarchy has always been a result of felonious acts by a monarchy (or a tyranny), but never because of the development of democracy. Throughout the world, all of the stable countries are democratic; in comparison, all of the unstable ones are totalitarian. Tajikistan, Russia, or Nicaragua cannot serve as examples for us. They say, “there you have it, a wild outburst of democracy has caused a civil war in Tajikistan”. That is not true. The Tajik civil war did not start because of an outburst of democracy and market competition. It started back during Communist rule. All of the revolutions and civil wars happen not because of reforms, but because of a lack or evasiveness thereof. Nicholas II and Louis XVI lost their respective crowns and lives, and caused revolutions in their countries not because they were drastic reformers; on the contrary, they did not wish to have reforms, or else employed the theses that “reforms must be gradual”, implementing some very inconsistent measures on the basis of “one step forward, two steps back”. The civil war in Tajikistan started because one part of the population had usurped their power without the consent of the other part, or without taking the other part’s interests into consideration. We need to follow the example of the more developed countries, such as America, Japan, Korea, or England, as opposed to nodding in the direction of the states where democracy is only now beginning to develop.

Anarchy may only arrive as a result of a concealment of existing issues, postponement of their resolution, as a result of an accumulation of the people’s sense of dissatisfaction with their position, despair, and inability to discuss and determine the prospects for their lives. Silence out of fear of persecution is not a guarantee against anarchy. It is democracy, freedom of speech, discussion of the issues, and the public search for

ways of resolving them that create solid and deliberate stability in society and the country. Violence cannot create a stable order.

In order to justify violence, “plausible” arguments are used. Erkin Vakhidov, a renowned Uzbek poet, and currently the chairperson of a parliament committee, once wrote back in the Soviet times: “the good is never without fists, a pen always neighbours a sword. That is why, during difficult times, Ilyich could count on Felix.” Felix Dzerzhinsky was, of course, the head of the secret police and the “father” of concentration camps. In trying to justify bureaucratic domination, a certain young journalist has quoted another renowned Uzbek poet, Abdulla Aripov: **“One must stop at a red traffic light, one must go when the light is green. Those who run a red light consider themselves ‘democrats’”** (*Darakchi*, #41 (187), 10 October 2002). This notion is not new; it was previously expressed by Springer, a media tycoon. However, one should not thus simplify and exaggerate the idea of democracy. Many sons of humanity have sacrificed their lives for it, from the first primitive man who dared to speak the truth to his tribal chief, to Socrates, who resolved to drink the poison in order to comply with the decision of the Senate which he had created and justified, to an American woman who worked for the Enron Corporation and managed to expose its wrongdoings. Rejected by her colleagues as a “spy and traitor”, she was recently named “person of the year in the United States”. I count Usman Nasyr, Chulpan, Abdulla Kadyri, and others among those who perished in the fight for freedom of speech. Those who speak of democracy in vain should be haunted by the images of these people. One feels compelled to ask the renowned poet, “What should I do if our traffic light has only one colour, red?” Democracy constitutes not only a ban on running a red light, but also the possibility for discussing whether the light is located in an appropriate spot, whether all of its light bulbs function properly, who pushes the button that turns the light on and off, and is that person fair and just?

Democracy is a system of public self-governance. “Demos” stands for “the people”, “cratos” for “governance”, and “democracy” for “people’s governance”. Unfortunately, there are intellectuals holding degrees and titles, who try to justify the people’s passiveness in defending their rights

to democracy and freedom of speech. Thus, Mansur Bekmurodov, with a Ph.D. in sociology, writes: **“The Uzbek people are industrious, hearty, and are inclined to be governable. If they are regulated, that is, governed wisely, they may reach great heights of moral perfection and be highly creative”** (M. Bekmuradov, “Fukarolik zhamiyati va uzbek mentaliteti” (Civil Society and the Uzbek Mentality), *Khurriyat*, #40 (294), 9 October 2002). Thus, the author denies the Uzbek people the right to self-governance, and justifies the need and inevitability of officials’ arbitrariness, that is to say, “wise governance” of the people on the path to a “bright future”.

According to certain political scientists associated with the state, the path from totalitarianism to democracy runs through a sort of authoritarianism. They claim that “hastily erected democratic institutions, including freedom of speech, may lead to chaos and civil war”. Therefore, we need to move to democracy “gradually”. In their view, the main condition of a “gradual transition to democracy” is a strong, i.e., authoritative government. The following passage belongs to a widely published writer, who is also an official at the Ministry of Interior: **“Power is one of the main attributes of a state. The state must demonstrate its power constantly, not only to other states, but also to its own citizens... That fills the citizens with confidence. They want their state to be powerful. If a state weakens, revolutions and coups d’état occur”** (Ismoil Shomurodov, “Power”, *Mokhiyat*, 15 March 2003). May the author excuse me, but who said that authoritarianism is always powerful, and a democratic government is always weak? Examples in the developed democratic states show that their authorities, with all of their dynamics and tendency to often change, offer their citizens a far greater number of guarantees and assurances than any dictatorship. The power of the authorities is measured not by the citizens’ fear of them, but by the degree to which the authorities are able to guarantee the citizens’ personal freedoms, well-being, safety, and confidence.

It is rather astonishing that conflicts in post-Communist countries, such as former Yugoslavia or Tajikistan, are used as examples of the “need for authoritarianism” and as a “weakness of democracy”. “Have you seen what

democracy causes?” In fact, these examples prove the contrary: human rights are violated, with inevitable social and political turmoil ensuing, wherever democratic institutions are silent, where there is no public control over powerful clans, where there is no freedom of speech. These conflicts are consequences of a lack of democracy, not its presence.

Democracy through authoritarianism is impossible, since an authoritarian leader, with all of his power, tainted by the persecution of his political opponents and dissidents in general, allowing his officials to continuously violate human rights, having probably caused a great deal of financial and legal violations himself, would not be likely to introduce democratic institutions. If he did, he would have had to answer for his actions. Democracy is counter-indicative to authoritarianism.

### 2.3. THE MYTH OF “DEMOCRACY’S DECLINE”

Another writer dear to me (also a People’s Deputy of Uzbekistan) seems to be perplexed: **“Why is the West rushing so to implement democracy all over the world? One wonders whether this democracy is some kind of utopia... Is it perhaps a religion?... An insidious means of enslaving the entire world?...”** (Khurshid Dostmukhammad, “Democratichayotgan mentalitet”, *Khalk suzi*, 16 October 2002, p.2). I too am perplexed: how should I comment on this, how should I approach this “logic of thought”? I am used to defending democracy from bureaucrats; defending it from people who call themselves “democrats” is far more complicated.

Democracy is not a utopia; it has already proven its viability and capacity, with billions of lives in many developed countries of the world as examples. Democracy is not a religion, for it does not demand blind obedience from individuals to the already existing canonical doctrines, but requires individuals’ active participation in choosing a lifestyle for their society, in arranging their lives. Democracy is an actively creative process that allows for the fulfilment of an individual’s potential. As for “enslaving the entire world” through democratisation, I am reminded of a passage from Mikhail Zhvanetsky: “If capitalism is decaying, then I, having

seen how people live under capitalism, am compelled to think that perhaps we could use a little decaying ourselves...” When I see that democratic countries create the conditions necessary for the dignified existence of all the people, not only for the bureaucracy and state officials, and that a person’s well-being there depends only on this very person and his or her hard work, I certainly choose this kind of “enslavement” over any other.

Khurshid Dostmukhammad further writes: **“Why do we need a democracy instituted in the place of our century-long bashfulness, timidity, and coyness?”** That is not true. That is not the issue here. There is no such dilemma. Democracy does not negate bashfulness, timidity, or coyness, and does not demand their sacrifice. In our sour patriotism, we go as far as stating that “democracy takes away our people’s honour and dignity”, or that it “makes our girls shameless”. Speaking at podiums, we claim that “these things are only characteristic of our people; others do not even have words such as *uyat* (shame), *andisha* (timidity), or *khayo* (coyness) in their dictionaries; democracy threatens our national mentality”. Incidentally, these words are not of Uzbek origin: *andisha* is a Persian word, while *uyat* and *khayo* come from Arabic. These notions are inherent in all peoples. During the ancient wars in China, virgins voluntarily threw themselves off the Great Wall to avoid being dishonoured by the enemy. During the Second World War, in a Ukrainian village, German soldiers took 19 girls aged 18 to 25 as prisoners, and raped them. Of the girls, 18 turned out to be virgins. A German officer wrote back then, “A nation such as this is unconquerable.” For the sake of curiosity, I consulted the *Explanatory Dictionary of the Russian Language* by S. Ozhegov. It contained dozens of words corresponding to the Uzbek *uyat* and *andisha*: shame (*styd*), shyness (*zastenchivost’*), timidity (*robost’*), coyness (*stesnitel’nost’*), embarrassment (*smuschyonnost’*), reproach (*ukorizna*), anxiety (*boyazlivost’*), cautiousness (*opaslivost’*), and confusion (*zameshatel’s tvo*). Recall that, in Leo Tolstoy’s novel, Anna Karenina threw herself underneath a train to preserve her honour and dignity.

Some people write that, ever since the Russians have arrived, our national morals have deteriorated, prostitution has emerged, along with

alcoholism. These people should turn to the classical works of Uzbek poetry, praising wine and mirth. Even some *ishratkhana* (entertainment room) and *islavotkhana* (brothel) buildings, in which those ancient orgies took place, have survived. Did our khans not practice polygamy and debauchery in their harems? Due to the unavailability of women, homosexuality (*bachabozlik*) was a common occurrence.

We must certainly preserve our worthy values, but we should also view them critically, from the position of our times. In order to raise the dignity of one nation, it is not necessary to belittle that of others. We are no better and no worse than any other people. Democracy does not threaten our mentality. In democratic Japan, it has not stripped the Japanese of their originality. The originality and culture of our people may be lost due to our negligence, indifference, lack of education, but not due to the implementation of democracy. Democracy is developing our culture and education. As for so-called “mass culture” such as pornographic and aggressive action films, the West is already resisting it, far more effectively than we could. Meanwhile, such social phenomena as drug addiction and prostitution are rather developed in our very own non-democratic country as well. These phenomena are not a product of democracy; on the contrary, democracy controls them, and may very well root them out by exposing and discussing their political, social, and economic causes. Globalisation (and the expansion of democracy and freedom of speech) does not constitute an obliteration of barriers, but rather an opportunity to stand at the same level with other peoples, compare ourselves to the entire world, and partake in the worthy values of world culture. After all, Americans are different from the English, and Finns are different from the Japanese, although all of them have democracy.

A lot of people before Khurshid Dostmukhammad’s time have spoken of democracy as a system that is far from ideal, and to a large degree void of its prior administrative resources. The first person to do so was Aristotle. In his “typology”, he indeed had ranked democracy last. The ancient thinker would have been quite surprised if he knew that the contemporary world would lean toward democracy more than any other kind of state system, and that democracy would be viable for contemporary polit-

ical life. He would be equally surprised to learn that by the end of the 20th century, democracy would become irreversible, since the number of democratic countries already surpasses that of non-democratic, and the tendency continues.

Humanity has known how it should live for a long time. In fact, it has already researched and recorded all kinds of state systems. However, contrary to Aristotle, de Tocqueville, and Khurshid Dostmukhammad, democracy has proven to be resilient because with every step of society's informational development, it becomes increasingly difficult to reconcile the interests of the world that keeps polarising. No national bashfulness or pragmatism of the Uzbek people can substitute for democracy.

Democracy is not a design on a public building's façade; it is a form of governance. No one has ever viewed it as the crown of creation, or Allah's timeless gift. Any supporter or opponent of democracy is likely to wail at length with regard to how painful and costly the expenses of democracy can be. However, what are the advantages of other forms of governance? Humanity is quite careful with its accomplishments in political creativity. They have once castigated tyranny, but monarchy has been preserved. They have censured the common people, and yet even the Queen, a person of unquestionable power, resorts to democratic procedures. They have sneered at the mob, but at the end realised that only democratic institutions allowed for violence-free reforms. No, democracy is far from dead. It is just changing, along with our view of it.

#### 2.4. THE MYTH OF “OUR SPECIAL WAY TO DEMOCRACY”

They say, **“America has built its democracy over a period of 200 years. Why do we have to hurry?”** First of all, it appears that none of us currently alive, myself included, would be able to live for 200 years; meanwhile, I would really like to live to see democracy in action, and enjoy the dignified life of a free man. Secondly, it is true that the US has developed a democracy over 200 years, but it took Japan, Korea, or South Africa 10-15 years to do the same. If democracy, exemplified by America, has proven its viability and benefits, why do we have to wait for 200



years? Thirdly, even some African nations, having emerged from the jungle as late as mid-20th century, have proven ready for democracy; meanwhile, the Uzbek people, with its history of many centuries of statehood, are supposedly “not ready”.

Democracy and freedom of speech are often represented as brainchildren of the West. That is not true. Democracy is a brainchild of the entire humanity. Democritus, Plato, Locke, Rousseau, de Tocqueville, Jefferson, Lincoln, and others are joined by our very own ancestors as well. Like Zamakhshari, who said that “he who speaks the truth is stronger than a lion”, or Navoi, who wrote that “you are only as much a tsar as you are informed”, or Bekhbudi, who spoke of human rights, “the rights are taken, not given”, and others.

Even if democracy does come to us from the West, why should we let that scare us?

In the words of Sergei Duvanov, a well-known Kazakh writer, **“At the heart of the aversion to the Western lifestyle is an inferiority complex, which is forming with the ex-homo sovieticus as they realise that the majority of what they have idolised and believed to be the highest degree of perfection has turned out to be primitive, and unable to compete with Western analogues.”**

A normal person, upon realisation that his people have fallen so behind, should be wishing to expediently borrow as much of the best of what a Western lifestyle has to offer, strive to partake of that culture, and implement the best achievements of Western civilisation. Regrettably, many of us experience only anger and envy instead, resulting in a certain arrogance, paired with the desire to represent our backwardness as an advantage, as a way of evolution different from the Western one, as “our own mentality”. The officials, not the people, are the ones benefiting from that. It turns out that we have a special way of developing, one that is different from the rest of the civilised world. The next step is to look for enemies. In other words, the “patriots” who subscribe to the above view invariably make divisions into “us” and “them”. The entire world does nothing but dream of enslaving us, the Uzbeks. Why us? “Because we are a talented, industrious, unpretentious, and, most importantly, hearty, kind, bashful,

and timid people, who under certain circumstances have the capacity to become rich and powerful. They are afraid of that happening...”

While we were building Socialism and Communism, other peoples that we competed with have progressed so far ahead that catching up appears to be quite a feat. Doubtlessly, the Communists were leading us along a wrong path. As a result, we have fallen considerably behind the civilised nations. Now, we must admit that the civilisation has but a single right way of developing, that no alternative, “special” way to progress have been found yet, and therefore, we must do the same thing that progressive humanity which outran us had done – that is, follow the path of democracy, correcting mistakes of our history along the way.

If we fail to do that now, we risk launching yet another cycle of social experimentation over the poor Uzbek people. The increasing appeals for creating a national idea (state ideology) is a troublesome factor, proving that totalitarian thinking remains dominant in the people’s minds.

During the years of independence, the standard of living has deteriorated sharply. The fruits of market economy, which should have been apparent, have been reduced to zero by corruption. People think that democracy is to blame. Reinforcing this notion is the official state-owned media, which endlessly proclaims, “we are following the road to democracy”, or “we shall not turn off the democratic path”. It is difficult to explain to people that democracy, along with capitalism, is something that Uzbekistan has not actually experienced yet; that the current system only constitutes a division of state property and power, paired up with systematic violations of human rights and democratic principles.

As Sergei Duvanov wrote, **“Interestingly enough, the most educated and cultured part in society, those who are commonly referred to as the elite, usually do not suffer from this inferiority complex.”** These people strive to learn foreign languages, get their education, and become professionally competent according to “Western standards”. They watch satellite television programmes, read newspapers, utilise the opportunities of the Internet, work for foreign companies and offices, and travel abroad. That is to say, with all of their cultural and educational achievements, they quickly integrate into the Western system of values, which

then ceases to be alien to them. In other words, the cream of our nation chooses the West.

The less educated take a different stand: why admit that we have fallen behind, why study foreign languages, why learn professional skills from foreigners, why adopt their progressive management systems, what do we need democracy for? We have always been governed by a leader. It is much easier to declare everything that comes from the West alien to our psychology and mentality, and, pursuant to that, start searching for our own “special ideology” and “special way”. Authoritarianism makes excellent use of this logic of the less educated part of the population. It is also concerned with preserving this logic, and cultivating it.

Sabit Madaliev, a well-known Uzbek writer, asks a reasonable question: “We criticise the West, but why do the authorities continue to ingratiate themselves with the West, and wish to be friends with it? Why do they wait for Western investment so impatiently?”

It is true that Uzbek officials, like all normal people, have gotten used to the blessings of Western civilisation. They like travelling in imported vehicles, spending hours on the Internet, owning private property (an attribute of capitalism), and watching Hollywood-made movies. They are ecstatic about the service, and attitude toward them in the “hateful” West, which they visit with the utmost pleasure. There, they feel respected by the people around them. They even know why that is the case: Western laws are adamant about human rights, and whenever someone crosses the border, he becomes such a human. That is a phenomenon that is entirely absent in Uzbekistan which they love so dearly.

It is rather typical that officials should use their “hate” of the West for authoritarian purposes. Firstly, for the purposes of discrediting democracy, which today is represented as an instrument that the West is using to enslave Uzbekistan. Secondly, through creating an image of an “enemy of independence”, they attempt to consolidate the nation around the existing authorities. Thirdly, through contrasting the Western lifestyle (which primarily consists of democratic values and respect for human rights, which is something Uzbek people could certainly use) with the “special Uzbek way”, they create an ideological justification for bureaucracy’s eternal monopoly on power.

Stability is presented as the main achievement of the “iron hand” policy. Said “stability”, achieved by repression, is a calm before the storm. If the authorities manage to offer the citizens legitimate ways of exercising their rights, and for expressing differences of opinion, there will be no expressions of discontent. However, with a departure from democratic principles and curbing of democratic liberties, stability quickly vanishes, yielding to political tension and confrontation in the society.

Such myths as “the people are not mature enough for democracy”, or “democracy can only be attained by an ‘iron hand’ policy”, or “the people must be convinced that a gradual transition to democracy will take many years” constitute deceptions on the part of those who govern, and self-deception on the part of those who are governed. Even if the transition is gradual, one must keep moving, and learning from this experience. Unfortunately, the people are neither taught democracy, nor even encouraged to speak of it. They continue to be intimidated by the hypothetical “instability” and outbursts of “anarchy”, which allegedly happen as a result of hastily introducing democracy and freedom of speech. It is dangerous to put someone who has never driven before behind the wheel of a car, they say; that is a recipe for a car wreck. One agrees that it is dangerous; however, one must also agree that it is impossible to learn to drive without ever getting into a car. Likewise, it is impossible to learn democracy without participating in truly democratic processes, without voting in free and open elections, or without expressing your thoughts freely. It is impossible to teach one to be a part of the governing system if one has to face unfairness and falsification during the election process. It is impossible to teach people to tell the truth, or express their independent opinions, if there is a danger of being imprisoned or beaten for doing so.

It is impossible to infuse people with legal awareness and respect for the law if they continuously witness the unfairness and venality of the courts, corruptibility of officials, and violations of human rights by “law enforcement agencies”. You cannot teach people to use their civil rights if they are deprived of the opportunity to use them in the first place.

A walking man shall conquer the road. An acting man shall gain the experience.

There are no “special ways” to progress. That particular argument is endless and tiresome.

The isolationist model, tried out by the USSR in the 20th century, caused the country to disintegrate. The empire fell apart. The Soviet economy proved to be non-competitive, in both a technological and organizational sense. Under pressure by the system crisis of the 1980s, the political model had to be changed, private property and openness had to be reintroduced.

Meanwhile, it turned out that the notorious West served as the only source of modern economic knowledge and technologies, as well as of capital. That is why many Eastern states such as China, South Korea, and Thailand, have turned to the West for money and technology. That has ensured their rapid economic growth and successful technological modernisation.

Uzbekistan must, and is forced to travel along the same path. There is no other. However, so far it has been travelling timidly and less consistently, even though it has a lot more by way of objective prerequisites for orientation towards the West.

The existing wide gap between contemporary Central Asia and the West is not a gap between Asian and Western civilisations, but is rather a contrast between nations who suffered much from a prolonged isolation, and world-wide achievements of the 20th century, as well as European institutions, which have emerged relatively recently, and are currently in the process of rapid development.

Uzbekistan has already arrived at the level of direct communication with the world community. Globalisation makes the whole world as one. Western countries are our principal creditors. They also provide the main share of direct foreign investment. The West already serves as Uzbekistan’s principal trade partner. Central Asia and the West continue to agree more on the issues of global security. This is especially apparent after the terrorist acts in the US. As time goes on, the mutual dependency and involvement in each other’s affairs will only grow.

Thus, history and culture say “yes” to Uzbekistan’s consistent and deep integration into Western structures. The country’s economy is increas-

ingly leaning in that direction as well. There is no reasonable alternative to the process of returning the post-Soviet nations (including the Uzbeks) to the club of developed countries. However, this process requires a further intensifying of reforms. Uzbekistan is yet to integrate into the system of international and European institutions, such as the WTO and OECD. Further down the road, it might have to join the renewed European Union and NATO. Growing contacts between Uzbekistan's elite and that of other civilised countries must aid this process. It is imperative to do away with the deficit of political will for rapprochement, as well as a lack of practical ideas and initiatives with respect to Uzbekistan's integration into the modern world. Likewise, it is necessary to stop expatiating some "special way to the bright future".

The economy must develop based on free market rules. There is no such thing as an "orchestrated economy". The only people who do well under an "orchestrated economy" are the ones who are involved in the "orchestrating", i.e., the officials, who continuously establish and change the "rules of the game" to serve their own interests. Under a "managed democracy", the only people who do well are the "managers".

## 2.5. THE MYTH OF "THE MEDIA'S NEUTRALITY"

They say, **"media outlets have to be neutral. They must take neither the government's side nor that of the opposition. Journalists must be 'above the fight'."**

Arrests on fabricated charges and unjust politicised court hearings due to a lack of an independent judicial system, raids by tax inspectors, checks by sanitation and epidemiological services, as well as by fire stations, chicanery of customs officials, numerous lawsuits and sentencing to large fines, assault and battery of independent media representatives. This is a list, by no means exhaustive, of the methods by which pressure on dissident journalists is exerted.

The majority of Uzbek journalists work according to the principle that "everything is allowed, except for what is prohibited". They may criticise certain officials only with the permission of other, higher-ranking offi-

cials. They may expose only certain, exclusively opposition politicians. They may denounce corruption as a global phenomenon, but are categorically prohibited from raising the issues of political and economic causes of corruption, or of embezzlement of public funds, or of the common people's lack of rights, or of any other negative aspects of authoritarianism.

Criticism of top-ranking authorities or of their relatives, acknowledgement of power monopolisation by certain clan groups, expressions of uncertainty in the country's developmental strategy, and any other issues concerning the authorities are considered seditious, and are therefore absent from the Uzbek media. As Sergei Ezhkov, a columnist for the *Pravda Vostoka* newspaper, said in his conversation with Galina Bukharbaeva of the *IPWR*, **“There exists harsh political and economic censorship: you may not write of beggars, or of homeless children who roam the streets of Tashkent by the dozens, of the subsistence wage, of the basket of goods, of continuous price hikes, or of the fact that the cost of living and one's salary are two very different things.”**

Circulation of newspapers and magazines has dropped sharply because of the impossibility of writing “the way it should be done”. All people who could install satellite antennas or cable have done so, to watch Russian television. The people's trust in local media and journalists has vanished. By forbidding to write of the issues existing in society, the state loses its leverage over forming public opinion. The resulting vacuum is quickly filled by religious organizations like the Hizb ut Tahrir, since their leaflets speak of the very problems that the Uzbek media are forced not to cover, for fear of persecution.

According to Galina Bukharbaeva, **“the government would have won if only it had chosen to openly discuss the issues, without embellishing reality. By trying to conceal the truth, it pushes the people toward the abyss of unbelief, with religious extremists using the situation.”**

In order to justify the subordinate position of the media, the authorities come up with various justifications for restricting openness, vocalising concepts of a “managed democracy”: **“democracy is not anarchy; it must have its limits.”** As a result, a number of “official” journalists

comprise a team of defenders of the existing political regime. Serving as the bulk of the state-owned editorial corps, they provide the authorities with information support.

One of the ways of justifying collaboration with the authorities is by using the theory of “being above the fight”. This theory is based on the notion that a good journalist is one without any biases or political sympathies. Hence the conclusion that journalists must remain “above the fight”, impartially reflecting the events. The principle of this is certainly right. However, only the principle is, for in Uzbekistan there is a considerable distance, at times a gigantic one, between the principle and the reality of life’s circumstances.

How can one remain “above the fight” and objectively reflect political realities when newspapers write day and night about “money allegedly received by the opposition from unfriendly states”, or about “journalists who sold out to foreigners”. Meanwhile, not as much as a word is written on the whereabouts of the investment and credit funds received from those same states. “Economic successes” is what they talk about from dusk till dawn, while serious economic blunders are persistently concealed; what kind of objectivity can one talk about here? In other words, today’s journalists, regardless of their personal decency, have the opportunity to cover only one side of the process, either omitting or suppressing the other unpleasant side.

This is the reality the majority of journalists have learned to live with. And so they calmly work, imitating “political neutrality” and “civil adherence to principle”. In their view, people who are fighting for power are morally unscrupulous and ambitious, while those who are already at the top are people of high morals and scrupulousness, and one may not doubt or discuss their actions. The journalists with this kind of thinking are “staying clean”. The concept of being “above the fight” has given birth to the myth of their neutrality, and is essentially the main justification of their civil indifference.

Theoretically, neutrality and impartiality are possible, but only in democratic, civil states, where the media does indeed serve as the proverbial fourth power, and journalists are legally protected. However, under



our conditions, any talk of neutrality is either naiveté derived from a lack of understanding, or else deliberate deception or self-deception.

Can someone explain to me how a journalist can be neutral if the country forbids (unofficially, of course) any criticism of the authorities? What kind of objectivity can there be if writing of certain political persons can get a media outlet closed? Are there any newspapers or television stations that claim to be objective and have, at any given point, made any dissenting statements? Is there a single example of truly being “above the fight”, i.e., has there ever been an article or programme containing an objective analysis, equally critical of the authorities and the opposition? Can anyone point out a single media outlet which would allow political opponents to confront each other on its pages without censoring certain aspects or smoothing inconsistencies?

The myth of the media’s neutrality has been invented and cultivated by those who, realising that they are obviously working for the existing regime, would like to justify themselves in the public eye. When I say, “obviously working for the existing regime”, I mean that journalists are usually doing that not because of their fondness for the regime’s authoritarianism. They simply want to make money to be able to live comfortably. Unfortunately, in this country one can make money only on the condition of loyalty to the authorities.

That is why many Uzbek journalists work according to the principle of “digging where they direct you to, but not as deep as you would have wanted”. The sword of Damocles, i.e., of punishment for “digging” where one should not dig, or else “digging” too deep, is hanging over everyone.

In this particular regard, journalists are increasingly turning into something amorphous, liquid, capable of assuming the shape of whatever vessel they are poured into.

Yes, theoretically, a journalist must be “above the fight”; however, for that to happen, the said “fight” must actually happen. A country must have opposition parties, keeping an eye on the authorities and criticising them for their mistakes. There must be free, non-state-owned, non-commercial organizations; public associations that would zealously track the activity or inactivity of the authorities, thus exercising public control over

them. In that case, discussing any given issue, the media would allow for different parties to express their respective opinions, remaining an unbiased, neutral party itself.

In a country which lacks a civil society, voices of opposition, or journalistic honour, any word of criticism or doubt in regard to the authorities seems by itself biased and oppositionist. Given the lack of an opposition, any journalist criticising the authorities plays the part of the opposition, even if he or she had not intended to do so.

I am writing this article, occasionally criticising the current state of affairs in the country, and thinking to myself, “Will they accuse me of supporting those who are in opposition to the authorities?” I must say that I am in opposition to lying; I support those who tell the truth. If the authorities support the truth, I support them.

In a democratic society, the media serve as a critically important factor of control – not state, not party, but public control over the authorities. That really is a cornerstone of the contemporary democratic system, imperfect as it may be. Alvin Toffler, one of the more famous American futurologists, believes that modern media, especially television with its potential for bilateral communications, will in time become an important factor in the world’s transition from a representative to a direct democracy. This particular author, whose forecasts come true reasonably often, even provides for a gradual diminishing of the role of political parties, and a transfer of some of their functions to the media. Of course, only the future will tell.

## **2.6. THE MYTH OF “THE MEDIA’S OBJECTIVITY”**

Journalists’ materials essentially consist of facts (data) and opinions (assessments, hypotheses, suggestions). One must differentiate between the two.

As a rule, the legislation uses the term “authentic” with regard to information. On one hand, that immediately separates verifiable data from opinion, and on the other hand, provides specific criteria for assessing whether information corresponds or does not correspond to reality. Thus,

the Constitution of the Republic of Uzbekistan states that **“media are free and acting in accordance with the law; they are legally responsible for the authenticity of the information provided...”** Meanwhile, Article 2 Paragraph 2 of the Uzbek Law on Media introduces the word **“truthfulness”**: **“Mass media outlets have the right to seek, receive, and distribute information, and are legally responsible for the truthfulness and authenticity of the information presented, in accordance with the law.”** Elsewhere, Article 6 of the Law on Protection of the Professional Activity of Journalists substitutes the term “authenticity” for **“objectivity”**, and a journalist thus becomes responsible for **“providing objective information”**. This is the legislators’ gift to the authorities, since the notions of “truthfulness” and “objectivity” are, in fact, both subjective and evaluative. It is not quite clear as to what criteria may be used to check whether any given information is objective or not.

A journalist does and must strive for objectivity; however, it is a question of journalistic ethics, not of criminal or civil legislation.

Delegating a journalist with the responsibility for being “objective and truthful” may potentially lead to establishing censorship by those who define “objectivity” and “truthfulness” of any particular article; or else the journalist will impose self-censorship, in order to avoid trouble. He or she will either omit any discussions from the article, or avoid writing controversial articles altogether. Meanwhile, the truth is usually born out of discussions.

Official directives concerning “objectivity” and “truthfulness” are of a variable nature. Every set of authorities has its own “truth” and “objectivity”. During Stalin’s rule, millions of very intelligent people were either rotting in jails or facing fire-squads; meanwhile, the front pages of newspapers and magazines were filled with happy smiling faces of representatives of the people. Other pages branded certain individuals as “enemies of the people”, and hushed up the essence of the purges, while the authorities considered that to be “objective”. The government has changed, and so have the reference points. Nowadays, criticising Stalin is considered “truthful”, and signing praises to the new authorities is believed to be “objective”.

From the point of authenticity, i.e., correspondence to reality, one can only assess the facts, but not opinions, hypotheses, judgements, theories, or assumptions. Meanwhile, from the point of “objectivity”, one can assess any material published in the media. However, then the existence of a true freedom of speech, as well as that of opinions and judgements (including “non-objective” ones), becomes unlikely, which, in turn, contradicts Article 12 of the Uzbek Constitution, which states: **“In the Republic of Uzbekistan, public life develops based on a multitude of political institutions, ideologies, and opinions.”**

A country’s democratic development is impossible without free circulation of various opinions, judgements, and ideas, including “non-objective” ones.

## 2.7. THE MYTH OF “THREATS TO INFORMATION SECURITY”

The term “information security” is an exclusive product of post-Soviet officialdom. The term is absent from the rest of the world’s legal theory and practice. However, according to Oleg Panfilov, the head of the Moscow-based Centre for Journalism in Extreme Situations, **“the notion of information security is not recent to post-Soviet countries; it did not just appear a year or two ago.”** As far back as 15 May 1992, the leaders of Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan, Uzbekistan, Ukraine, and Russia signed, in Tashkent, an Agreement on Ensuring the Security of Cryptographic Devices. Based on this document, the Coordination Committee for Ensuring the Security of Cryptographic Devices and Utilisation Thereof in the Systems of State and Closed Departmental Communications Among the Members of the Commonwealth has been created, and continues to function today. On 22 January 1993, in Minsk, the heads of CIS member states signed an Agreement on Ensuring the Mutual Safety of Inter-State Secrets. A number of agreements and protocols with regard to ensuring information security have been signed. Oleg Panfilov warns: **“let us not be reassured by the intricate names of these documents; one**

**should realise that, as of lately, the authorities view information security not as a way of ensuring the safety of state information and interests, but rather as a means of changing media information policy.”**

Every country (or, rather, every government of every country) has its reasons to speak of “information security”. In some places, they have started mentioning it in regard to the Internet and its rapid development, as officials have realised that people could have a lot more information than the authorities would be comfortable with. In Kyrgyzstan, Secretary of State Osmonokul Ibraimov believes that “we may criticise each other, but we should not smear our own country, slander Kyrgyzstan, spread lies and disinformation about it. We must especially refrain from doing so while abroad, speaking from international tribunes.”

In the words of Oleg Panfilov: **“in Tajikistan, Uzbekistan, and Turkmenistan, information security is not a present-day issue, due to a very simple circumstance: none of these countries have any independent publications, television, or radio stations. Therefore, one does not have to worry that the press may publish something objectionable to the authorities.”**

Apparently, after the abolishment of preliminary censorship in Uzbekistan on 13 May 2002, “information security” has become a “present-day” issue for the country’s authorities. The Law on Principles and Guarantees to Freedom of Information, containing a section on “information security”, has been adopted by the Uzbek Parliament. Unlike the Russian “Doctrine of Information Security”, it is not a declaration, but rather a legally enforceable document.

Why is it that the countries most concerned with “information security” are the ones where the situation with independent media is deteriorating year after year, where the media’s role as a source of information has been substituted for a tool of propaganda of the current authorities?

One may view this as an infringement on freedom of the media. The authors of the Uzbek law on information security are apparently concerned with protecting an individual **“from negative informational/psychological influence”** (Article 13, “Information Security of an Individual”). They wish to ensure “information security” by means of:

- **“banning unlawful information/psychological influence on and manipulation of public awareness;**
- **preserving and developing the cultural and historical values, as well as the country’s scientific and technological potential;**
- **creating a system of counteraction to information expansion, banning the use of information systems directed at deforming the national self-consciousness, or at disengaging society from its historical and national traditions and customs;**
- **protecting public and political stability, international and inter-confessional accord, and moral and spiritual foundations of society”** (Article 14, “Information Security of the Society”).

They wish to provide for the state’s information security **“by means of counteraction to threats in the area of information, preventing the dissemination of information containing public appeals for unconstitutional change to the currently existing political system, to the territorial integrity of the Republic of Uzbekistan, for usurpation of power, or for removal of lawfully elected or appointed official representatives, or any other infringement upon the current political system; as well as of information propagating war, violence, cruelty; national, racial or religious enmity; or ideas of terrorism and religious extremism”** (Article 15, “Information Security of the State”).

Very well indeed, but who should define “information expansion”? How can “negative informational/psychological influence” be manifested? What kind of information systems can be used for “deforming the national self-consciousness”?

In order to answer these questions, one must start with the essence that the authors of the law attribute to “information security”, and the things that, in their opinion, may threaten it. It is necessary to define the terms “information expansion”, “negative informational/psychological influence”, and so on. It is all the more important to do so since neither Uzbek law nor, as far as we know, that of any other democratic state, contains any references to these terms and notions.

The authors of the law certainly may have a reason to wish to protect the Uzbek media (especially its electronic outlets) from a criminal invasion of international terrorist organizations, or foreign intelligence services, and their malevolent hackers. However, in that case, one must speak of improving technical protection capacity, which is certainly not a legal issue. In order to resolve it, it is not imperative to create a law; a simple governmental resolution would do the trick.

However, along with any threats to information security that in a given situation may prove to be real, the Law also establishes ones that carry a certain Cold War flavour, that of a totalitarian regime. Thus, for instance, the legislators see a threat to “information security” in “information systems directed at deforming the national self-consciousness”. In other words, they proceed from the notion that information systems of other countries may pose a threat to the information security of Uzbekistan and its citizens.

If one presumes that a lag of the domestic information and communications technologies creates the conditions for a potential penetration by information streams from abroad (or if one chooses to see a threat in it, which is basically wrong, as it contradicts the principles of international law), then the best protection method from this supposed threat would be to improve domestic electronic technologies.

One tends to think that the authors of the law do, in fact, know better. *They really are worried, perhaps even threatened, by the information stream that is coming from abroad. This is a stream of unrestricted, and usually authentic and objective information, which they cannot control or restrain.* It is in this that they see an external threat to “information security”; it is this that they seek protection from. I believe that is effectively proven by the Law’s statements regarding the inadmissibility of **“unlawful information/psychological influence on and manipulation of public awareness”**, or the creation of **“a system of counteraction to information expansion”**. It would be useful to remind the legislators that Article 29 of the Uzbek Constitution establishes the people’s right to free and unrestricted access to information. We must not neglect our citizens’ rights to full information.

The aforementioned quotations from the Law on Principles and Guarantees of Freedom of Information demonstrate that a rather natural desire to ensure the security of Uzbek information networks is becoming an attempt to control the contents of information streams and the media, internal as well as external.

Introduction of restrictions in the guise of protecting “public awareness” and “national self-consciousness” is dangerous, since in this case, the interests of society may very easily be substituted for those of the authorities.

## 2.8. THE MYTH THAT “FREEDOM OF SPEECH DESTABILISES THE COUNTRY”

They say, **“if you give journalists freedom of speech, a civil war may start. Freedom of speech may cause the situation in the country to destabilise.”** That is far from true.

The kind of stability based on restricting freedom of speech and concealing existing issues is rather shaky. If the authorities continuously choose to conceal the issues instead of resolving them, it may eventually result in people’s discontent. The disturbances that may follow will be much more destructive than the “unrest” (primarily for officials) that may result from freedom of speech, or free discussions of social and state issues. It is freedom of speech that serves as the foundation for deliberate and lasting stability.

The “destructive power” of freedom of speech is much talked about in Uzbekistan, while its stabilising power is not. For example, Utkur Khashimov, a well-known writer and Chairman of the Parliament Committee on Information and Press, has tried to justify the information security legislation by writing, “Information can be constructive if its intentions are good; however, it can also be destructive if the intentions are bad. Unfortunately, there are forces that try to turn information into a destructive weapon.” (*Khalk suzi*, #193 (3021), 7 September 2002, p.2).

But who determines a journalist’s intentions? How does one do that? Is it the Parliament Committee on Information and Press, or the Infor-



mation and Press Agency, or some public council comprised of state-affiliated writers and poets? What does one mean by “bad intentions”? Would this kind of situation by any chance cause censorship? While officials always talk of the inevitability of the democratic processes and the need to adhere to the principles of freedom of information, in reality they always dream of restricting freedom of speech. They cannot help dreaming of that. Democracy demands that the entire civil society, including writers and journalists, would continuously study not just the official’s statements, but also their actions and intentions, including those with regard to creating media legislation.

Uzbek journalists are still getting used to the abolishment of preliminary censorship; meanwhile, there is already talk of “the need to restrict freedom of speech”, “there is no such thing as infinite freedom”, “it is necessary to establish the limits for freedom of speech”, and “increase the journalists’ liability for their articles”. The journalists themselves engage in self-flagellation for the sake of officials: “The President and the government wish for full freedom of speech, but we are not ready yet”, “we are still plagued by a dependence mentality”, “we lack experience and courage”. Shukhrat Dzhabbarov, deputy chief editor of the *Khalk suzi* newspaper, writes: **“The responsibility for one’s words must always lead to vigilance... Certainly, knowing that a word may influence the people’s perception of things, we must remain extremely responsible and careful.”** (*Khalk suzi*, #137 (2965), 2 July 2002, p.1). Tilovoldi Dzhuraev, a writer, echoes this sentiment: **“There is no place for anarchy in the press. The lack of censorship demands a larger degree of responsibility from a journalist.”** (*Khurriyat*, #48-49 (302-303), 4 December 2002).

While participating in a live programme aired by the “Uzbekistan” radio station, I received a telephone call: “There must be some limits to freedom of speech. You cannot permit people to say anything they wish, can you?” I asked the caller what his profession was. He turned out to be a journalist working for another radio station. So I said, “It is astonishing that a question about restrictions on freedom of speech should come from a journalist, a representative of civil society, a man who should

demand more freedom for himself and the public. The freedom of speech you are given is the freedom of speech given to the public, since it is through your programmes, your media outlets that society is supposed to express its opinions, its thoughts, and conduct its discussions. You should be demanding freedom of speech, not asking for restrictions on it. The authorities and state institutions would do that for you. They are the ones demanding to restrict your freedom, and there will indeed be ‘limits’ placed on you in this country...”

Yes, there must be certain restrictions placed on the rights and liberties, including freedom of speech. However, they must be legal, i.e., clearly and unambiguously established by a legislation adopted by a parliament chosen in the course of free and open elections. Secondly, they must be introduced only for the sake of protecting the same rights and liberties established by international law, as well as by national laws that correspond to international standards. Thirdly, these restrictions must be justified by stating that any forbidden word by making it public would cause more harm than good to society.

A journalist must certainly have responsibilities and obligations. However, they must not be blown out of proportion so that this journalist could be easily buried under the weight of various restrictions. A journalist must stand tall, aware of both his rights and his obligations.

## 2.9. THE MYTH THAT “IT IS UNPATRIOTIC TO SHOW NEGATIVE ASPECTS OF ONE’S COUNTRY”

They say, “**it is unpatriotic to show negative aspects of your country**”. That is not true.

He who shows the negative aspects of public life in his country, who exposes and discusses the problems, is actually helping his country to get rid of the negative aspects in question, and promoting the resolution of the problems that hold the country back. Any normal person should be able to understand that.

It is even worse when they say, “**he who writes of the negative aspects of his country, is dancing to other countries’ tunes**”. Or else, “**they**

**have sold out to foreign money, they are selling out their Motherland”.**

That is not true, either.

One’s Motherland cannot be sold even if one really tries. One can sell the gold extracted from the Motherland’s bosom, or cotton grown on its soil (however, an ordinary citizen or journalist would be unable to do so, for it requires official permission).

Patriotism is a natural human emotion. It means conscientious active work, with one striving to reveal his or her intellectual and physical potential in the name of one’s own welfare, as well as that of one’s country. Love for your Motherland is a very intimate thing. One does not shout it out. You cannot turn patriotism into a profession, or a thing of valour. There are always people who want to equate the “love for the Motherland” with “love for the state”. Worse yet, they try to fight those who “love the state less” than they do. States and political regimes come and go, while the Motherland and people remain. Patriotism is to be expressed through actions (including those like exposing and discussing the country’s problems), not through self-glorification.

At times, there is talk of “foreign media correspondents selling out to the foreigners”. Ibragim Normatov, deputy director of the Turkiston Press agency, writes: **“Radio Liberty is financed by the US Congress... Can you claim that those who provide the funds refrain from pushing their agenda on the financed media?”** (Mokhiyat, #37 (111), 20 September 2002). The *O’zbekiston ovozi* newspaper (#110 (26812), 8 September 2001) published an “expository” article on G. Nurullaeva, the correspondent for the Uzbek service of Radio Liberty, entitled “Where Is Your Face, Gulchekhra?” In this article, a certain Dilbar Egamberdieva writes: **“Radio Liberty, created against the powerful Soviet propaganda machine, continues its information war against young, independent states even after the collapse of the USSR... They are paying you to spread slander against your Motherland.”** I understand that such “terminology” is beyond the power of the retiree whose name graces the article. However, one is compelled to ponder “her” statements. Radio Liberty and the majority of other foreign media have been created to distribute objective, balanced information. They continue to do so. Mean-

while, the USSR was held together by fear and ignorance instilled in its citizens by the Communist/fascist authorities, and collapsed because of its national components realising the truth about the colonialist nature of a socialist state. If our independent country is not afraid of the truth, we cannot take offence at the information provided by foreign media.

Other countries and their media may very well have their own interests in Central Asia, much like we have ours. But it is in our interest to collaborate with other countries, not resist them, always keeping in mind the interests of our own country. In democratic countries, the media is independent, and we are in no position to control it, especially since the Internet has come to life. It is their right to cover our problems, objectively or non-objectively. There is only one countermeasure to non-objective information: following it with the objective kind. An invalid thought can be combated by a valid one: provided, of course, that we have a valid thought to begin with. There is no other way. You cannot prohibit or kill a thought. You can certainly prohibit the one who has expressed the thought to speak, or else kill that person, in case he or she refuses to keep silent. But there will be others speaking of the same thing.

Everyone understands the media's role in forming public opinion. Professor Saifiddin Dzhuraev, a doctor of political science, writes: **“If public opinion is not directed in a timely manner along the right course, if it is not enriched by valid thoughts, then malevolent forces may twist it in any direction they wish”** (*Khalk suzi*, #227 (3055), 19 October 2002). But who will determine “the right course”? How will they do it? Which thoughts are “valid” and which are “invalid”?

In my view, the media's role is not to engage in the selection of thoughts, but rather to inform the public of everything, without trying to please any particular person. Without hushing up aspects and facts that may be unpleasant to the authorities; giving all parties involved – the government, the public, the regime's supporters, as well as its opponents – a chance to express their own opinion. Makers of Soviet ideology have proven that it is murderous for a country's development to decide for the people which thoughts they do or do not need. The people have an irrevocable right to know of everything that takes place in their Motherland,

as well as of everything that the authorities do or fail to do. The Constitution stipulates that “the people are a single source of authority.” As for patriotism, one can address it in the words of a philosopher of the past: “I expose, criticise, ridicule my Motherland, for I love her, I want to see her more perfect, more powerful, and more beautiful.”

**Karim Bakhriev**

REALITIES OF UZBEK JOURNALISM

*“Daddy, why do roosters crow?”*  
*“Roosters crow whenever someone is lying.”*  
*“But don’t they crow early in the morning,*  
*when people are still asleep?”*  
*“Son, that’s when the morning newspapers*  
*are being printed...”*

– A piece of folk wisdom

The attitude of the authorities toward journalists and the media is a vivid indicator of their attitude toward citizens and their freedom in general. The situation with freedom of speech in a particular country allows one to judge whether the country in question is democratic or not.

The role of the media in a democratic society is unvarying. The media must always continue to do the same thing, which is informing, educating, and entertaining. However, the reality of the media in Uzbekistan is different: instead of informing, Uzbek media outlets engage in propaganda, driving the people in the direction chosen by the government; instead of educating, they deaden and devalue the level of the people’s understanding of things; instead of entertaining, they appeal to the vilest animal instincts.

According to the Uzbek Press and Information Agency, there are currently 796 media outlets listed in the State Media Register of the Republic of Uzbekistan; 557 of those are newspapers, 165 are magazines, 4 are information agencies, 70 are television and radio broadcasting stations, and 96 are electronic communications media, such as Internet sites and data transmission services. Out of the 557 registered newspapers, 89 are

national, 197 are regional, 45 are city, 179 are district, and 50 are small local ones. Out of the same 557, 408 are state-owned, 65 are published by public organizations, 84 are commercial (established by commercial organizations), and 2 are religious (the Muslim *Islom nuri* and the Russian Orthodox *Slovo zhizni*). Out of the 165 magazines, 106 are state-owned, 31 are published by public organizations, 27 are commercial, and 1 is religious (the Muslim *Khidoyat*). The 70 registered broadcasting institutions include 45 television stations (9 of them are cable), 10 radio stations, and 15 television/radio companies. The print media in Uzbekistan are published in Uzbek, Russian, English, Kazakh, Tajik, Karakalpak, Bukharan-Jewish, and Korean.

Let us attempt to compare the current state of the Uzbek media with the main indicators of freedom of the media in a market economy and a democratic society.

### 3.1. LEGISLATION AND LEGAL PRACTICE

The Constitution of the Republic of Uzbekistan guarantees freedom of speech. There are specialised legislative documents that concern only the media. However, these documents are imperfect, and are not adhered to sufficiently. Their effect is impeded by, firstly, a poor understanding of a free media's role in a democratic country, secondly, by the shortcomings and dependence of the legal institutions, including courts of law, and thirdly, by a low level of legal awareness among the journalists themselves. There exist forms of legal protection against freedom of speech violations; however, they are not used. Uzbek society does not value freedom of speech highly. Instances of violations of freedom of speech do not result in public indignation. The country's freedom of speech legislation partially corresponds to international human rights standards (including the right to freedom of speech).

Although the Constitution of Uzbekistan establishes a diversity of political institutions and ideologies, claiming that no ideology may serve as official, in actuality there exists a monopolistic state ideology, which is artificially cultivated. It is dubbed "the ideology of national indepen-

dence”, and all aspects of public and cultural life, including media activity, are measured by their conformity to this ideology. Dissidents usually become “the enemies of the people”, “provocateurs who hate independence”.

One must note that the majority of bylaws adopted by officials from within their tightly sealed offices, instead of by parliament, to allegedly “create a mechanism for the realisation of laws”, in fact contradict said laws, and reduce to zero the rights and liberties guaranteed by the Uzbek Constitution and other legal documents.

Uzbekistan still lacks an independent law regulating the activities of electronic media. Currently, television and radio broadcasting is regulated by departmental normative acts, issued by officials without any public discussion or participation.

The institution in charge of issuing television and broadcasting licenses is the Inter-Departmental Co-ordinating Commission, comprised exclusively of representatives of the executive branch. Licenses are not issued on the basis of equitable competition. Private or public media organizations are denied licenses for political reasons. For example, the ALC television station of Urgench was denied a license based on the independent stance of its management. The law does not contain any special article that would provide for fairness in issuing licenses to the electronic media.

For the sake of being fair, one must note that the law guarantees equality for independent media. However, this equality is not observed in practice. In any regular business, the producer manufactures the kind of goods that the consumer enjoys. In the media, however, the authorities dictate to journalists what their goods, i.e., newspapers and magazines, should look like. The readers would have wished to receive interesting, captivating, lively critical information; however, that is not what the authorities wish. That means that the media is still unable to become a regular, normal business.

The country continues to witness all sorts of violations against the media and journalists. For instance, journalists are often refused information, without knowing that their right to receive it is thereby violated. Journalists do not feel protected. Those guilty of violations of journal-



ists' rights often remain unpunished. Knowing that journalists conducting private investigations usually fall victims to persecution, not too many dare to write articles critical of the authorities. Crimes against journalists do not cause any public reaction.

Although the Uzbek Law on Media does not provide for any preferential treatment of state-owned versus non-state-owned media with regard to access to information, the independent media have a much more difficult time receiving information. These media outlets are independent from political parties; they are, however, dependent on the authorities. The executive managers of the media outlets are always appointed with the consent of the Executive Staff of the President of Uzbekistan.

There are serious problems with establishing media outlets, rooted in the defects of the legislation. Article 11 of the Law on Media states that "natural and legal persons in Republic of Uzbekistan have the right to establish (constitute) media outlets. A media outlet may be established by several constitutors." Meanwhile, Article 15 of the same Law states that a media outlet may be denied registration in the event that "the physical location of any media constitutor(s) of publisher(s) is outside the borders of the Republic of Uzbekistan". Thus, the right to establish media outlets concerns only the residents; i.e., if a constitutor is a citizen of Uzbekistan residing abroad, he or she does not have the right to establish a media outlet. In other words, his or her rights are not equal to those of other citizens. That contradicts Article 18 of the Uzbek Constitution, which states that "all citizens of the Republic of Uzbekistan have equal rights and are equal before the law". Furthermore, Article 22 states that "the Republic of Uzbekistan guarantees legal protection and patronage to its citizens, both within the territory of the Republic of Uzbekistan and outside its borders".

The Uzbek Criminal Code contains an article on libel (Article 139) and on insult (Article 140); the country's Civil Code contains an article on the protection of honour, dignity, and business reputation (Article 100). Following the abolishment of censorship, journalists are sued increasingly often on the basis of these Articles. The country does not have any standards for officials to be held publicly responsible for their actions.

Instances of corruption are common among judges and prosecutors, especially with regard to libel or insult cases.

Article 158 of the Criminal Code is entitled “Infringement on the President of the Republic of Uzbekistan”. It falls in line with the general ideology of President Islam Karimov’s personality cult, but contradicts the norms of international law, as well as the country’s Constitution. Part two of this Article deals with insulting the President, which is punishable by “correctional works” for up to three years, arrest for up to six months, or incarceration for up to five years. As mentioned above, the Criminal Code already contains provisions dealing with libel and insult (Articles 139 and 140, respectively); thus, there was no need to introduce an additional provision regarding the honour and dignity of the President, especially since the Universal Declaration of Human Rights proclaims that all people are created equal. Likewise, Article 18 of the Uzbekistan Constitution states that “All citizens of the Republic of Uzbekistan have the same rights and liberties, and are equal before the law.” The honour and dignity of the Uzbek President is no less and no more than that of any other citizen of Uzbekistan.

Information of public significance is equally inaccessible to all journalists. However, not all journalists have the same access to the sources of information. Independent journalists and media do not deal with restrictions on access to information in any organized way. Journalists do not know where or how to find information. The state has mechanisms, both legal and illegal, of restricting public access to information.

The authorities also have a variety of ways of restricting access to international news and their sources. Individual web sites are often blocked. The majority of journalists and publishers do not have the opportunity for using the Internet. Editors are unable to provide staff with an Internet connection. Although media outlets have the right to reprint or rebroadcast Western news reports, such a practice is usually unwelcome.

### 3.2. PROFESSIONAL STANDARDS OF JOURNALISM

An Eastern proverb goes: “a hungry man is not interested in the design of the plate”. In fact, he is likely more interested in the plate’s size. Clearly, during the period of radical transformations almost no attention was paid to journalistic ethics. On one hand, the media had freed themselves from Communist ideology and so-called “Communist morality”, and became able to write about anything; however, on the other hand, they have not had the chance to form and formulate a moral code. The media began to serve the powers that be. People reading sensational articles or watching exposés started asking themselves: “Who ordered this?” So-called “black PR” has emerged. Certainly, wherever freedom is still present, the media is undergoing a painful process of realising what its role is in a democratic society.

Meanwhile, in Uzbekistan, a “lack of morality” and media’s intoxication with freedom of speech were short-lived. Media and journalists, having done much to expose the essence of Soviet totalitarianism during the years of so-called “perestroika”, and having worked for the sovereignty of the country and its people, soon ceased to be needed. The new authorities were firmly established, and by mid-1992 reintroduced total and maximum censorship, along with a new “morality”: i.e., an ideology of “national independence” (from democracy and the world order). Using this ideology, they have started to cultivate “strong order in the name of stability” and “traditional Uzbek veneration [meaning deification] of the elders [meaning the superiors]”, instead of freedom of speech and political pluralism. In the words of a state-owned newspaper journalist who wished to remain anonymous: “‘professional ethics’ of journalists of Uzbekistan are based on praising one’s own servility, as well as that of the people, and ‘exposing’ exclusively those who are pointed out by the authorities. Meanwhile, he who talks of the country’s problems, will likely be dubbed ‘the enemy of the people’, unwilling to bear the country’s successes.” Endless rivers of praise are flowing everywhere. There are apparently no problems at all. I am reminded of an aphorism that says: “show me a nation with no problems, and I will find that it has an impressive cerebral trauma scar.”

Actually, journalistic ethics and legislation are closely connected, and are taught within the framework of a single course in many countries. To simplify, the legislation determines “what one should write”, i.e., media content; while ethics determines “how one should write” (tactfully, precisely, objectively, in a civilised manner). Therefore, ethics is a self-regulated area of journalism. In a country where it is difficult to write what you want, what is really happening, very few people are interested in just *how* one should write. That is not surprising, as our polls show that very few people actually ponder the issue of journalistic ethics.

This ethics crisis certainly has its roots in political, legal, social, psychological, and economic realities.

Firstly, during the Soviet times, throughout the republics of the USSR, including Uzbekistan, every household had a “five-rouble” closed-circuit radio set. Unlike the roads and railways, the imperial propaganda machine functioned perfectly. On average, every family subscribed to 4-5 newspapers and magazines. “Today, there are many localities where no one subscribes to any periodicals”, says Ural Uzbek, correspondent for the Mash’yal radio station. “Closed-circuit radio has ceased to be.” Although the state has formally allowed for independent media outlets, in reality these outlets are rather weak. State-owned television remains the only means of information that covers the entire country; however, electricity has been disconnected in many localities due to non-payment. Meanwhile, such individual means of information distribution as facsimile devices, electronic mail, or the Internet, are currently at a rudimentary level of development in Uzbekistan. Although “Marxist-Leninist ideology” has been replaced with that of “national independence”, with any deviation from it viewed as “falsehood”, “slander of independent Uzbekistan”, and “insult of industrious Uzbek people”, the propaganda of this ideology is somewhat stalled as well, not in the least due to a lack of channels of communication with the constituency. All of this causes stagnation in the development of information and communications system in the society, to say nothing of any journalistic ethics.

Secondly, there still exist powerful traditions and stereotypes that speak of a feudal backwardness in the relationship between the people and the

authorities. According to them, it is “shameless” to tell the truth to one’s superior; while expressing one’s opinion that may be different from official ideology is usually a “provocation”. Anyone who speaks of the mistakes and problems of reforms is proclaimed “an incendiary”, and “an enemy of independence”.

Meanwhile, the history of the Uzbek people has known *sarbadors* (Persian for “willing to put their heads on the executioner’s block”), as well as *dzhadids* (enlighteners): Chulpan, Usman Nasyr, and others, who were hanged, quartered, or shot by the authorities during their respective eras, and yet, they had chosen to speak the truth.

Thirdly, the ethics crisis of Uzbek journalism is determined by political and legal factors. Following the proclamation of independence, unions of writers, composers, architects, artists, and so on, have been reintroduced. New unions and associations of artisans, jewellers, lawyers, bankers, and so on, have also been created. The only unclaimed union has been that of journalists of Uzbekistan. Any attempts at creating an independent journalistic association that would unite the writing community and formulate general rules of journalistic ethics are stifled. Thus, any ethical norms that would rescue the media from being manipulated by the authorities through legislation (or, rather, through the creation of bylaws), are unacceptable to the corrupt officials.

Fourthly, in the period of “economic reforms”, which are difficult to follow and assess given strict censorship, the media is undergoing an intense struggle for survival, sacrificing ethical norms of enlightened journalism. Instead of searching for information, journalists are searching for money. Almost all television and radio programmes have become “sponsored”: a certain organization transfers a certain amount of money into a station’s bank account (to say nothing of so-called “black cash”), whereupon the station produces a programme praising the organization’s activity “in the name of the Motherland and the people”. As they say, money brings no happiness, but it sure is good for the nervous system. Gifts and receptions have become the usual means of “booking” journalists. The “non-booked” ones are not very well loved: “If you don’t want to listen, then don’t, but don’t interfere with our lies, either.” A lot

of Ministries and official departments have opened their own press offices, which should have been welcomed by journalists. However, unlike public relations offices in the democratic countries, which serve as their respective organizations' faces, and bridges between the organizations and the media, our press offices have become brokers of sorts; they engage in bribery and intimidation of journalists, bestowing extra pay and government decorations on the agreeable ones. In the words of Kanoat Baikhan, a correspondent for the *Mekhrigiyo* newspaper, "It is hard to resist the temptation, since a journalist's average salary does not exceed 8-10 thousand sums (6-8 USD). Strange as it may seem, some journalists, instead of asking for their honoraria when submitting articles to the editorial boards, offer editors gifts, or invite them out to dinners." Actually, that is not at all surprising, since the articles in question have already been paid for by someone.

It is certainly difficult to speak of any ethical norms when one is facing tight media control, in violation of Article 67 of the Constitution, as well as of the country's laws. If the government has no respect for the Constitution and laws, it is hard to expect the people to adhere to them. Ethical norms curbing such abuse are crucial for those who have freedom of speech. In Uzbekistan, freedom of speech is not abused, for it is impossible to abuse something that one does not have. Ethical norms caution against mistakes. But, in order to make mistakes, one has to at least be doing something. An Uzbek journalist has no need for ethical norms. Metaphorically speaking, if he had wings, they would have only gotten in the way of his crawling.

Meanwhile, telling the truth is the primary responsibility of every man to other people, and to the public.

Journalists do not verify all of the data collected for their articles. They do not use all of the available domestic and international information sources. They do not try to avoid subjectivity in their coverage of events. The balance between news and commercial subjects always tips in favour of the latter in the media. Articles and programmes are often one-sided, and do not include the respective viewpoints of the parties engaged in the polemics.

Journalists' organizations have not established any professional ethical standards, for the simple reason that there are no journalists' organizations. There have been serious violations of professional standards adopted by the journalistic community throughout the world. In many instances, media representatives are willing to be bribed or to receive gifts in exchange for producing stories "made to order".

In fear of losing their jobs, journalists resort to self-censorship. They know that, in the event of any potential insult to a representative of certain political forces, or of intrusion into certain commercial interests, persecution will ensue. In addition, journalists are forced to engage in self-censorship under pressure from their editors and publishers.

There are certain subjects the coverage or investigation of which will have undesirable consequences for a journalist or publisher. These include the life and activities of the President's family, or that of any other top official; corruption; violations of human rights and liberties (especially by law enforcement agencies), and so on. There are certain "forbidden" public persons as well. For example, for many years there have been no television appearances by an artist of Uzbekistan, Sherali Dzhuraev, or a wonderful singer Dadakhan Khasanov; the media has published no poems by either Rauf Parfi, Yusuf Dzhumaev, or Gulchekhra Nurullaeva; there have been no articles by such scientists and sociologists as Faizulla Iskhakov, or Bakhadyr Musaev. There have been many instances of chief editors taking journalists off certain "dangerous" subjects. The country does not have enough freedom for discussing local or international security.

The journalists' salaries are not high enough to successfully combat corruption. Due to the low income level, there is a clear tendency for journalists to move to other professional fields. There is a gap between the salaries of print media employees and those working for television. Journalists serve politicians and businessmen through their publications.

Entertainment programmes prevail over the news, and are beginning to dominate. Most of the programmes are of an entertainment type. There is a whole lot of dancing and singing on the air. The state television programmes have been dubbed "The Good Tiding of Heaven" by the people. News programmes are one-sided and exclusively positive in their appearance.

### 3.3. NEWS SOURCES AND THEIR RELIABILITY

The majority of the population indeed cannot afford to buy periodicals or subscribe to them. Residents of the capital and other large cities have more by way of access to the media than do residents of the regions or small *kishlaks* (villages – *transl.*). The rural audiences can only afford television. The vast majority of the population has no means of using the Internet. There are not enough information sources for people to compare.

Journalists working for foreign agencies are usually better protected by international organizations, and are generally more independent from the authorities than their local counterparts. However, their articles are never published in the local press, which means that they target primarily foreign audiences.

The authorities use covert, veiled ways of restricting access to information. The people have no means of buying Western newspapers or accessing the Internet. The only Russian newspapers available on the market are the *Argumenty i fakty* and *Trud*, in which there is no criticism of the reality in Uzbekistan. The people's access to foreign print media, television, and radio, is likewise restricted. The BBC and Radio Liberty have been trying in vain for several years to secure accessible FM frequencies. Cable television is not available to the rural residents. The state often blocks access to Western news reports on the Internet.

Under the pretence of protecting the people's morals, the authorities control the import of any print media into Uzbekistan. The list of newspapers and magazines allowed into the country is restricted; there have been cases of mail-tampering. In September 2001, customs officials at the Tashkent Central train station seized copies of the political *Central Asia and the Caucasus* magazine, published in Sweden. The Mirabad District Court of Tashkent ordered the confiscation of 103 copies of the magazine. Cultural experts from the Uzbek Ministry of Culture concluded that "the facts [in the articles] are clearly distorted, and treated by the authors subjectively and at will; they misrepresent the reality, and are not helpful to the current state of inter-ethnic and inter-confessional solidarity in the Republic of Uzbekistan". There have been multiple instances



of direct and indirect pressure on independent journalists.

The state-owned media outlets do not reflect the entire political spectrum of the country; instead, they serve the narrow interests of political and clan groups, as opposed to serving society. They are not open to alternative viewpoints or commentaries. Opposition and critical opinions are not reflected in their publications and programmes. The majority of state-owned media editors and publishers do not consider it their duty to serve the interests of the public. They express the views of the government, without offering any such opportunity to the opposition. They are biased in their coverage of any issues. Educational and cultural programmes are likewise politicised.

One must note that the very presence of state-owned media signifies a lack of democracy. By having its own media, the state has the opportunity to manipulate public opinion. In Uzbekistan, of 557 registered newspapers, 408 are state-owned. Of 168 magazines, 108 are state-owned. If the authorities really wished to take control over private media, they will likely be able to do that as well.

In a civilised democratic society, state institutions are directed toward serving the rights and interests of the citizens, including the irrevocable right to receive information, proclaimed in many international documents, including the Universal Declaration of Human Rights, which, incidentally, Uzbekistan has signed.

In a democratic society, the authorities must do everything in their power to encourage and aid the media. Most importantly, they must not interfere with media activities, except for instances of the latter being unlawful, in which case sanctions and procedures are to be imposed in strict accordance with the law.

By contrast, in a totalitarian, undemocratic state (or one that is trying hard to pass for democratic), the authorities do everything in their power to ensure their influence over information policies of the media, and solidify the concept of state-owned media. A sure sign (and an essential attribute) of a totalitarian state is a policy of countering information independent of the authorities. You know you are in a totalitarian state if your government jams foreign radio broadcasts, blocks the Internet, manipu-

lates you through their own media by means of propaganda and song/dance concerts – in other words, stifles, at all costs, the independent flow of information.

The authorities, who have nothing in common with people's interests, realise very well that independent media will insist on providing impartial information, which may cause those who had managed to cease power to lose it. Altogether, the authorities' attitude toward the institute of independent media is a sort of litmus paper, a test for determining whether their state is democratic or totalitarian.

The creation of state-owned media at the expense of the state treasury is essentially the same thing as embezzlement of public funds.

Uzbekistan's independent television and radio stations produce their own news programmes; however, those can hardly be called independent. There is only one independent news agency in the country, but its news reflects the views of the authorities. Media outlets cannot afford to use commercial services offered by news agencies. Thus, the news provided by independent media does not differ much from that provided by state media.

Media ownership is not transparent in Uzbekistan. The public does not know to whom a particular media outlet belongs. Media monopolies do exist, with the first media tycoons gradually emerging. The public has no information about them, either. Large business conglomerates interfere with the management and editorial policies of media outlets.

### **3.4. MEDIA AND BUSINESS ENTERPRISES**

The media publishing and distribution facilities in the country are not effective enough. In fact, they impede publication of certain outlets by not being prompt, not meeting their obligations in a timely manner, etc. The number of printing-houses is insufficient; the distribution system is ineffective, which complicates the activities of the independent media. Almost all national print media are published by the monopolist printing-house of the Shark trust. Private printing-houses are equally restricted in their choice of authors and content of the texts published. The techni-

cal means of radio and air transmissions are primarily state-owned and financed by the government.

Media outlets are not very active in using the services offered by advertising agencies. Advertising still has not become the main source of revenue. Money that comes from subscription is not enough for a media outlet to function normally. Journalists and the media are dependent on sponsors and patrons. National television has a large number of laudatory programmes “made to order”. Almost every programme has a sponsor of its own. The sources of revenue influence the editorial policy, management, and content. Advertising accounts for up to 40% of a publication’s volume, but no more than 10-15% of the total revenue.

The advertising industry in Uzbekistan is underdeveloped for the reason that business enterprises are underdeveloped. Corruption suffocates entrepreneurial efforts. Advertisers prefer to place orders for television ads, since low circulation makes it unprofitable to deal with the print media.

In accordance with Article 21 of the Uzbek Law on Media, editorial offices of newspapers and magazines are required to publish the data on the exact circulation of their respective outlets. However, the majority of newspapers and magazines avoid mentioning their circulation, since it affects advertising. Advertisers normally do not wish to deal with outlets that have a circulation of less than 10,000 copies, worrying about the coverage of potential consumers and economic profitability. Currently, the vast majority of all print media circulate in numbers that are lower than the figure above. As a result, advertisers receive false circulation information, and do not achieve the desired effect. Any mention of an outlet’s actual circulation on the part of any independent journalist invariably results in protests by the outlet’s editorial office, threatening the journalist with liability for disclosing a “commercial secret”. Regrettably, there is no independent sociological research data on the popularity of print media outlets in Uzbekistan. Research done by the pro-government *Izh-timoiy fikr* (Public Opinion) does not appear very reliable.

Percentage-wise, advertising revenues do not correspond to international standards. Producers of television programmes are pressed to

include more ads, so that they can become the principal and only revenue source. Meanwhile, print media abuse subscription rates for profit, which results in high retail prices for newspapers and magazines.

Although the majority of the media outlets receive no state subsidies, their policies are to varying degrees subject to state influence.

Marketing research is underdeveloped; ratings are not studied.

The media have not become business enterprises, since there are many dangers for this kind of entrepreneurship. Due to the proclaimed “adherence to democracy”, officials cannot use direct censorship, and are forced to exert their political influence indirectly, concealing the instances of such pressure under all sorts of pretences. This indirect censorship requires participation by a large number of institutions responsible for a variety of functions, from taxation and customs agencies to those providing technical services to the media. Most often, indirect censorship avails of the police, local administrations, tax inspections, prosecutors’ offices, and judicial institutions. Occasionally, such supposedly apolitical organizations as sanitation or fire safety services also get involved in the inadequate treatment of the media.

A significant amount of pressure is exerted on journalists by “unknown persons”, as opposed to law enforcement agencies. However, the latter’s indifferent view to many cases of battery and assault involving “unknown persons” compels one to wonder if the people behind them are actually very well “known” to the authorities.

A “shady economy” gives birth to “shady censorship”, expressed through pressure on any commercial institutions connected with independent media. Private property serves as a foundation of freedom in a democratic society; it can also serve as a foundation of slavery in an authoritarian state. Because of the logic of private property, Uzbekistan has no entrepreneurs moonlighting as opposition politicians, nor does it have any economically viable free media outlets. The mechanism of slavery through private property is simple yet effective. Officials artificially create a situation whereby business enterprises that adhere to the pertinent laws quickly go bankrupt. However, the only enterprises thus “punished” are the ones suspected of dealing with the opposition or free media.

In the current situation, it is becoming extremely unprofitable to invest in independent media.

### **3.5. INSTITUTIONS THAT SUPPORT THE MEDIA**

The country has no associations of publishers or broadcasters.

Censorship in Uzbekistan is on many levels (authors' self-censorship, editorial control, departmental control, distribution monopoly, etc.) and of many kinds (political, financial, administrative, legal, etc.).

At this point, it is not only (and not so much) the authorities that exercise control over the publications in the media. The control is mostly internal, coming from within the editorial offices. Usually, any materials that appear to cause even the smallest bit of uncertainty are withdrawn by editors or producers. This kind of control on the part of editors, who are required to explain themselves to the Executive Staff of the President for every seditious line printed, means that any delicate subject will likely not be used in an article or television programme. Based on that, editors and journalists alike try to avoid any subjects that may displease the authorities. Thanks to this self-censorship, there are very few conflicts between journalists and the authorities.

There are no professional organizations in Uzbekistan to protect journalists' interests from censorship.

The existing human rights and media-supporting non-commercial NGOs usually get involved whenever a persecuted journalist has already been incarcerated; they do not have continuous contact with the media, nor do they work together to ensure freedom of speech. These NGOs are active primarily in large cities. They are not involved in the review of any changes to media legislation.

Journalistic training in the country is not of the highest professional quality. The existing media are unable to employ recent university graduates.

Short-term courses and training sessions are organized primarily by international organizations and their offices.

Publishing institutions are dependent on the authorities with regard to their editorial policy (choosing of subjects, content, and authors), as well

as their management (planning, finances, and personnel). A few printing-houses are owned privately; the authorities are attempting to control them as well.

Channels of media distributions are not independent enough in their planning or financial policy.

#### 4. CONCLUSION

*If you have fallen off a cliff, try flying.*

*After all, you've got nothing to lose.*

– A piece of folk wisdom

**Authority is power. Authority over the people without their consent is violence. Democracy is authority with the people's consent, and of the people.**

“Partiocracy” is a political party’s authority over the people. “Aristocracy” is the “authority of the best” (Aristotle). “Bureaucracy” is the officials’ authority over the people. What about “democracy”? If democracy is “the authority of the people”, then whom is this authority over? Of the people over the people? How can that be? Democracy is not someone’s authority over someone. **Democracy is a person’s authority over his own self; it is self-authority, self-governance. That is the essence of democracy.**

We invariably want to be governed by good people. The truth is, we must govern ourselves, our own lives. Democracy means governing one’s own life at one’s own discretion, one’s own will, one’s own conscience, and, most importantly, one’s own responsibility.

If people choose not to govern their own lives, anarchy will ensue. Later on, it will be necessary to restore order: monarchy and authoritarianism will appear. Authoritarianism will start governing and manipulating the people, allegedly to “preserve stability”, “in the name of the majority”. As we know, excessive social policy not only causes inflation, but also gives birth to immaturity and dependence. Meanwhile, the administration requires that there be “no amateur initiatives”, that people “not

stick out their heads”; eventually, there will be no one left with a head on, and no one will be able to do anything. An excessive “concern for the people” on the part of the leaders gradually turns into petty regulating the citizens’ behaviour to suit the authorities. Therefore, there must a balance, between the “concern for the people” and the people’s own concern for themselves, and between a state’s responsibility for a person and his own responsibility for his own fate. Self-governance is the only kind of authority that ennoble a person. He who cannot govern himself does not have any right to govern others. Democracy means as little authority of one man over another as possible, and as much authority of a person over himself as possible.

**Modern standards of development require active participation of the citizens in governing their country; the economy needs spiritually free, intelligent individuals, the kind that can only exist only in a civil society with democratic institutions, including freedom of speech.**

During a recent trip to the Kashkadarya Region, I was fortunate enough to visit the Museum of the Timurids in Shakhrisabz. Among other artefacts, a small sculpture drew my attention. It was a sculpture of a man with a wonderful, bright, god-like face; however, he had enormous ears, stretching all the way from his temples to his chin, and a tiny closed mouth, the size of a button on my shirt. Nabizhon Khushvaktov, the Museum’s director and a wonderful source of all sorts of tales of our homeland, shared that the sculpture was **“that of an ancient Zoroastrian shah [tsar]. Our ancestors believed that a shah had to listen a lot and speak but a little; that is why the sculpture has large open ears and a small closed mouth.”** I was reminded of a quote from the great Alisher Navoi, “You are only as much of a shah as you are informed.”

Our nation once had great democratic traditions. Freedom of speech was respected. After all, it is not in vain that a proverb goes, “Tell the truth even if there is a sword hanging over your head.” In the sacred book of our religion, the Koran, Mohammed proclaims that Allah loves those who speak the truth, and that the horrors of hell await the liars.

To speak the truth is a person's foremost responsibility to another person, to his entire people, and to his Motherland. Freedom of speech has a vivifying effect on one's life, politics, and relations among people. Freedom of speech stabilised the society, revealed its intellectual potential, advanced the economy, and lead to prosperity.

We absolutely must restore a democratic and civilised attitude toward freedom of speech and free media.





**Adil Djalilov**

## WHAT WILL BE?

What awaits Kazakhstan in the future? Virtually everybody has his or her own answer to this question. The sheer spectrum of the answers is rather impressive: while some people paint a sceptical picture in very dark colours, others optimistically employ tones of sugary brightness. Some choose to exercise a peculiar approach to the issue by emigrating: one may recall the infamous “Belgian scandals,” involving the deportation of several Kazakh asylum applicants from Europe. There are also people who return to their homeland voluntarily, picturing their future lives (and those of their children) in Kazakhstan, as opposed to anywhere else. In this regard, the “returnees” are somewhat more competent in answering the question “What awaits Kazakhstan and me in it?” than the ethnic *oral-man* Kazakhs, who return to their historic homeland from other countries in search of a better life.

There is yet another category of people, those who cannot imagine themselves living outside Kazakhstan. They stay and make careers for themselves, invest their savings in real estate, and produce offspring. However, this category includes a large number of the so-called “traditionalists,” a group which inevitably exists in any country. Many of these tend to forget that a culture can only exist and develop in close contact with other cultures. They advocate the “indigenous” Kazakh way of life, disregarding the fact that the ethnic mosaic and loyalty constitute one of the most attractive sides of contemporary Kazakhstan.

However, one must note that there is a great deal of difference between asking “What do I want or expect from Kazakhstan?” and “What is likely to be?” In providing an answer to this second question, one must consider at least three different case scenarios, with each one dependent on several factors.

## The Economy

Kazakhstan's troubles are notorious: its territory is too large, its population is too small; the majority of residents lack the solvency and financial creditworthiness sought by investors. The so-called consumer culture (one that emphasises quality over the price as the principal market criterion) is not large enough. However, popular opinion is that Kazakhstan's most significant problem has to do with the economy's high dependence on the exports of raw materials (and, subsequently, on the oil and metals prices in the world markets). Furthermore, analysts continue to warn Kazakhstan of the dangers of the "Holland syndrome," such as the excessive strengthening of the national currency and undermining of the country's own manufacturing capacity.

The Kazakh authorities initiate various programmes aimed at fully utilising the country's potential, including that of transit opportunities which would allow Kazakhstan to connect and "absorb" the transport and telecommunication routes between Europe and Asia. The support of small business enterprises (SMEs) is starting to bear some fruit; however, the SMEs' share of the gross domestic product (GDP) is barely 20 per cent, which is certainly very low. The authorities also engage in programmes of import substitution and industrial innovation in order to reduce the economy's dependence on raw materials. Admittedly, the good intentions often become "submerged" by local nuances, such as transport costs and other tariffs, pressure on investors, dependence on legal institutions, etc. The latest programme, envisioning intensive development of high technology and high value-added industries, is likewise far from perfect.

Meanwhile, the international institutions continue to criticise certain financial bodies created in Kazakhstan – including the National Fund (intended, like its Norwegian counterpart, for a "rainy day") – over their lack of transparency and clearly established goals, as well as for the potential to make investments in non-competitive industries.

Western countries are witnessing a growing movement for the transparency of oil contracts in countries such as Kazakhstan. Appeals to "publish the amounts paid" are becoming increasingly louder, justified by the

fact that only transactional transparency permits a raw materials-dependent economy to become more effective, fight the widespread corruption, and promote democracy. Public figures such as Tony Blair, George Soros, and Joseph Stiglitz, in addition to institutions such as Transparency International and others, have actively spoken out in support of this movement.

## Politics

The political factor is very important, and is certainly interconnected with the economy. The Kazakh authorities realise very well that societal stability, often attributed to competent state policy, in fact owes much to other aspects, such as the tolerant traditions of inter-ethnic and inter-confessional relations, a lack of any mass religious fanaticism, as well as the more propitious (as compared with other countries of the region) economic conditions.

The flow of petrodollars into Kazakhstan has allowed the construction of an attractive and modern financial system, with an increasing amount of credit. Still, the volume of credit comprises only 20 per cent of the GDP, as compared with 50 per cent in the developed countries. Consequently, the so-called “self-sustainable GDP,” or the part of the population able to sustain itself and be content with the conditions created by the state, remains relatively small. In the event that the flow of petrodollars decreases, the the middle class’s share of GDP may likewise decrease along with it.

In theory, the authorities certainly could have made the oil sector much more effective and useful for the society, either by disclosing the contracts, or by involving civil society and the Parliament in the funds governing process, and so on. However, the process is once again impeded by certain nuances. The so-called “Kazakhgate,” or the Western investigation of instances of corruption among certain top-level Kazakh officials, is never likely to allow full disclosure of the conditions contained in oil and other large contracts.

This means that the economy is unlikely either to become more transparent or accessible to societal control, not to mention the fact that such

full disclosure would contradict the established social and political relations in Kazakhstan, based on the mixture of Soviet, Asian, national, clan, and other traditions. By relinquishing their control and becoming more accessible, the authorities would automatically lose their prestige and influence. The latter is based not only on the funds received from the oil investors and contracts and the pertinent lobbying, but also on the political system in which the executive and other branches of the government (including local authorities) are fully dependent on the President and the administration, serving as a sort of buffer between the powers that be and the population. The political opposition realises this as well; given the steady economic growth, it must resort almost exclusively to accusing the authorities of a lack of freedom of speech, an unfair electoral system, and corruption.

However, accusations and arguments such as those are not persuasive for the largely politically indifferent Kazakh public. Instead, the people tend to be much more attentive to the elementary consumer criteria, such as the opportunity to earn more money in times of political stability. A situation such as this usually results in political stagnation, which can be overcome only by raising the level of political culture and awareness, as well as of the qualitative critical view of reality; that is to say, by taking an active civil stand. These things, in turn, are only made possible by the presence of a suitable channel of information. In any society, this responsibility rests primarily with the mass media.

## **The Media**

Realising the media's importance, over the past several years the Kazakh authorities have been securing the necessary levels of information support for themselves. Currently, almost all of the television and radio stations are controlled by the authorities by virtue of being parts of the various media holding companies. The print media are somewhat "variegated"; however, the percentage of opposition publications is decreasing, due to the constant pressure exerted by state institutions, such as the Ministry of Information, as well as the military and special forces. In this

regard, one may make recall the infamous “Duvanov case”, unambiguously viewed as political in the West, and the series of incidents with the *Respublika* and *SOLDAT* newspapers, the *Tan* television station, and other media outlets.

It goes with saying that the opposition media continues to be fundamentally supported by the financially stable “opposition oligarchs,” such as Mukhtar Ablyazov (recently released from prison), Galymzhan Zhakiyanov (remaining behind bars), and the Akezhan Kazhegeldin (in “exile”). Charismatic public figures with sufficient levels of financial support are able to not only create and publicise their media outlets, but also consolidate a part of the population around themselves. The example provided by the Kazakhstan’s Democratic Choice political movement (especially in the early stages of its existence) demonstrated the potential of the Kazakh public in this particular regard.

Currently, the “steam” of discontent is being let off to a certain degree through the far less aggressive *Ak Zhol* party, dubbed “rioting on their knees” by the radicals. However, given the intellectual and financial potential of this party, one may presume that it has chosen to hold on to its highest “trump cards,” in order to play them at a more convenient moment. One of these “cards” may very well be that of the media. So far, the party publishes only the *Epokha* newspaper, which has not yet become very influential. Without doing so, it would be virtually impossible to secure public support.

### **The Media’s Future: Case Scenarios**

Going back to the original question, “What awaits Kazakhstan in the future,” we can re-formulate it thus: “What will the media market of Kazakhstan be like?” It appears that the answer to this question will be to a large degree universal. What will the future of Kazakh media depend on? Again, it will be governed by the economic and political conditions. It seems that the pro-government media empire may only be shaken by two large-scale cataclysms: a drastic and prolonged reduction of oil prices, or the struggle for power. The former remains a realistic and permanent

threat, especially given the development of the Iraqi oil deposits. The latter is almost inevitable, given the President's advanced age and the number of potential presidential contenders.

On one hand, the political "camp" of the President's elder daughter is rather strong, and encompasses such media outlets as the *Khabar*, *KTK*, *NTK*, and *Alma-TV* television stations, in addition to the *Novoe pokolenie* newspaper and several others. These outlets will likely support Dariga Nazarbaev, using their influence to ensure the necessary sentiments of the population. On the other hand, analysts connect certain media outlets to the President's son-in-law, Timur Kulibaev. These outlets allegedly include the *Izvestia-Kazakhstan* and *Komsomolskaya Pravda-Kazakhstan* newspapers, in addition to the newly emerging media holding company incorporating the NTV-Kazakhstan project. It is conceivable that the so-called *junior turki* represented by the Ak Zhol party may also make their presence felt.

If the transition of power happens to be more or less spontaneous and disorganised, an information war in Kazakhstan is unlikely to be avoided. In this regard, one probably should not accuse the media of any wrongful affiliations. Objective circumstances have made the majority of Kazakh media dependent on tycoon groups, which is a common practice elsewhere, such as in Russia and the West.

The forecast for the future of Kazakhstan and its mass media may be formulated thus: the rates of economic growth and population increase (and, consequently, an increase in advertising) will be conducive to media development. The decrease in oil prices will have a negative effect on the media market; however, it is likely to promote the production of goods for internal consumption, which, in turn, will serve to support the media.

In the political sense, the population's interest in the media market will increase considerably by the time of the inevitable change of power, which will probably stimulate media development, financially as well as otherwise.

However, both the media and democracy, with some of its existing civilised values, are also facing two major threats. One is that the information war may result in the victory of a political camp with highly

aggressive views towards its adversaries. That may cause repression, potentially implemented by parties concerned with earning the trust of the victors (a similar case scenario occurred in Russia). This particular scenario is rather probable, and could very well be exacerbated by the worsening of the situation in the world oil markets. In the event of this scenario, Kazakhstan might display the ugliest of its potential national traits, such as an uncompromising inter-clan attitude, unscrupulousness, obsequiousness Asian-style, etc.

Another major threat lies in the potential usurping of power by the traditionalists, and their use of the media to promote supposedly “indigenous” Kazakh values (which occasionally serve as a disguise for intolerance of other nations, especially the Russians). Even if this threat is manifested only in the artificial imposition of the Kazakh language, it may cause a break in the natural formation of the media market, as well as in an outflow of the Russian-language population.

At this point, these negative case scenarios exist only as a possibility. So far, the Kazakh media outlets have been developing and progressing rather admirably, despite the numerous shortcomings. To a large degree, they continue to pattern their activities on those of their Russian prototypes. However, one could hope that the Kazakh mass media will soon grow even stronger in the financial and professional sense, thereby acquiring a certain immunity against political and economic cataclysms.





**Rustam Khaidarov**

CENTRAL ASIA: PROSPECTS FOR DEVELOPMENT  
AND PRINCIPLES OF CO-OPERATION

Today, as discussion continues over the developmental prospects for any given region, the search is underway for ways of conducting dialogues between civilisations, and global issues present humanity with their challenges, there is a strong need to consider the issues at hand through the prism of globalisation processes.

According to the Russian scholar, Yuri A. Shvedkov, “the notion of globalisation has imperiously invaded the vocabulary of the world economy and international relations researchers. The deep and universal meaning of this notion has recently trampled down the more superficial view of the interdependence of countries and continents” (61)<sup>1</sup>.

In my opinion, transitional countries, particularly those of Central Asia, will experience the keenest developmental influence of globalisation. It has become a reality for the Central Asian states. What kind of influence will it be? I believe that the post-industrial countries will utilise their technological and economic advantages to further strengthen their positions in the global world, while the less-developed countries will become even weaker than they currently are. Meanwhile, all the Central Asian countries, despite their various natural resources, belong in the category of developing states. I believe the globalisation processes in Central Asia might see the following occur:

- *a worsening of the crisis in the Central Asian countries, due to the non-competitiveness of their economies in the world markets;*
- *due to the technological lag of the Central Asian states behind the world economy, economic reform programmes in these states may not produce the desired effect. This, in turn, might result in more social*

<sup>1</sup> Yuri A. Shvedkov. Contradiction of Globalization. *The USA & Canada Magazine*, N°12, 2000, pp. 61-67.

*aggression among various social groups, which will start searching for parties to blame. The religiously-minded part of the population will blame the West, thereby contributing to the rise of religious extremism and inter-ethnic conflicts;*

- *the clash between the geopolitical interests of the U.S., Russia, and China in Central Asia may provoke an increase in political tension, and have a negative effect on the region's economy, as the prospect of having Central Asia as a potential "hot spot" may be a deterrent to foreign investors. As a result, the Central Asian countries might remain non-competitive and become mere suppliers of raw materials;*
- *with the increase of the trans-national organisations' role as principal globalisation players in world politics and the global economy, the degree of their influence on the internal affairs of young independent states will likewise increase, with the states in question potentially losing their functional sovereignty.*

In my opinion, Central Asian countries must develop a unified strategy or a model of political and economic behaviour for the period of globalisation. Modern history shows that many members of the international community form various regional organisations in order to ensure their collective security and protect their national interests; the European Union serves as a good example of that. No member of the international community, regardless of its potential, is able to protect its economic and geopolitical interests in the period of globalisation by acting alone. Under the influence of the globalisation processes, the Central Asian states will, in my view, be forced to integrate. Only through economic and political integration will the Central Asian countries have the capacity to minimise the negative aspects of the globalisation processes and create the conditions to maximize the chances for successful development that globalisation offers.

However, I also think that, the current integration processes in Central Asia may not be rated satisfactory. What is impeding the development of co-operation among the states in question? I will make an attempt at briefly highlighting what I believe to be the principal factors hindering the integration processes in the region.

If one were to consider the issue through the prism of integration processes in the E.U., the greatest obstacle to integration in our region is a lack of a common idea or an integration ideology which would serve as the key element, a nucleus of the integration processes. It is conceivable that the implementation of a new “Silk Route” might serve as the foundation for integration processes in Central Asia. The actual Great Silk Route not only served the development of trade and economy in the region, but also assisted the exchange of information and the mutual enrichment of cultures.

History has a lot to teach us in this regard; it shows that the Silk Route was not only a successful economic project of its time, but was also conducive to a dialogue among civilisations, cultures, and religions. The Silk Route connected the countries of West and the East with economic and cultural linkages, thereby proving the viability of a dialogue between the Western and Eastern civilisations.

One should not exclude the possibility of building a common Eurasian home, with a unified economic and cultural space. However, in order for such a project to be implemented, the countries of the entire Asian region, and particularly those of Central Asia, must first integrate into an economic and cultural space of their own. A unified Central Asian market would promote the circulation of commodities among the region’s countries and the development of the job market, as well as a decrease in the unemployment rate and labour migration. Will the idea of creating a new “Silk Route” be able to resolve the issues the countries of the region have faced since gaining independence? History has already answered this question.

Another problem which stands in the way of the Central Asian states’ co-operation is the secret fight between the region’s largest states, such as Kazakhstan and Uzbekistan, for regional dominance. I believe all the disintegration processes in Central Asia start with this very phenomenon. Sooner or later, a centre of gravity must appear in the region. Using the example of the E.U., where Germany serves as its gravitational centre, one must say that a similar centre is needed for the integration processes in Central Asia as well; however, at this point in time, neither of the region’s states in contention for the leadership has the necessary potential.

One must also consider that the full stabilisation of the political situation in neighbouring Afghanistan may alter the geopolitical landscape and balance of power in the Central Asian region.

Another very important issue is a lack of information exchange among the countries of the region, particularly in the areas of science and culture. The lack of objective, current information on each other's lives produces mutual mistrust. It seems that in the Silk Route age, the inhabitants of the region did not need modern means of communication to be better informed about the lives of the neighbouring countries, which was ultimately reflected in the development of strong trade relations. Yet today, with all of the technological means of communication, the nations of the region know very little about each other's lives.

Meanwhile, the media in each individual country of the region employ negative stereotypes to form unfavourable public opinions about the neighbouring countries, which is certainly not conducive to the development of any cordial relations among the peoples of the region. Unfavourable images of one's neighbouring country at the international level are created with a single purpose: to attract as much foreign investment as possible into one's own country. I think that the countries of the region must unite in creating an international television and radio broadcasting company of the Central Asian states, which would broadcast in all of the five languages of the region. International organisations could make a considerable contribution to the realisation of this particular project.

Scientific and cultural ties are not being developed in Central Asia either, even though the region has a large number of issues that require joint, complex research. These include issues of the environment, conflict prevention, security and so on. An International Foundation for Scientific Research in Central Asia would serve to promote co-operation between the scientific and research institutions of the region. Problems common to all states of the region must be resolved, based on the joint research of Central Asian scientists.

Another important issue is a lack of co-ordination in fighting international terrorism, religious extremism, and illegal drugs, as well as in ensuring the collective security of the region. It is well-known that Tajik-

istan has appealed to members of the world community to unite in an anti-drug coalition. The Central Asian states should have been the first to support this idea; however, their reaction was rather inadequate. Meanwhile, according to Russian International Radio, vast quantities of raw drugs were grown in Afghanistan in 2003, valued at \$400 billion, which is several times more than the collective gross domestic product (GDP) of all Central Asian countries.

If the members of the world community (and primarily the states of Central Asia) fail to unite in an anti-drug coalition, none of them will be able to combat this problem alone. The increase in international terrorist activity is directly proportionate to the increases in the quantity of drugs: after all, the profits from drugs sales are used to finance international terrorist centres. Drug money is also used to create shady economic structures, which impede the development of legal entrepreneurship, thus also constraining the development of healthy social relations and civil societies in transitional countries. Therefore, the Central Asian states must develop a unified strategy for fighting the proliferation of drugs, since it constitutes the principal threat to the security of the entire region. Such a strategy might become the first step in creating an effective mechanism for ensuring the region's collective security, and possibly a key element in the future Trans-Eurasian security system.

Finally, another factor blocking integration, as well as a source of potential conflict, is the use of natural resources by all Central Asian countries as a tool for exerting political and economic pressure on each other. As a result of the gradual disappearance of the Aral Sea – which, in turn, presents an environmental problem for the entire region – the issue of water usage and access has the potential to ultimately become the source of localised armed conflicts in Central Asia. A unified water usage strategy must be developed in Central Asia as early as possible. In my opinion, the creation of a Water Council of the countries concerned (in particular, Kyrgyzstan, Afghanistan, and Tajikistan) would serve as the foundation for a mutually beneficial system of water usage in the region.

Meanwhile, the U.S., E.U., Russia and other countries might be invited to join such an organisation as observers, or become fully-fledged members. One

must emphasise that the development of the region's economy (i.e., the increase of private entrepreneurship and the reduction of poverty, as well as the full reconstruction of Afghanistan) is directly connected to the development of the energy complexes in Tajikistan and Kyrgyzstan, both of which have considerable water reserves. Therefore, international organisations, along with both the U.S. and the E.U. serving as potential donors and guarantors of the developing market economy in Central Asia, must support projects for the development of energy complexes in these countries.

Together, international organisations, the E.U. and the U.S. might also make a significant contribution to the development of democratic societies in the region by supporting the creation of a social foundation for developing a "horizontal" system of societal relations.

Almost all of the post-Soviet states have a "vertical" system of such relations, which involves a vertical concentration of power in just one person, usually the head of state. Developed democratic countries, meanwhile, have a horizontal system of societal relations, with the independent media, non-governmental organisations (NGOs), and political parties all potentially exerting their own influence on the head of state, the government, or the parliament – which is something that is hard to imagine in Central Asia.

Therefore, in order for the horizontal system of societal relations to develop in Central Asia, independent media, NGOs, and political parties and movements must be supported. Only international organisations might offer such support. If the horizontal system of societal relations is implemented in Central Asia, no single person would be able to usurp the power into his own hands and announce himself a 'president-for-life', as is currently done in certain Central Asian countries.

Thus, the prospects for development of co-operation among the Central Asian states, and the development of the market economy and civil society in every single individual state of the region, depend not only on the efforts of the states in question, but also on the position of influential international organisations, the U.S., and the E.U. on the issues of providing support to the developing democratic institutions, which serve as the foundation for stability in the entire region.

**Almaz Kalet**

## KYRGYZ MEDIA ON THE THRESHOLD OF CHANGES

Significant changes await the independent print and electronic media of Kyrgyzstan in the near future. These changes include the launching of the new Freedom House printing facility, which may significantly undermine the monopolistic position of the state Uchkun printing-house. In addition, presidential and parliamentary elections are also coming up. Local analysts believe that, with the elections just around the corner, a situation resembling that with the *Evening Bishkek* may occur: this independent publication has been manipulated by the authorities into changing owners and becoming pro-government in its editorial policy. At this point, a number of Bishkek-based newspapers loyal to the state authorities and the administration are already displaying considerable interest in the country's regions, particularly those in the south, where over half of all Kyrgyz people reside.

Over the past few years, the south of Kyrgyzstan has remained in an information vacuum, despite a proliferation of print media. Thus, according to the Kyrgyz Ministry of Justice, 628 media outlets are currently officially registered in the country, with 500 newspapers and magazines, 128 television and radio stations, as well as over 800 web sites. There is a certain catch to the virtual publications: in accordance with current legislation, they are not considered electronic media. The Ministry's statistics on them are therefore somewhat perplexing, being that the Internet is only now starting to grow in Kyrgyzstan. In fact, you can count information sites in the Kyrgyz segment of the world wide web on one hand.

As for the print media, only 50 or so periodicals are actually published throughout the country. The principal reason for this is the fact that the government still holds the key to successful media development by controlling such areas as printing, distribution, sales, subscription, and taxes. While all periodicals eagerly await the new Freedom House printing facil-



ity, they also wonder how the printed copies will be delivered, since the distribution and delivery systems are still controlled by the state, while alternative means are not as well-developed as one would have wished.

The situation is especially critical in the country's south, where the lack of alternative printing venues has caused the closure of several independent periodicals.

According to information provided by the Osh Regional Department of Justice, there are over 30 print media outlets registered in the region. However, only four state-owned periodicals are published regularly, with occasional appearances by some non-state-owned publications. None of them are considered to be of any particular public significance, and are unable to influence public opinion. Over the past several years, the following publications were closed, for various reasons: *Business Osh*, *Osh-Press*, *OshPress-Vesti*, *Mezon*, *Southern Capital*, *Zhany Muun*, and *Demos Times*. The latter two are fighting to stay afloat. In this regard, the Asrushon-Asia media holding company, registered in spring 2003, serves as an indicative example: wishing to avoid the problems that have plagued its counterparts, this media outlet is published as a web site, thus bypassing the issues of printing, delivery, and distribution.

For various reasons, the situation with non-state-owned media in the country's south has always been complicated, due to the peculiarities of the local political microclimate, distinct regionalism, a lack of developed publications, and southern mentality. All of this has been reflected in the development of print media in the Osh and Djalal-Abad Regions. The Batken Region is a completely different case, and has to be considered separately.

While in the country's north the first private newspapers had a clearly defined political direction, and were staffed primarily with "renegade" journalists formerly employed by state-owned media, in the south the first independent periodicals were initiated by privately owned companies and enterprises. However, this was the case only in the late 1990s.

The state-owned regional *Ekho Osha*, *Osh Zhanyragy*, and *Ush Sadosi* newspapers are in a somewhat privileged position vis-à-vis other periodicals. The same is true for the city *Osh Shamy*, which was created by the

authorities following the tragic Osh events of 1991 as a semi-international newspaper, published simultaneously in Uzbek, Russian, and Kyrgyz. The weekly circulation of any of these periodicals does not exceed 1,500-2,000. Every autumn, the governor of the Osh Region issues a special decree, establishing the specific number of copies to be purchased, through subscription, by every district. In turn, the district authorities distribute the purchase order among the local organizations, enterprises, and educational institutions. Notably, this year's decree included, for the first time, *Rossiiskaya Gazeta* and the Turkish *Zaman* newspapers.

A turning point in the development of non-state-owned media in the country's south occurred in 1996, with the emergence of the private political *Business Osh* newspaper. This periodical was created with private funding from concerned individuals. The staff was comprised of young reporters, only one of whom had any state-owned media work experience. Others were students at local universities. *Business Osh* was published from 1996 through 1998, with weekly circulation between 2,000 and 5,000 copies. This newspaper was the first to reject the idea of printing a television programme grid, which was a profitable component of many periodicals, including the popular albeit rag *Osh Park*. At the time, that was a rather risky step.

According to the chief editor of *Business Osh*, the state postal companies were often delaying payment for the copies sold. That was inevitably leading the newspaper into bankruptcy, since the only printing-house in Osh required that its services be paid for in cash and on a weekly basis. In certain cases, the local newspapers could not meet this requirement due to a lack of funding, caused by payment delays on the part of the state-owned postal companies.

In 1998, the OshPress-Vesti information agency launched its own newspaper, the *OshPress*, with a total weekly circulation of 1,200 copies. For about half a year, the newspaper was targeting primarily the young people. A change of owners caused a significant adjustment in the editorial policy. The new owner, a private Internet service provider OshElCom, was successful in turning *OshPress* into one of the country's leading newspapers (ranked number three, after the *Evening Bishkek* and *DeloNo*). *Osh-*

*Press* existed until 2000, funded by private investments. It did not receive a single grant or line of credit from international organizations.

Former chief editors of once-existing non-state-owned newspapers believe that the instability of their periodicals was caused primarily by the lack of funding, reflected in the absence of professional staff. In addition, the periodicals were unable to properly legalise the relations between the staff and the owners. The existing monopoly of the state-owned postal companies and their control over the print media distribution market also significantly impeded the development of non-state-owned press. Meanwhile, the Bishkek-based newspapers, published in significant volumes, stood in the way of regional periodicals' popularity.

The year 2000 witnessed the emergence of the unique Alliance Press information agency, which produced two newspapers, *Zhany Muun* and *Demos Times*, published in Kyrgyz and Uzbek, respectively. This dual-language practice is currently being tested by the *Fergana* newspaper of Djalal-Abad. One must note that bilingual newspapers are generally common for our region: in addition to Fergana, there is also the bilingual *Zhany Zaman* (The New Time).

Despite the two unsuccessful attempts at creating information agencies in the country's south, local media professionals still dream of introducing a structure that would bring a newspaper, an information agency, and an Internet-based publication all under one roof.

One of the most recent examples of this is the emergence of the Asrushon-Asia media holding company. Initially, its owners launched an information web site, registering it in the ".org" domain zone. However, once the company attempted to register its new print media outlets, it immediately ran into problems. On 2 September 2003, the company submitted the application to register two newspapers, *Makhalliy Vakht* (The Local Time) and *Darakchi-Osh* (The Osh Herald). In accordance with existing rules, the authorities had to respond to the application within one month. However, the company has still not received any intelligible explanation as to why the registration process is taking so long. Khakimzhan Khusanov, the Director General of Asrushon-Asia, claims to have confidential information on a certain secret directive of the Kyrgyz Ministry of Justice, pre-

scribing all media and public organization registration bodies to run meticulous background checks on the applicants through the local National Security offices. The management of Asrushon-Asia is refusing to disclose the source of this confidential information, fearing persecution by the authorities. However, the company still intends to file a lawsuit against Dinmukhamed Tairov, head of the Third Department of the Regional Justice Office, for violating the rights of journalists and the media.

According to Alisher Saipov, an independent journalist, the existence of this secret directive is likely due to political instability in the country in the aftermath of the Aksy events. A number of local experts also agree that the directive may serve as the first signal of upcoming elections, which, metaphorically speaking, are likely to be the most fervent in the history of Kyrgyzstan. A repartition of influence over the media is underway, and the government and the presidential administrations are not interested in allowing new print and electronic media to emerge, especially in the country's south, due to its electoral unpredictability. It was in the south that the most recent instances of civil unrest occurred.

In general, the media situation in Kyrgyzstan is rather discrepant. In theory, there are certain legislative acts that regulate the professional rights and obligations of journalists. In practice, however, the imperfection and inconsistency of these legislative acts essentially serve as a means of pressure exerted over many print and electronic media outlets.

The situation with access to information from government sources is especially difficult. Considering the developmental specifics of Central Asian countries, including Kyrgyzstan, this situation greatly impedes the journalists' ability to inform the public of the activities of state institutions. State authorities currently serve as the only sources of information on events of public significance. Any access restrictions or information-dosing constitute serious violations of journalists' rights, in accordance with both the Kyrgyz legislation and the international legislative acts.

According to Ravshan Abdykadyrov, deputy chief of the Osh Regional Department of Internal Affairs, employees of state institutions (including law enforcement agencies) may be held responsible for providing information to media representatives. Abdykadyrov refused to specify whether

that was due to a special directive, or an unofficial oral instruction for mid- and low-level officials.

In the course of a round-table discussion between the media and the authorities, organized in October 2003, in Osh, by the Media Resource Centre of South Kyrgyzstan and the Embassy of the United States, a high-ranking law enforcement official openly stated that information of public significance had to be provided to journalists in certain doses. In his words, "I remember several cases of journalists distorting the information I had provided to them. As a result, I was asked to appear at the National Security Service and the Prosecutor's Office for explanations. The most recent case concerned the Karakulzhin District, where children had seen some bearded people up in the mountains, and the media immediately reported that the people in question had automatic guns, and that they were guerrilla soldiers." Turat Makenbaev, a public relations officer with the US Embassy in Kyrgyzstan, also made a somewhat surprising statement on having a certain "black list" of journalists to whom he did not wish to provide information, since in the past he had encountered cases of journalists using this information in bad faith.

The two press secretaries representing official state institutions were of the same opinion. It is rather symbolic that both of the press secretaries in question had recently been journalists themselves, and the authorities employed them specifically for their professional experience.

Restrictions on information access are serious impediments for the development of independent media, since a lack of high-profile issues and subjects invariably has an impact on the circulation and popularity of any given periodical.

In order to resolve these issues, one must find a certain compromise between the media (regardless of the form of ownership) and the authorities. It is important to resist the officials' view of the media as an enemy. In the future, reaching a certain consensus on the most pressing issues will help to coordinate efforts for democratisation of society, as well as transparency of the state institutions.

We recommend the media to utilise those aspects of the current Kyrgyz legislation that have a positive bearing on the general situation. In the major-

ity of cases, journalists do not even suspect that there are judicial ways of resolving their problems. Regrettably, a lack of legal awareness serves as a serious impediment for resolving conflicts with the authorities.

Another issue is the officials' unwillingness to provide information to journalists, due to the common opinion that the media often distorts the information received. In our view, it would be advisable to implement a regular practice of conducting official press conferences and briefings for journalists by the authorities. Additionally, there is a need for perfecting the work of press offices and public relations departments, in order to avoid information distortions due to limited access. Official state institutions must adopt the practice of indiscriminately providing information of public significance to all media outlets.

International organizations must be more overt toward local media outlets, in order to effectively develop their projects throughout the country. Currently, there only exists a small number of certain journalists with continuous access to international organizations; essentially, these journalists engage in public relations activities for the organizations in question.

As for the printing-house issue, one doubts that the emergence of a new printing facility will be able to breathe life into those periodicals that are currently extinct, since the problems of delivery and distribution still have not been resolved in the regions (as opposed to the capital).

The prospects for non-state-media development in the south of Kyrgyzstan are for various reasons not very optimistic. The authorities tightly control every regional periodical, even if it is non-state-owned, through fiscal and law enforcement agencies. The method of so-called "soft intimidation" is widely used in the southern regions. It involves accusing journalists or media outlets of providing informational support to religious extremist organizations, based on the articles that may have appeared in a given periodical. Thus, in the summer of 2003, Alizhan Kurbanov, chief editor of the Muslim newspaper, was subjected to an unwarranted search of his residence by law enforcement and secret service agents, who accused him of unlawful distribution of banned extremist literature.

One of the peculiarities of media development in the country's south is the certain "southern extremism" towards Bishkek-based media and

the authorities. This “extremism” is evident in the information policy, and its inclination toward other Fergana Valley regions, as opposed to the capital. The population of the south also tends to identify more with the rest of the Fergana Valley residents, rather than with other Kyrgyz regions. The abolishment of censorship in Uzbekistan may have a positive effect, however minimal, on the collaboration among the media of Tajikistan, Uzbekistan, and Kyrgyzstan.

**Maxim Klimenko**

SPECIFICS OF REGIONAL PRINT MEDIA  
IN THE KYRGYZ REPUBLIC

The regions of the Kyrgyz Republic have over 70 print media outlets published in Russian and Kyrgyz (in the country's south, also in Uzbek). Over 40 of them are located in the Chui Region. Geographically, the non-state-owned media of the Chui Region are in a more favourable position compared with the print media of other regions: their nearest printing-houses are next door in Bishkek, while the Chui Region is also densely populated, with a multitude of towns and villages. All of these factors are conducive to newspaper circulation increases, although, on the other hand, there is also competition with the nationwide, Kazakh, and Russian periodicals which are abundantly present in the market.

In accordance with Kyrgyz legislation, media outlets include newspapers, magazines, almanacs, books, bulletins, and one-time publications.

All regional print media in the Kyrgyz Republic may be conditionally divided into state-owned and independent. However, does this term really accurately define the regional media? What or whom are they independent from? The majority of journalists believe that the term "non-state-owned" may be more acceptable. Why is that so? Because any "independent" media outlet still belongs to someone, whether that be a group of constitutors, a political party, or any other institution. Naturally, the newspaper policies will be determined by class, corporate, or political party interests, with any objectivity of coverage depending on the constitutor. That is the reality of today's Kyrgyzstan. Therefore, the term "non-state-owned", in the view of the majority of journalists, is more precise in characterising the direction and position of the private regional media.

Non-state-owned newspapers can, in turn, be subdivided into several groups: social and political, public, entertainment and promotional, and religious.



Representatives of the non-state-owned newspapers themselves single out economic instability of their publications as the major problem that stands in the way of presenting information objectively. With a greater financial independence, they would have been able to provide a more objective coverage of events. In the words of Yrysbek Omurzakov, the chief editor of the non-state-owned *Tribuna* newspaper, “what kind of independence can we talk about when a regional journalist’s average salary is 20-25 USD [1,500-1,800 soms]?” The lamentable state of the country’s economy and the financial instability of non-state-owned media outlets cause widespread internal corruption, manifested most often by so-called “stories made to order”, which, in turn, diminish the general trust of the population in regional non-state-owned media.

The causes of development-impeding circulation decreases that affect both state-owned and non-state-owned media can be external or internal. The former include complicated economic situation, a weak newspaper advertising and distribution market, and pressure from the authorities. The latter consist of a low level of professional training of journalists working for regional publications, a weak connection of media outlets with each other, a lack of clearly defined editorial policies, and the newspapers’ old equipment.

The complicated and unstable economic situation and the continuous attempts to externally influence the non-state-owned regional media outlets make their lives considerably more difficult and often much shorter.

Regional newspapers are distinguished by short life spans (most of the regional media outlets print local television listings, which limits the use for a particular newspaper to three days), limited appeal to certain groups of people, and a low quality of printing. While the publications provide a wide coverage of the market, certain groups (such as people under 20 and over 60 years of age) do not constitute permanent readership.

The situation with state-owned media has been defined and understood. The following is a comment from Kuban Mambetaliev, Chairman of the Public Association “Journalists”, during his address at the fifth Central Asia Media Conference, titled “Media in Multi-Cultural and Multi-Lingual Societies” (Bishkek, 17-18 September 2003): “Each dis-

trict administration has a media outlet of its own, much like every regional administration, and so on. Qualitatively, all of these state media outlets are of mediocre potential. They have low circulation, low salaries, and outdated equipment. They are delegated with the task of defending the honour and dignity of the officials in their struggle with opposition politicians and non-state-owned media.” This is what it looks like in practice: for example, the state-owned *Novoe vremya* newspaper (U. Sarieva, chief editor) based in the Zhaiyl District of the Chui Region employs 12 people, with a circulation of 800-1,000 copies in a region of over 120,000 residents. The newspaper is published in two languages, Russian and Kyrgyz. Essentially, it belongs to the Zhaiyl akimiat (district administration – *transl.*)

In the Moskovsky District of the same Chui Region, there exists the administrative *Selskaya nov'* newspaper (M. Checheev, chief editor). Its circulation is 5,000 copies. However, according to the chief editor, the editorial policy, content, and direction are determined entirely by the akim of the Moskovsky District.

Naturally, freedom of expression and the level of initiative by journalists working for the state-owned media are heavily restricted by the demands of regional administrations, which is why even talented journalists working for these newspapers very often quickly lose the necessary qualifications.

A shortage of qualified personnel is a very pressing issue in the regions. Graduates of departments of journalism, even those native to the regions, do everything in their power to remain in Bishkek after graduation. Meanwhile, regional journalists also dream of working in the capital. At the First Republican Kyrgyz Media Conference titled “We Make the News” (30-31 July 2003, Bishkek), the following data was presented: over the past ten years, departments of journalism have graduated close to 1,500 journalists, of which only a few are currently working in their professional field, while not a single one has gone to work in the regions.

Many non-state-owned regional media, while complaining of a shortage of reporters, do not wish to use a method which at first sight appears

terior. It consists of close collaboration of the regional editorial offices with departments of journalism at the universities in the capital. For example, A.S. Katsev, the head of the international journalism division at the Kyrgyz-Russian Slavic University (KRSU), has repeatedly invited chief editors of regional publications to visit the final examination sessions, so that they could recruit future reporters right at the university. The independent *Vest'* newspaper (Zhail District, town of Karabalta, circulation 6,000 copies) has been offering students of journalism internship training opportunities for the past two years. On the one hand, it strengthens the newspaper's creative potential, on the other, it helps young journalists in their professional orientation in the chosen field, and teaches them practical skills. Following the end of her internship, Oksana Polyakova, a fourth-year KRSU student, admitted that "a month of practical training at an editorial office is worth a year spent in a classroom". Having returned to the classrooms, future journalists continue to publish their articles in *Vest'*; that is to say, the connection between the editorial office and the students does not stop.

In light of the above, one may suggest the implementation of a method of affiliating every student as a freelance author with regional newspapers, which would continuously publish the student's articles. That would connect theory to practice, and education to production.

However, it would still not solve the general problem. A year and a half ago, when I became the chief editor of the aforementioned *Vest'* newspaper, the shortage of journalists was a constant headache. However, we at *Vest'* have developed and implemented a series of measures, despite the fact that some were risky and harsh at first. Staff members who did not have any connection to journalism, or had not received a higher education, were either fired or transferred to different positions. In order to raise the level of our publication, we had to raise the level of the staff's education. We organized training courses at the *Vest'* editorial offices, accepting only people with higher education, and requiring them to complete preliminary tests. Later on, we found a way to offer additional professional training, in collaboration with such international organizations as Freedom House, the Urban Institute, USAID, and the Soros Founda-

tion of Kyrgyzstan. Over a period of six months, several of our staff members took part in many specialised seminars and training sessions, such as “Management in the Media” (25 May-25 June 2003, by the Soros Foundation of Kyrgyzstan), “Legal Responsibility of Journalists Within the Legislative System of the Kyrgyz Republic” (23-24 June 2003, Bishkek, by Freedom House), and “Coverage of Business and Economy by the Media” (24-26 September 2003, Bishkek, by USAID).

Having returned from these seminars and training sessions, journalists organized additional sessions for their colleagues in the form of lectures, round-table discussions, and so on. All of this has had a positive effect, as the qualifications and professionalism of the newspaper staff has increased; the percentage of *Vest'* staff members with higher education increased to 96%; the quality of articles improved; while circulation also grew to 10,000 copies by autumn of 2003.

It would be hard to hide the fact that the pages of regional media are filled with grammatical mistakes. That is because many regional publications cannot afford to hire a proof-reader, and this function is performed by the chief editor or one of the journalists. Sometimes, proof-reading is done by a secretary. This kind of practice must be categorically repealed! While saving money by not hiring proof-readers, regional media lose a whole lot more. Mistakes, especially laughable and ridiculous ones, result in decreased circulation and undermine popularity. That is why every regional print media outlet must have a professional proof-reader. This function can be very well performed by a teacher of Russian, especially since it is not hard to find one given the current situation with public schools.

These are the current internal problems of the regional print media in Kyrgyzstan.

The support that foreign donors provide to non-state-owned media is an external factor which has a large degree of influence over the specifics of regional newspapers. It causes artificial distortion of the market. Why? Because the policy of artificially supporting non-state-owned media out-

lets which cannot develop on their own, and have circulations of 200 to 1,000 copies, is unjustified and contradicts the rules of the market economy. I spoke about this with Mr. Stuart Kahn, Director of the Freedom House Program for Supporting Human Rights Activists, during the First Republican Kyrgyz Media Conference (30-31 July 2003, Bishkek, by Internews). Mr Kahn responded by saying that “donors understand that; however, at this point, such a practice is necessary. It may be terminated in the near future, but for now it shall be continued.”

Therefore, the esteemed investors should not be surprised that, having poured money into Kyrgyz non-state-owned media for the past 12 years, they have not seen the desired results. One feels compelled to note: “Gentlemen, you are wasting your money by investing it in media outlets that do not have their own audiences, distribution markets, or creative tendencies. How can they influence public opinion if their circulation is minuscule, and no one reads their publications except for their own staff?” Then there are “one-day” media outlets, with the chief editor serving as the only contributing author. Due to limited circulation, they are inaccessible to the majority of the population, and thus have no say in the forming of public opinion. The quality of information provided by these outlets leaves much to be desired, despite the attempts at appearing as “oppositionist” and “independent”. This is due to the fact that the professional, and often the educational level of contributing journalists is, to put it mildly, far from ideal. A good example here is the *Radius-M* newspaper (town of Karabalta), which existed for six months with a circulation of 300 copies. It was funded by public organizations from Denmark. Having exhausted the funding, the newspaper sank into oblivion.

In reading the press of this kind, one is very often left with the impression that journalists write without thinking that anyone will read their articles. Therefore, international organizations would do better to invest their money in the media outlets which have already won over their markets and audiences, and have gained economic stability, orienting such outlets toward Western standards of democratic media.

In order to effectively function in a market economy, non-state-owned media must choose a specific economic policy. For example, the *Vest'* newspaper has chosen market segmentation as the foundation for its economic planning. Market segmentation divides potential consumers of certain goods/services (in this case, a newspaper) into several sub-markets, or segments, with each one determining one or several important aspects of the newspaper activity. For example, a new academic year starts in autumn; therefore, the media must publish articles reflecting the issues in the lives of school and university students, as well as those reflecting the issues of upbringing and education. All of these articles will find their readers, thus enlarging the newspaper's market. Segmentation allows for development of marketing strategies corresponding to the needs and wishes of a particular market, and helps to focus advertising. The advantages of using this flexible targeted market coverage have been apparent in the success of *Vest'* in its competitive struggle with the non-state-owned *Pyatnitsa* newspaper. The *Pyatnitsa* (O. Ponomaryov, chief editor) commenced publication in the town of Karabalta of the Zhaiyl District in June 2002. It conducted a fabulous advertising campaign, was published on 12 pages with an initial circulation of 2,000 copies, had exceptionally good design and printing quality, and was affordable. Under those conditions, it posed significant competition for *Vest'*, which at that point had a circulation of 6,000 copies.

However, the chief editor of *Pyatnitsa* had chosen a very narrow market segment for distribution: he created a newspaper for businessmen and entrepreneurs. But how many of them are there in a small town like Karabalta? That was his first mistake. Oleg Ponomaryov's second mistake was deciding that he, a strong-willed, intellectual, talented man, would be simultaneously responsible for writing articles, distributing copies, as well as supervising the printing process. He failed to consider that a newspaper is a product of collective work. Only nine issues of the newspaper were printed; *Pyatnitsa* was not able to further compete with *Vest'*, and has ceased its existence in the printed form, and is now published electronically at [www.karabalta.kg](http://www.karabalta.kg). However, due to weak Internet access capabilities of the regions, it is largely non-accessible.

This example illustrates the shortcomings common to all of the regional media. All of them continue to face the issue of distribution. The Regional Postal Service Departments are constantly late submitting funds gained from subscription, which undermines the fiscal activities of non-state-owned publications. The only solution to that is to work directly with the distributors, and to print as many copies as they request for distribution (this is the approach that *Vest'* utilises), while creating a subscription-based distribution network with Kyrgyz Pochtasy, an alternative postal service. Michael Stone, programme director of the Media Support Centre Foundation, has been working on this project for over a year. According to his report at the First Republican Kyrgyz Media Conference (30-31 July 2003, Bishkek, by Internews), "the project is nearing completion".

In the regions, administration officials are very reluctant to communicate with representatives of non-state-owned media, and avoid direct contact at all costs. That is entirely understandable!

Many journalists believe that democracy and freedom of speech signify that anything is permitted. Meanwhile, they can easily sacrifice their honour, conscience, and dignity for the sake of a seeming sensation. I will never forget the chief editor of a non-state-owned regional newspaper, who proudly announced, at the fifth Central Asia Media Conference "Media in Multi-Cultural and Multi-Lingual Societies" (17-18 September 2003, Bishkek), that he was fighting the local officials with the help of compromising materials "provided" by other officials. What about journalistic ethics? How can we expect anyone to work with us if we use methods like that?

Meanwhile, in speaking of media legislation, Kyrgyz journalists, experts, and representatives of public organizations note that the laws adopted during the years of state independence are quite adequate.

Rina Prizhivoit, editor of the political department at *MSN* newspaper, notes that "Kyrgyzstan has a legally justified legislative base, which guarantees free and independent journalistic activity." Therefore, in order to act in compliance with the law, you must know the law. It is necessary to

let the official know that you are a law-abiding citizen. It is essential for journalists to be able to say, “We are lawfully acting professionals”, and act accordingly. It is critical not to give an official any reason to think that you are breaking the law. In the words of Oleg Panfilov, director of the Centre for Journalism in Extreme Situations, “in order to achieve freedom of speech, one must know the principles of the struggle”. Meanwhile, the principles are rather simple: study, from a positive prospective, all of the documents adopted and events conducted by the administration. Approach the problems constructively, with objective criticism. Increase personal contacts with state officials, but never let them interfere with writing an article; never let them edit an article already written. It is also necessary to actively collaborate and exchange information with journalists from state-owned media.

By implementing these economic and political principles and methods of work, the independent *Vest*’ newspaper has grown from a city newspaper with a circulation of 6,000 copies to a regional one (12 pages, 10,000-12,000 copies) over a period of just one year. The newspaper is published weekly in the Moskovsky, Zhaiyl, and Panfilov Districts of the Shui Region. It has two supplements, *Vest’-Semeinoye loto*, and *Vest’-Zvezdopad*, with 2,000 copies of each distributed in Bishkek. In other words, the newspaper’s overall circulation is 12,000-15,000 copies weekly. The newspaper is confident in implementing its policies in a market economy.

What should regional print media expect in the near future? Today, one can confidently claim that there are no independent media in the Kyrgyz Republic. State-owned publications will exist peacefully and quietly, and may even prosper in conditions artificially created by government, depending on the general state of the Kyrgyz economy. The situation with non-state-owned media will be drastically different, and rather complicated. In market economy, the press will likely become increasingly pseudo-sensational, obscene, or entertaining, which will, in turn, cause a drop in the print media’s popularity with the bulk of the population. In order to avoid that, we, the journalists and chief editors of non-state-



owned media outlets, with the help of foreign donors and internal resources, must strive for the readers to have a positive attitude towards newspapers in general. So that the readers may view a newspaper (including print ads) as a most convenient, timely, and reliable source of information.

**Oksana Makushina**

WHAT KIND OF FOUNDATION DOES  
THE FUTURE OF KAZAKHSTAN HAVE?

Currently, there is a lot of talk concerning the fate of Kazakhstan. The polarity of opinions about the country's future is rather striking. Foreign experts predict a great future for Kazakhstan, based on the rate of economic growth that looks favourable in comparison with other Central Asian states (and is largely determined by the country's abundance of natural resources). However, some experts also warn that the very same factor may have a negative influence as well. That is all the more likely to occur since Kazakh democratic institutions are not operating at their full potential, while the control over the natural resources is exercised by a small group of political leaders.

Kazakhstan's democratic opposition shares this concern, and makes certain attempts at changing the political system to incorporate transparency mechanisms in all business areas, including the extractive industry.

**At the crossroads**

Officials maintain that democracy is alive and well in Kazakhstan; in reality, however, the democratic institutions serve as mere window-dressing. One only needs to be present at a single legal hearing to understand that an independent judicial system is a fictional phenomenon in the country. The examples proving that are readily available. If a court is considering a politically motivated case, its decision will be based on the directive which arrives well beforehand from the higher organs. If a case has to do with domestic issues, the decision will favour the party that has made the largest contribution to the personal wealth of the judge. Lawyers claim that the Supreme Court does not even consider cases unless a concerned party provides payment for the "necessary decision".

With regard to the media, the situation is rather dismaying as well.

There are no independent television stations in Kazakhstan, while those independent and opposition print media that have managed to survive continue to experience significant pressure from the authorities. The recent elections to the *maslikhats* (regional legislative councils) have once again proven that there is no such thing as fair and open elections in Kazakhstan.

Thus, no matter how much we hear about Kazakhstan resolutely moving along the path of democracy, these are but words. One fears that the country will ultimately adopt the “Turkmen path” instead. Now more than ever, the pivotal question of “What to do?” assumes contemporary relevance.

### **Personal dignity for everyone!**

In my opinion, there must be an effort to create in every citizen of Kazakhstan, a sense of personal dignity, based on the adherence to his/her civil rights. People who inwardly resist violations of their civil rights may become a foundation for a democratic state. Such people will not be silent about the corruption in courts, will not work for the dependent media outlets which tell them what to write and when to “turn on” self-censorship, and will not be forced to vote for the “right” candidate. The more people are “poisoned with freedom,” the more hope there may be that Kazakhstan will not be degraded to the level of Turkmenistan.

Theoretically, the country has the potential necessary for becoming a truly democratic state. It is currently open; the “iron curtain” may not be resurrected. There are many educated people of sound judgment who are willing to resist any attempt at returning to the past. Meanwhile, the implementation of a market economy and the development of business enterprises serve as a good basis for claiming that Kazakhstan will indeed become a democratic country in practice. The question is when that may happen.

Here, one must also note that the majority of the population have little faith in their significance, and in every individual’s ability to make his/her contribution to creating a “bright future” for the country. This is

partially due to the strong patriarchal traditions, skilfully employed by the top officials.

### **The laws must be truly democratic**

One factor that may break the current state of affairs in Kazakhstan is the presence of democratic legislation. In particular, the presence of free and independent media outlets - ones that have the right to receive and distribute information - is only possible on the condition that the law may not artificially contain the activities of media market participants. At this point, the future of Kazakh journalism is in serious jeopardy. The Parliament has begun its review of a draft law which would create the necessary conditions for the Ministry of Information to implement punitive measures; it is most certainly not a document developed in the name of freedom of the media and speech in general.

For example, one article of the draft gives the Information Ministry the right to suspend a media outlet's registration an infinite number of times, and to do so indefinitely. This means that independent media outlets will not have an opportunity to receive certificates or licences.

Another article of the draft provides insurance for the Ministry in the event that an "undesirable" outlet does manage to obtain a licence: the draft envisions that the Ministry should have the right to decide whether the outlet in question should be suspended, and potentially closed down. Currently, such measures may only be implemented by the outlet itself, or by a court of law.

The draft's article on the "constitutor" and the "proprietor" is a time-bomb waiting to explode. Not only does it contain restrictions on business development in the media, but the language of the draft is so elusive that even a legal expert may find him/herself perplexed. Meanwhile, given the dependence of the judicial system on the executive authorities, a media outlet has no guarantees that the court will rule in its favour.

There is a high probability that the majority of articles contained in the draft will be included in the new Media Law. Experience shows that the Parliament is likewise controlled by the executive authorities, with

the latter pushing any particular kind of legislation through (one may recall the infamous Law on Political Parties). Meanwhile, the Government is completely unwilling to make any concessions or assist in the adoption of a liberal Media Law. This is evidenced by the fact that the legislators had not published the draft in the media prior to introducing it in the Parliament. They have also tended to avoid any public discussion of the draft regularly promoted by public organizations: representatives of the Information Ministry continue to disregard invitations to attend these discussion forums.

### **Finding a denominator**

To sum up all of the above, one may claim that in the near future Kazakhstan may indeed become a civilised democratic state. However, in order for that to happen, it needs a great deal of political will, while the authorities must undertake real (as opposed to declarative) steps for building a civil society based on democratic values. Otherwise, Kazakhstan might take 200 years to reach democracy, all the while trying to convince the world of the exceptionality of its developmental path and ignoring the experience of other states.

## Kuban Mambetaliev

### THE MASS MEDIA OF KYRGYZSTAN IN THE XXI CENTURY

The population of Kyrgyzstan is 5 million people. There are 7 regions, 40 districts, 12 medium-size and 2 large cities (Bishkek and Osh). Each region is governed by the regional state administration headed by a governor; each district is governed by the district state administration headed by an akim; each city is governed by the city state administration headed by a mayor. Governors, akims, and mayors are personally appointed and removed by the country's President (with the exception of the capital city of Bishkek, where the mayor is elected by the members of the City Council). Ministers and judges are also appointed and removed by the President. The prime minister is confirmed by the Parliament (with the nomination made only by the President), and is fully liable for any economic collapses. The country has had eight prime ministers over the past 12 years. The President was elected three consecutive times, in 1991, 1995, and 2000. The Constitution of the Kyrgyz Republic establishes that a President can only be re-elected twice.

These are the conditions that the country's media exist in. Quantitatively, over 400 media outlets are registered; qualitatively, no more than 40 are functioning. These media outlets are divided into two continuously expostulating camps, that of state-owned (these are the print and electronic media of the state authorities) and non-state-owned (founded by non-state institutions).

Activities of the state-owned media are regulated by an authoritarian principle. Every region has its own official regional newspaper, with its chief editor personally appointed and removed by the governor. Every district likewise has its own official newspaper, whose editor is appointed and removed by the akim. Cities also have their official newspapers, with the editor appointments and removals performed by the mayor.

There are three state newspapers in the capital city of Bishkek; two are published in Kyrgyz and one in Russian. Their editors are appointed and removed by Presidential Decrees.

Certain regions have two official newspapers, one in Russian and one in Kyrgyz. The Osh Region has three official newspapers: one in Russian, one in Kyrgyz, and one in Uzbek. There is a total of 56 state-owned newspapers in the country. They are published mostly weekly, with the circulation being within 1,000 copies in the districts, 2,000 copies in the regions, and 5,000 copies in the capital city. These newspapers have never had large circulation or a broad advertising market. Without government subsidies, only a handful of them might survive. State-owned media journalists' salaries are low; their equipment is outdated; some editorial offices in the provinces produce their materials on electronic typewriters left over from the times of the Soviet Union.

The state electronic media is limited to the National Television and Radio Corporation, with offices in the regional centres.

The state-owned media are financed from the state budget, on the national, regional, district, and city levels. Executive editors of these media do not allow for any dissent in print or on the air. Dissent is grounds for dismissal. The editors have a standard directive: to implicitly serve as guardians of the state foundations and continually wage a merciless war on the opposition media. The state-owned media protect the authorities from criticism, thus accomplishing their function as a "servant of bureaucracy". They likewise defend the honour and dignity of the authorities.

Non-state-owned media outlets are of smaller numbers: there are 10 nationwide newspapers, 6 regional ones, 16 television companies (with 14 broadcasting on decimetre frequencies), and 10 radio stations. The leading newspapers are published weekly in Bishkek, with circulation between 10,000 and 60,000 copies (ten times the circulation of the largest state-owned newspapers). Today, the main problem faced by the non-state-owned media is judicial confrontation with the authorities, who file lawsuits against private newspapers every year, demanding vast amounts of money in compensation for insults on their honour and dignity. Every year, non-state-owned newspapers are legally forced to pay enormous

finer for publicly uncovering the shady dealings of state officials. Every year, the democratically-minded public continues to present the issue of differentiating, by way of pertinent legislation, between the notions of “public persons” and that of “ordinary citizens” within the context of coverage thereof by the media. Throughout the civilised world, this difference has been legally established, according to the principle *quod licet Jovi non licet bovi*. It is the lives of the officials that become an object of increased attention (that is to say, control) of the media. The everyday life of, for example, a trolley-bus driver, does not (and should not) become an object of media’s careful attention, while the everyday life of a prime minister does (and should). There is no sense in elaborating on the cause of such differentiation, since the activities of a higher official or well-known politician are of continuous personal significance to the public. Officials play a formative part in the history of their time, either solidifying or disbanding democratic values along the way. That is axiomatic.

Every year, this issue is brought to the attention of President Askar Akaev, who responds by obstinately defending his officials, publicly claiming that all citizens have equal rights, and all have to be equally protected from the journalists’ arbitrariness. These are the statements that cause avalanches of lawsuits against newspapers, with judges under the plaintiffs’ girdle. Meeting with the leaders of the civil sector, the President refuses to accept the need for legally restricting the ambitions of state officials whenever they are subjected to the inevitable and natural criticism by journalists. The President believes that a prime minister has the same right to defend himself from journalists as does his personal driver. He does not wish to acknowledge the difference in the attention paid to each of the two individuals. Journalists do not cover what the driver might have said when the car wheel got into a pothole; they, however, do cover what the prime minister might have said when getting into an allegorical pothole at a government session. All citizens are equal, but their functions in the state system are different. Hence the different view of them on the part of the legal system. In the event that a farmer files a lawsuit against the prime minister, accusing him of wrecking the country’s agriculture, the judges will do everything in their power to protect



the prime minister from such a suit. However, if the prime minister himself files a suit against a newspaper, accusing it of undermining the country's political foundations, the judges will make sure the claim is answered with a large fine payable to the plaintiff.

Naturally, lawsuits are usually filed against dissident newspapers. Likewise naturally, state officials do not usually sue state-owned newspapers. For purposes of being clear, I would like to provide specific instances of legal hearings based on lawsuits by officials against newspapers and authors over the past two years. The list below is provided in chronological order, with no comments.

## 2002

**13 May.** Judge Zhumatai Akmatov of the Djalal-Abad City Court ruled in favour of the former prosecutor of the Nooken District of the Djalal-Abad Region, who had filed a lawsuit against the *Kyrgyz Rukhu* newspaper and its employee, Akybai Sooronbaev. In accordance with the ruling, both the newspaper and its employee were sentenced to a fine of 110 som (2,200 USD) each. The newspaper's representatives were absent from the hearing, since the legislation stipulates that lawsuits be filed against media outlets locally. In this case, the suit should have been adjudicated by the Pervomaisk District Court of the city of Bishkek, not by the Djalal-abad City Court. On 15 May, Judge Akmatov issued a resolution releasing the newspaper and its employee from having to pay the fines.

**30 May.** The Suzak District Court (Djalal-Abad Region) returned a guilty verdict against Ziyakhidin Mamazhanov, a local journalist, under the Criminal Code Article on hooliganism. The journalist was sentenced to a fine of 2,000 som (45 USD). He believes the criminal proceedings were the result of vengeance on the part of a local lieutenant colonel of the police, whom Mamazhanov had criticised.

**16 September.** The Sokuluk District Court (Chui Region) adjudicated a lawsuit filed by Erkintur Moldogaziev, the akim of state administration of the Moskovsky District of the Chui Region, against the non-state-owned regional *Portret Nedeli* newspaper. Moldogaziev was seek-

ing protection of his honour, dignity, and business reputation. The court imposed a penalty of 75,000 soms (1,600 USD) on the newspaper in the akim's favour.

**26 November.** The Djalal-Abad City Court held a hearing on the lawsuit filed by Zhenishbek Turgumbaev, the dean of the Osh Technological University, against the *Fergana* newspaper. Turgumbaev accused the newspaper of insulting his honour and dignity by publishing an article with confessions by students in regard to the dean accepting bribes from them. Judge Zamir Samakov offered the parties to reconcile. The editor of the newspaper agreed; however, the dean refused.

**4 December.** The Leninsk District Court of the city of Bishkek adjudicated a suit filed by Merliside, a US company, against the *Moya Stolitsa* newspaper. The court sentenced the newspaper to a fine of 500,000 soms (11,000 USD), and the author to that of 10,000 soms (230 USD), payable to the plaintiff, and an additional fine of 50,000 soms (1,100 USD), payable to the state. The suit was filed following an article that claimed that the US based oil production company was evading state taxes in Kyrgyzstan.

**9 December.** The Pervomaisk District Court of Bishkek reached the verdict in the case instigated by P. Rakhmanov, president of the Kyrgyzziyltekhservice leasing company against the *Respublika* newspaper, which had published an article by G. Emelyanova, entitled "A Strange Appointment", calling into question the legality of Rakhmanov's occupation of his position. The judge sentenced the newspaper to a fine of 50,000 soms (1,100 USD), and the author to a fine of 1000 soms (24 USD), both payable to the plaintiff.

**26 December.** The Leninsk District Court of Bishkek held a meeting between the legal representatives of the parties involved in a lawsuit filed by the Kyrgyz prime minister Nikolai Tanaev against the *Moya Stolitsa* newspaper. Rina Prizhivoit, the author of the article in question, handed to the court, in the presence of her lawyer, a letter acknowledging her error. The prime minister refused to thus settle the case.

**30 December.** The Aksui District Court of the Issuk-Kul Region issued a resolution releasing Samagan Orozaliev, a journalist sentenced in 2001 to 9 years in prison, from serving his sentence due to the state of his health.

## 2003

**4 January.** The Leninsk District Court of Bishkek adjudicated a lawsuit by Baiyzbekov, former director of the Karabalta Alcohol Plant, by sentencing the *Moya Stolitsa* newspaper to a fine of 50,000 soms (1,100 USD), and the author of the article entitled “Alcohol Foam” to a fine of 10,000 soms (210 USD), payable to the plaintiff.

**10 January.** The Leninsk District Court of Bishkek sentenced the *Moya Stolitsa* newspaper to a fine of 75,000 soms (1,600 USD), and Genady Kuzmin, the author of the article entitled “One Family Went Up the Mount, Lots of Money That Family Found”, to a fine of 5,000 soms (90 USD), payable to two plaintiffs, the Issyk-Kul District State Administration and the Semenov Rural Council. The article claimed that the ski resort located in the Semenov Gorge of the Issyk-Kul Region allegedly belonged to members of the family of the President Askar Akaev.

**10 January.** The Pervomaisk District Court of Bishkek issued an order to close the *Kyrgyz Ordo* newspaper, based on a lawsuit filed by A. Duishaliev, the deputy head of Customs Inspection, who had felt insulted by an article entitled “Plagiarising Customs Officer”, which accused him of plagiarism while writing a scientific paper. The plaintiff was seeking damages of 350,000 soms (7,500 USD); however, Judge Zhyrgal Murzalieva resolved to close the newspaper instead. Following that, officers of the court attempted to seal the offices of the newspaper. On 15 January, the same court changed its decision, excluding the item on closing the newspaper from its 10 January resolution, but preserving the item on sequestration of the editorial offices. On the same day, the court sentenced the newspaper to a fine of 350,000 soms (7,500 USD), and author Karabai Alybaev to a fine of 5,000 soms (110 USD), payable to the plaintiff.

**16 January.** The Leninsk District Court of Bishkek adjudicated a lawsuit by the Kyrgyz prime minister Nikolai Tanaev (who considered himself insulted) against the *Moya Stolitsa* newspaper, sentencing it to a fine of 500,000 soms (11,000 USD), and Rina Prizhivoit, the author of the article entitled “President Is No Orphan. He Cannot be Wronged”, to a

fine of 3,000 soms (70 USD). On 22 January, officers of the court took a full inventory of the newspaper's property.

**18 February.** The Batken District Court of the Batken Region answered to a claim by Dastan Berdiev, the former head of the state administration of the Batken Region, against the regional Batken Tany newspaper for publishing an article entitled "Dastan's Own Kind of Privatisation". The court sentenced the newspaper to a fine of 50,000 soms (1,100 USD) and the authors to a fine of 30,000 soms (700 USD), payable to the plaintiff.

**13 March.** The Leninsk District Court of Bishkek answered to a claim by the Kyrgyz Minister of Interior, Bakirdin Subanbekov, against the *Moya Stolitsa* newspaper for publishing an article by Zamir Osorov entitled "Dangerous To Be a Southerner". The article criticised the actions of police during the deportation from the capital city of delegates to the Third National Kurultai (Congress) who had arrived from the country's south. The court sentenced the newspaper to a fine of 100,000 soms (2,300 USD) and Osorov to a fine of 5,000 soms (110 USD), payable to the Ministry of Interior.

**23 May.** Officer of the Leninsk District Court of Bishkek, Salamatov, confiscated the 15,000 copies of the latest issue of the *Moya Stolitsa* newspaper from the printing-house. The issue contained articles on the commercial activity of the President's son-in-law, and on freedom of speech-related persecutions.

**3 June.** The Leninsk District Court of Bishkek adjudicated another lawsuit by the prime minister Nikolai Tanaev against the *Moya Stolitsa* newspaper by sentencing it to a fine of 500,000 soms (12,000 USD), payable to the plaintiff. Mikhail Korsunsky, a retiree and the author of the article entitled "Trial as a Tetanus Remedy" was sentenced to a fine of 5,000 soms (110 USD).

**16 June.** The Leninsk District Court of Bishkek answered to a claim by the Kyrgyz Ministry of Foreign Affairs by fining the *Obschestvennyy rating* newspaper 50,000 soms (1,100 USD), payable to the Kyrgyz Foreign Minister Askar Aitmatov (son of the well-known writer, Chingiz Aitmatov), as well as two fines of 25,000 soms (600 USD) each, payable to

Aitmatov's deputies, Tentishev and Saliev. The suit was filed for an anonymous letter published on the newspaper's web site. The letter described violations at the Ministry of Foreign Affairs.

**4 August.** Kenzhaly Orozaliev, the head of public education of the town of Talas, filed a lawsuit against Kozubek Imankulov, a correspondent for the *Agym* newspaper. Imankulov had authored an article criticising the official's work.

**31 August.** The Djalal-Abad City Court started the hearing in the case filed by T. Abdullaev, Chief of Medicine at the Bazarkorgon Regional Family Medical Centre, against the *Fergana* newspaper and the *Pravo dlya vsekh* information bulletin, which had published an article critical of Abdullaev's work.

**19 September.** The Sverdlovsk District Court of Bishkek answered a claim by Melis Eshimkanov, the owner of the *Agym* newspaper and leader of the People's Party, against the *Aalam* newspaper and Tursunbek Akunov, a human rights activist, who wrote an article that provided a negative assessment of Eshimkanov's political position. The court sentenced the newspaper to a fine of 3 million soms (70,000 USD), and the author to a fine of 2 million soms (47,000 USD).

This situation persists despite a reasonably progressive legislative base adopted in the country. In 1992, the Law on Mass Media was adopted, determining the principles of free media activity, and stating that "censorship of the mass media is inadmissible". On 5 May 1993, the Constitution of the Kyrgyz Republic was adopted, guaranteeing every citizen the right to freely express and disseminate thoughts, ideas, and opinions, as well as to freely print, transfer, and disseminate information. On 11 November 1997, the Parliament adopted the Law on Guarantees and Freedom of Information Access and the Law on Protection of the Professional Activity of Journalists. These Laws confirm the guarantees of information access, and establish the major principles of freedom of access, as well as the norms for access to information which is legally protected. On 14 April 1994, the Law on Protection of State Secrets was adopted; on 2 March 1998, the Law on Commercial Secrets went into effect. These

Laws established a list of ten items containing special information that is not subject to public distribution.

Article 13 of the Law on Guarantees and Freedom of Information Access states that “in the event that an international treaty signed by the Kyrgyz Republic establishes regulations different from those established by this Law, the regulations set forth in the international treaty shall be used”. This is irrefragable in theory and unprecedented in practice; this is to say, there has been no precedent of any court decision referring to any international agreements signed by the President and ratified by the Parliament. These agreements are only referenced by the lawyers, while judges and prosecutors insist on ignoring them. In this regard, legally regulated procedures should be established for fully adhering to the officially accepted international obligations.

Article 7 of the Law on Protection of the Professional Activity of Journalists states that “a journalist may not publish facts of a natural person’s private life, or use audio/video recording devices without prior permission by the source of information or the author(s)”. State officials add this aspect to their arsenal whenever they wage another battle against the media for defending their corrupt positions. Journalists tend to lose these battles for lack of a legislative base that would clearly determine the framework of relations between the media and state officials by differentiating the latter from ordinary citizens not endowed by the state with official powers.

On 17 October 1998, the country held a referendum on changes and amendments to the Constitution. In accordance with its results, Article 65 was amended by Paragraph 8, which stated that “adoption of laws restricting freedom of speech and the media shall not be permitted”. The amendment was certainly very progressive, essentially not unlike the First Amendment to the Constitution of the United States. However, even after the adoption of such an amendment, the Kyrgyz authorities are still making systematic attempts at restricting freedom of speech and the media. For example, in 2002, the Government issued a Resolution restricting publishing activity in the country. Following a large number of public protests, the Resolution was abolished. In 2003, the Resolution on the

Contest for Radio Frequencies was introduced, placing independent television and radio stations in danger of liquidation during the contest selection. The public expressed its protest against such an initiative. The Resolution has been suspended.

In the current situation, journalists are searching for ways to protect their professional interests and civil rights. It is in this search that they create their own, non-governmental organizations, such as the Glasnost Protection Foundation, the Public Association “Journalists”, the Professional Union of Journalists of Kyrgyzstan, press clubs, and media resource centres. These organizations conduct work specifically for protecting the journalists’ rights, representing their interests in courts, lobbying legal drafts, monitoring conflicts and instances of media and journalists’ rights violations, as well as conducting round-table discussions, conferences, seminars, and training sessions. These are internal efforts. Externally, such organizations as the Soros Foundation, the Eurasia Foundation, OSCE, Freedom House, Internews, International Federation of Journalists, Swiss Agency for Cooperation, and the British Institute for War and Peace Reporting provide valuable help in supporting the media.

Here is an example of protection of a journalist’s professional rights. In September 2002, Talant Zhumabaev, a member of the Union of Journalists, was unexpectedly fired from his position as television producer with the Internews office in Bishkek. He filed a lawsuit, demanding fair and just treatment from the administration of Internews. The case went on for two months, with participation by the Internews director, a lawyer, and a union representative. It turned out that Internews, a respectable international organization, had a practice of hiring people without signing a contract, which allowed the administration to get rid of unwanted employees at will. The case was settled by Internews financially compensating the fired journalist. Following this incident, Internews also implemented a contract system for its local staff. That was a positive moment, which is becoming more customary due to the union standards.

As for the media development prospects in Kyrgyzstan, there will be no fundamental changes as long as the state-owned media exist on all administrative and territorial levels, from city to federal. During legal

hearings vis-à-vis state officials, journalists will be fully dependent on the judicial biliousness of all legal authorities, from district courts to the Supreme Court. The reason for that is the dependence of all judges on the wishes of the head of state, who has the personal power to appoint or remove them.

Electronic media will be fully dependent on the wishes of the members of the State Commission on Radio Frequencies, headed by the Minister of Defence. This Commission may at any given moment take away any station's right to use radio frequencies, or move a station from one frequency to another, or else force it from the metre to the decimetre frequency range. The State Agency for Communications may at any given moment seal the existing transmitters of the stations, citing interferences on the air. Kyrgyzstan saw examples of this back in 1997-1999.

The print media are likewise dependent on the wishes of the head of the state publishing trust, Uchkun, which is essentially a printing monopoly. The head of the trust is, in turn, dependent on the wishes of the Kyrgyz President, who has the power to appoint or remove him. The situation with this may change after an international printing-house, financed with the US government money, is launched in Bishkek. Freedom House, designated as the executor of this project, has opened its office in the city. Originally, the printing-house was supposed to have been opened in December 2002; for some reason, the project is still stalled.

The top-level state authorities must relinquish their control over the media. Figuratively speaking, journalism needs to be separated from the state just like the church was in the Middle Ages. We will emancipate our democracy only when we emancipate our media. It is imperative that the media be freed from its position as the "servant of the administration". Our authorities on all levels are capable of functioning without having any media outlets under control. The very fact of the existence of such control is paradoxical. How can a media outlet that is controlled by the authorities exercise its corrective function over the same? And if a local newspaper cannot control the local authorities, who needs that newspaper? Apparently, only the local authorities do. This logic is applicable to all of the state-owned press, radio, and television, all across the spectrum.



Therefore, we need to start the process of adding the “non” to the “state-owned” print and electronic media, giving them an opportunity to develop according to the market conditions. Let the media outlets form their own readerships and viewer audiences. It should not matter that some will be more successful than others; however, it will matter that the situation is developing according to the rules of supply and demand, not according to some high-ranking official’s directives. As a Slavic saying goes, nature abhors a vacuum. And every individual is above all interested in the news that concerns his or her area of direct habitat. Only local newspapers are fully capable of producing such news; that is why they must emerge and grow locally, just as it happens throughout the civilised world. Their circulation will depend on the number of inhabitants and the quality of articles delivered by the news staff. Only one condition is absolutely required: utter and complete independence and emancipation of the media from the local authorities. Such an order of business for the local media will become a blessing for the people residing in the regions, as well as allow the media to exercise their corrective function over the authorities.

As for the Codes of the Journalists’ Professional Ethics (most often talked about by foreign experts and our own top-level officials), they have already been adopted within the framework of the Union of Journalists of Kyrgyzstan (in 1997) and the Public Association “Journalists” (in 1999). In November of this year, the Professional Union of Journalists of Kyrgyzstan will likewise consider the issue of adopting a Code of Ethics for the members of the Union during its Republican Conference. However, on a nationwide scale, such a Code may only be instituted by creating a global organization, which would unite all of the country’s journalists. Such an organization is currently unthinkable due to the “serfdom” of the media, which, I hope, has been thoroughly explained in this article. It is unthinkable due to the presence of two contrasting lines of behaviour: the state-owned media are defending freedom of the authorities, while the non-state-owned ones are defending freedom, period. In this situation, there would have to be two Codes: one for each of the two camps of journalists. For that simple reason, we have not been able to

relinquish the duplicity dictated by the double standard.

As soon as we do away with the notion of “state-owned media”, we can start facing the issue of creating global Codes of Ethics and Press Councils, like the ones that exist in those Western countries that have long since ceased to separate their media into state-owned and non-state-owned. This is only a question of time. However, another question is how much time this is going to take, 5 years or 50. Seriously speaking, Kyrgyzstan (as amply noted by one American expert) needs quality of results rather than quantity of years, as in America’s 200-year long experience.

Meanwhile, our country is getting ready for a political transformation, which should occur following the presidential elections of 2005. Currently, it is imperative to block the temptation to extend the personality cult. It is critical to provide for a constitutionally impeccable transfer of executive power. It is in this fateful process that our media will play the key part. Without free information and unlimited glasnost, one cannot be developing a true democracy...



**Oleg Panfilov**

THE FUTURE OF CENTRAL ASIAN JOURNALISM DEPENDS  
ON THE UNDERSTANDING OF DEMOCRATIC VALUES

Sixteen years after Mikhail Gorbachev proclaimed the period of *perestroika* and *glasnost*, in 1987, it seems appropriate to provide an analysis of the situation that has developed since. Such an analysis is helpful not only because the period in question encompasses an entire generation, but chiefly because post-Soviet journalism has largely remained in its *perestroika*-like form. That is to say, the press does exist, but it is not free.

Why are the Central Asian journalists not free? What kind of freedom do they need? These are questions that can be dubbed either rhetorical or, in fact, timely. Strangely enough, even despite the emergence of a new generation of journalists, the press has not become more free. It has certainly become more economically independent, and has witnessed the emerging foundation of an advertising market. However, the legal position of Central Asian journalism remains that of the *perestroika* period, i.e., “Soviet-like” in many ways: laws do exist, but no one adheres to them. Why is that the case?

The late 1980s in the Central Asian part of the Soviet Union were marked by a rather conflicting attitude, among the authorities and leaders of the local “branches” of the Communist Party, towards what Mikhail Gorbachev and Alexander Yakovlev called *perestroika*. Concurrent with it, the reformers of the Communist ideology proclaimed *glasnost*, ascertaining, rather logically, that one could not exist without the other. In other words, Soviet journalists received an unexpected gift of *glasnost*, taking for granted the opportunity for discussing subjects which had previously been off-limits, without realising that true freedom is never given away for free.

The “gift” of the Soviet reformers did not cause any hesitation on the part of journalists, since they had longed for any sort of freedom to escape the dominance of the state and Communist propaganda. However, this

many years later, no one seems to wonder just how free these journalists have become, following their release from the totalitarian ideology.

### **Beyond the legal bounds**

Over the period of *perestroika* and independence, the development of the media in Central Asia has varied from country to country, in many cases tragically. In **Turkmenistan**, independent media emerged in the early 1990s in the form of several newspapers and the *Dayanch* magazine (published in Moscow); however, all of those were subsequently banned by President Niyazov. During the same period, **Uzbekistan** saw the emergence of non-state-owned periodicals, which were likewise virtually banned in the mid-1990s. Those independent newspapers that are still being published in this country exist under a constant threat of closure; some have already been closed down. Prior to 1992, the media of **Tajikistan** enjoyed the largest degree of freedom compared to other former Soviet republics: over 30 non-state-owned newspapers were published in this small state. However, with the transition of power in November 1992, most of them were virtually banned. In **Kazakhstan**, media development faced challenges and threats from the authorities in 1996, following an official state-sponsored contest for television and radio frequencies. The majority of popular independent television and radio stations lost out in this contest. In **Kyrgyzstan**, the change in state media policy occurred at about the same time, probably owing to the extension of Askar Akaev's presidential term.

All the above occurred despite the fact that, by the time of implementing measures against the media, the newly independent states had already become members of the United Nations and the Organization for Security and Co-operation in Europe, with the majority of them signing and ratifying international humanitarian documents, thus placing themselves under additional obligations with regard to freedom of speech and the media. By that time, all the states in question had also adopted their respective Constitutions, containing relevant articles which proclaimed freedom of speech and outlawed censorship. Three of the countries in

question (Tajikistan and Turkmenistan excluded) had adopted new laws regulating media activities and declaring media freedom. It is of note that the most modern media laws, corresponding closely to the international norms, were adopted in Uzbekistan.

**Have journalists gained more freedom in their work?  
If not, why haven't they?**

I am probably not revealing anything new by claiming that all across the post-Soviet territory, there are no political regimes which treat freedom of speech adequately with respect to their own laws or to international documents. It is easier to assess a state's view of the independent media by observing its President's attitude toward freedom of speech. Turkmenbashi's rather peculiar stand has resulted in a complete collapse of the media in Turkmenistan. The Uzbek President's cautious policies lead to infrequent "appeals" to journalists to be more courageous; in reality, however, the officials resist any development of the independent media. The President of Kazakhstan has learned to accept the situation in which his daughter serves as the head of the largest state-owned television station. In Kyrgyzstan, media conflicts are usually resolved in legal form, whereby the newspapers are destroyed by means of enormous fines, incomparable with the media's financial capacity. In Tajikistan, journalism remains in a state of constant fear following the bloody civil war, in which an estimated 150,000 people (including over 70 journalists) perished.

In this situation, the attitude of legal unawareness among journalists themselves seems rather strange. The majority of Central Asian journalists have never studied the current legislation; even those who claim to have done so cannot prove it in any practical way. It appears that for the majority of journalists, talking of freedom of speech is a means of self-assertion. Meanwhile, very few of them realise that, besides demanding freedom of speech from the authorities, one must also know the methods of fighting for it. Thus, what we have is a dead-end situation, as journalists are demanding something of which they have very little understanding. Perhaps that is the flip side of Gorbachev's *glasnost*.

Another “phenomenon” of the contemporary non-state-owned media in Central Asia is its oppositionist stand. In other words, they engage in a deliberate confrontation with the authorities and in constant criticism thereof, often failing to support such criticism with facts, instead basing it on the statements and opinions of the individual authors. Any attempt on the part of the authorities to point out journalistic discrepancies in publications is met with a strong protest campaign, fuelled chiefly by resentment, as journalists cry out, “We are being persecuted.” By dubbing themselves as opposition media, newspapers sometimes transform into political forces of sorts, occasionally managing to launch formidable political entities. For example, several years ago, the staff of the *Res Publica* newspaper in Kyrgyzstan announced the creation of the Republican Political Party. In Kazakhstan, formally independent newspapers make no secret of their support of the local opposition parties.

It is hard to explain that a position such as this is not at all conducive to the development of independent media; instead of printing “denunciatory” articles taking up almost entire issues, a periodical must concentrate on providing information. Journalists believe that by publishing an “opposition” newspaper, they counteract to the state propaganda, failing to notice that they themselves become a propaganda (or, rather, a counter-propaganda) machine.

Publications such as these do not usually have strong management practices. Their advertising revenues are either non-existent or very small, and unable to cover the publishing expenses. Such publications survive on grants or donations from various sponsors, many of them political. As a result, the newspapers have no chance of becoming self-sufficient and profitable, as all of their energy, creative as well as financial, is spent exclusively on sustaining the image of fighters with the authorities.

It would not be fair to claim that such media outlets are unnecessary and useless. However, in my view, this kind of media has already fulfilled its mission, back when the situation demanded the people’s participation in forming a public and political worldview, as well as a view of the new states’ future lives. Today, we should talk about the ways for the Central Asian media to become modern.

## To be or not to be?

Two conditions are necessary for the media to develop: the authorities' efforts to create the right conditions for the existence of non-state-owned media and the journalists' realisation of what that kind of media should be like.

International organisations have a way of influencing the authorities through monitoring and issuing statements that remind the countries in question of their obligations. However, those organisations **cannot change anything** unless the journalists themselves are able to demonstrate their efforts for creating and sustaining independent media. The situation cannot be changed with mere statements of the need for freedom of speech.

Another condition is the journalists' urge towards freedom. Increasingly often, however, we are confronted with extremely low levels of legal awareness among journalists. As a result, any lawsuit or any form of legal persecution become a catastrophe for the media. The lack of legal knowledge hinders the journalists' ability to perform; many do not know how to defend their right to receive information, or how to verify the information received, in order to present objective facts.

Besides their political biases and a lack of experience in using the laws, Central Asian journalists also display a rather peculiar attitude toward the media as a business enterprise. In other words, the majority of journalists view the media as a means of making their opinions known, while very few think of developing the advertising market and management systems; very few indeed reflect on journalism as a profession. Publications contain primarily the journalists' opinions and comments, while actual information is present to a lesser degree.

## The phenomenon of the Tajik media

The word "phenomenon" may not be the most appropriate one for describing the activities of the Tajik media; however, there are certain explanations and arguments for the use of this particular term.



In creating the country's independent media, Tajik journalists set themselves apart from their colleagues in other post-Soviet states by publishing the majority of newspapers in the Tajik language (as opposed to the development of Russian-language publications in other newly independent republics). In addition, they did not limit themselves to creating exclusively oppositionist media: instead, there appeared a large number of public and political newspapers, as well as literary, children's, sports, and advertisement periodicals. Given the population of 5.2 million people in 1992, the existence of over 30 newspapers placed Tajikistan at the top of all former Soviet republics, as far as media development was concerned.

With the beginning of the civil war, caused largely by political motives, the majority of these newspapers were banned, while others closed down fearing persecution. However, some six or seven years later, the media began a process of resurrection. By 2003, Tajikistan had witnessed the emergence of several independent media holding companies, such as *Charkhi Gardun* (seven newspapers), *Asia Plus* (an information agency, a newspaper, and an FM radio station), and *Tojikiston* (two newspapers). Media development is occurring not only in the capital city of Dushanbe, but also in the country's north, in Khujand, where yet another media holding company is currently taking shape around Tajikistan's first FM radio station, *Tiroz*, and two independent television stations, *SM-1* and *Asia*.

The authorities' view of the media has also undergone certain changes. This is probably due to the development of Tajikistan's international relations with Western countries, which stipulate that the implementation of democratic processes (including freedom of the media) is a necessary condition for receiving economic aid.

Still, as in the majority of Central Asian states (Turkmenistan excluded), Tajik journalists are facing a major obstacle, that of a low level of professionalism, as well as a lack of legal awareness, and the persisting post-civil war fear of being persecuted by the authorities.

## Educational centres as a solution

Currently, the process of educating journalists is rather sporadic in Central Asia. The numerous seminars certainly do help some individuals by introducing them to the foundation of modern journalism. However, the organisations that conduct and finance those seminars usually fail to monitor the results and quality of the knowledge imparted. Various organisations often conduct seminars on the same subjects, involving experts of very different levels of training. To my mind, the biggest mistake is that the Western organisations prepare the programmes for their educational seminars without estimating the level of the participating journalists' preparedness.

The multiple departments of journalism at Kazakh, Kyrgyz, and Tajik universities are not doing much to remedy the situation, either. Students are taught according to the classical methods of Soviet journalism, studying the theory of it in the course of five years, and subsequently entering the media workforce with no practical experience. The departments of journalism pay little attention to contemporary issues, such as professional ethics and the practice of using the law. Proper grammar and computer skills constitute only the beginning of a journalist's work, while in practice journalists face problems of a different kind.

In order for this situation to change, journalists within Central Asia need an Educational Centre that would provide the necessary training. The Centre's primary role should be to help journalists realise their role in the contemporary world. The Centre must incorporate programmes with the participation of journalists from Eastern Europe, as well as the Western countries. For example, journalists from Poland, the Czech Republic, or Serbia could share their own experiences in defending freedom of speech. In addition, those studying at the Centre could gain a better understanding of the mechanisms of fighting for journalists' rights using the experience accumulated by the OSCE, Reporters Without Borders, the U.S. Committee to Protect Journalists (CPJ), and Article 19.



**Inera Safargalieva**

UZBEK MEDIA AND THE AUTHORITIES  
– A STRANGE RELATIONSHIP

There are several circumstances that merit the attention of those who strive to understand the real situation with the media and freedom of speech in Uzbekistan.

As of today, the Uzbek state continues to exercise mechanisms that suffocates disagreeable media outlets through the founders of the outlets in question (in Uzbekistan, these founders include the prosecutor's office, local administrations, military and law enforcement agencies, as well as state and pro-government organizations), and through the various institutions that regulate telecommunications, subscription, print media distribution, and access to foreign and local information networks.

In general, Uzbek media continues to remain suppressed, censored, and non-corporate, since it is still influenced and controlled by the authorities, including those at the top level. In particular, the media that serve domestic audiences are unofficially prohibited from covering critical political and social subjects. This ban comes from the Executive Staff of the President of Uzbekistan, which places a variety of official and unofficial restrictions on the media and keeps it under control. The media outlets are to a large extent forced to remain pro-government and under the influence of the state ideology. Therefore, one cannot speak of any fundamental changes to the situation with the media and freedom of speech since the *de facto* abolishment of censorship in 2002.

Broadly speaking, the relevant legislative acts define media as free; however, there is a significant gap between laws and reality. Furthermore, the media legislation is neither developed nor comprehensive, since many of its norms are of an abstract and declarative nature, and do not cover all of the issues. A reasonable question thus surfaces: why are journalists in Uzbekistan not striving to establish their right to freedom of speech? Many factors are at play here, with the principal ones being self-censor-

ship, lack of experience in fighting for media rights, lack of legal knowledge and education, as well as a lack of dialogue among the authorities, the public, and journalists on the importance of the media's public role.

Let me elaborate by providing several examples that illustrate the way media development in Uzbekistan is impeded. Following the abolishment of censorship, certain publications in the capital have started to print carefully worded materials critical of the authorities. The Uzbek-language *Mokhiyat* newspaper became particularly notable and popular for that. However, after a certain period of time, many staff members of the newspaper had to be dismissed due to the pressure on the part of a new executive officer in charge of the organization that had founded the newspaper. This new executive officer, appointed by the Presidential Staff, established internal censorship, i.e. preliminary examination of articles. However, the incident was not over with the dismissal of *Mokhiyat*'s staff. The journalists in question are currently facing a lawsuit, filed in a Tashkent court for protection of honour and dignity, and compensation of moral damages in the amount of 45 million sums (equivalent to 45,000 USD). The suit resulted in the *Mokhiyat* printing a series of poems containing veiled criticism of the public and political situation in the country. Incidentally, the evidence of criticism in the poems was provided in court through the plaintiff by the State Press Committee, the same institution that had been in charge of implementing media censorship, reorganized into the Information and Press Agency. The plaintiff, a literary figure and a poet, took offence to a single line in the poems, claiming that it disgraced him (the author of the poem had jokingly compared the plaintiff's work to dust as compared with eternity). According to the lawyer representing the journalists (including the author of the poem), the hearing was deliberately following an accusing tendency, which perplexed the journalists, since none of them doubt that the plaintiff was merely a pawn played by the authorities in order to penalise them, and discourage the rest of the Uzbek journalists from criticising the current regime even in veiled fashion. As of October 2003, no verdict in the former *Mokhiyat* journalists' case has been reached.

Another newspaper, the Tashkent-based Russian-language *Vremya i my*, had also started to occasionally publish materials critical of the political and public situation after the abolishment of censorship. However, after a certain period of time, the newspaper was closed on the grounds of not being able to pay for its production costs. The pro-government Matbuot Tarkatuvchi joint stock company, a monopolist in the nationwide distribution of newspapers and magazines, had suddenly determined that *Vremya i my* was unprofitable, and that almost a half of its circulation was routinely written off due to a lack of demand. Meanwhile, according to the chief editor, the newspaper had an agreement with Matbuot Tarkatuvchi, which stated that *Vremya i my* had an 80% sales rate, with no unclaimed circulation returns. One concludes that, as soon as the newspaper started printing critical articles, a motive for closing it down was immediately found.

One must note that in the relations between Uzbek media and the authorities, the most strained are those between the journalists and law enforcement agencies. The latter openly violate the journalists' rights, impeding access to information. In certain cases, law enforcement representatives do so deliberately and harshly, and usually get away with it. For example, in March 2003, there was a rally in a Tashkent market by indigenous women dressed in Muslim attire. They demanded liberty for their relatives incarcerated for religious reasons. Representatives of Radio Liberty and Voice of America were present at the rally, recording the participants' opinions on tape. On the way back to their offices, they were attacked by a group of some 20 people in civilian clothing, who severely beat them and confiscated their recording devices. The police were present at the scene, but did not interfere. It is no secret that law enforcement agencies in Uzbekistan maintain a specially trained contingent of people who use these kind of methods so as to "teach a lesson" to the human rights activists and journalists. These trained "experts" perform their duty in civilian clothing, so that no one would be able to prove that law enforcement agencies were involved. The victims filed a lawsuit citing assault and robbery; however, the case was soon closed due to a lack of suspects.

Also in March 2003, another Tashkent-based Russian-language newspaper, *Zerkalo 21*, published an article based on official data received from judicial institutions, including the prosecutor's office. The article told of a presiding judge, who had signed an unjustified legal proceedings report and unlawfully ruled to release the accused from custody. The offended judge, believing that his reputation suffered as a result of the article, filed a lawsuit against the newspaper for protection of his honour, dignity, and business reputation, seeking moral damages. At the time of writing, the hearing in this case is still proceeding; according to the lawyer representing the newspaper, it is doing so in an accusing fashion. Meanwhile, the latest issue of *Zerkalo 21*, published in October 2003, came out on eight pages instead of the usual sixteen, due to a decision by the newspaper's founder, the government Information and Press Agency. According to unofficial information, the executive management of the Agency (appointed by the Presidential Staff) had thus "squeezed" the newspaper due to the authorities extreme displeasure with an article on the Russian military base in Kyrgyzstan, published in the September 2003 issue. A staff member of *Zerkalo 21* had claimed that no one at the editorial office knew of any unofficial ban from the Presidential Staff on that subject matter.

Here is a typical example of the high-ranking officials regulating access to information. At the annual meeting of the European Bank for Reconstruction and Development, which took place in May 2003 in Tashkent, one hour prior to the forum's opening, the President of Uzbekistan held a press conference with participation exclusively by the so-called "parade" media, i.e., journalists representing the First Channel of Uzbek State Television, and the State Information Agency, UZA. The international community was expecting the Uzbek President to criticise law enforcement agencies for their torture practices. Foreign journalists were expecting the same; however, they were excluded from participating in the press conference, since their questions could expose certain actions by the authorities that they would rather not make public.

One must note that the President of Uzbekistan has recently started emphasising the need for alternative thinking in the press. Considering

that prior to the abolishment of censorship, the press reflected only one view, that of the government, one assumes that “alternative” means critical thinking. At the same time, the Uzbek leader believes that criticism must stay within reasonable limits, and respect moral historical values, i.e. traditions, customs, national mentality, all of which emphasise a lack of insubordination to seniors, not only in age but also in position. This directive effectively reduces to zero any right to freedom of speech. However, the directive has also been reflected in the new Law on Principles and Guarantees on Access to Information. And, while this Law establishes every person’s right to freely seek, receive, research, disseminate, use, and store information, it also states that information access may be restricted in the name of maintaining safety and protecting the moral values of society. One of the Articles of the new Law specifically describes a system of counteraction to information expansion, in the event it is directed at deforming the national mentality, for example, by way of separating society from its historical and national traditions and customs. I should reiterate that these national local traditions do not include the right to enjoy freedom of speech. Incidentally, unlike the Russian “Information Security Doctrine”, or the Ukrainian “Information Security Convention”, neither of which carries the force of law, in Uzbekistan the section on information security of the new Law is, in fact, legally enforceable. The Internet has become the Achilles’ heel for the Uzbek authorities. It is the Internet that provides on-line access to publications that at this point may not be printed in the local media. That is why the security unit of the Uzbek Agency for Communications and Information Technologies has blocked access to foreign and local opposition web sites, as well as to any other questionable information. All of the Uzbek Internet service providers must go through this security unit; otherwise, they would risk losing their license.

The following example illustrates that censorship is alive and well in the media. According to Elmira Khasanova, a journalist working for the Fourth Channel of State Television, Uzbek television programmes are subject to censorship, script approval to the actual airing. Even after the programme is approved for broadcasting, it usually undergoes another round



of editing, primarily due to its inconsistencies with ideological criteria. For example, the Russian information programme *Vesti* is recorded every day at 12 noon local time. Until its rebroadcast at 5 p.m., it is heavily censored, cutting any criticism of Uzbekistan, as well as anything else that is deemed inappropriate for Uzbek viewers. During the military conflict in Iraq, Russia's position on the issue was censored from the programme.

Self-censorship serves as yet another indicator of continued state censorship in the media. Local journalists are aware that both themselves and media outlets they represent will likely have problems if a sharp-edged, critical article or programme is published or broadcast.

Uzbekistan has a myriad of laws that establish and/or concern the status of media and journalists. The principal ones are: the Law on Media; on the Professional Activities of Journalists; and on Guarantees and Freedom of Access to Information. There are several other laws and resolutions of the Cabinet of Ministers that directly concern the issues of freedom of speech, censorship, and the status of the media. The vast majority of these laws are of the "first generation" of media legislation, which now requires a more detailed examination. So far, there has been only little evidence of certain movement toward a "second generation" of media legislation, which attempts to develop more specific definitions of media rights and responsibilities. That includes the amendments made last year to the Law on Media. Regrettably, it was the Uzbek government that initiated the amendments, not the journalistic community of Uzbekistan.

**Alisher Taksanov**

MEDIA IN UZBEKISTAN:  
TRANSFORMATION, ANALYSIS, AND ISSUES

**BRIEF HISTORICAL REVIEW OF MEDIA DEVELOPMENT**

Over the past 20 years, media outlets in Uzbekistan have undergone major changes which have determined several stages in their development. The changes have occurred both due to the political and economic liberalisation, as well as the country's independence.

**The first stage** includes media development prior to 1986. During this period, official Communist state monopoly demanded an ever-increasing influence of the ideological machine on the people's consciousness, particularly by means of the press and television/radio broadcasting. In this sense, the quantitative characteristics of the media were unsurpassed. To turn to statistics: while in 1980 the number of books and brochures published in Uzbekistan was 2,169 (including 973 in Uzbek), in 1985 that number increased to 2,265 (including 982 in Uzbek). Their combined circulation increased from 34.6 million copies (22.9 million in Uzbek) to 41.7 million copies (23.7 million in Uzbek), which meant an increase from 2,170 to 2,285 copies per 1,000 people.<sup>1</sup>

Between 1980 and 1985, the number of magazines, bulletins, and brochures grew from 83 to 88 (with Uzbek-language publications, conversely, decreasing from 35 to 32), while their combined yearly circulation went up from 132.3 million to 144.6 million copies (in Uzbek, from 92.9 million to 106.8 million copies). Meanwhile, per 1,000 people, magazine circulation decreased from 8,288 to 7,394 copies.

The number of newspapers likewise increased from 281 to 286 (including Uzbek language newspapers, which went up from 190 to 195); their combined yearly circulation went up from 896 million to 1,031.4 million

<sup>1</sup> "National Economy of the Uzbek Soviet Socialist Republic, 1990. Tashkent, Uzbekistan", 1991, p. 129-130.

copies (in Uzbek, from 658.2 million to 775.5 million copies). Newspaper circulation per 1,000 people went down from 308 to 301 copies.

One must note that the vast majority of newspapers, magazines, and bulletins were distributed through subscription, which was implemented among individuals and organizations on a “voluntary-compulsory basis”, and in accordance with a purchase order established by the state authorities. However, considering the insignificant cost of the publications, the subscription campaign was not too damaging to family or industrial budgets.

As for television, Uzbekistan had a single republic-wide station, with local state television stations functioning from 6 p.m. to 10 p.m. daily in the regions. In addition, programmes from Kyrgyzstan, Kazakhstan, Tajikistan, and Turkmenistan were broadcast once weekly, while All-Union and Russian stations broadcast on a permanent basis. City and republic-wide radio stations broadcast in Russian, Uzbek, Tajik, Kazakh, Turkmen, and Kyrgyz, along with re-broadcasting of programmes by the All-Union Mayak radio station.

**The second stage** of media development was between 1986 and 1991, in the times of glasnost and perestroika, proclaimed by Mikhail Gorbachev. Influenced by political liberalisation, the number of media outlets grew along with their quality, which became possible due to the elimination (albeit not complete) of censorship, broadening of the subjects covered (to include those previously forbidden), as well as the emergence of real journalism, one that truthfully reflected the current situation. In 1990 alone, 2,080 books were published in Uzbekistan, with a total circulation of 51 million copies (2,482 copies per 1,000 people). The number of magazines and other related periodicals increased to 96 (with the number of Uzbek-language magazines increasing to 38), while their combined yearly circulation went up to 171.8 million copies (133.6 in Uzbek), which translated into 8,375 copies per 1,000 people. As for newspapers, there were 311 of them in 1990 (with 179 in Uzbek), with the combined yearly circulation of 1,211.1 million copies (895.5 million in Uzbek). The newspaper circulation per 1,000 people increased to 334 copies.

Many Uzbek journalists dubbed this period “the golden age”, since freedom of speech and expression was allowed, with censorship reduced to a minimum. In 1990, the Supreme Soviet of Uzbekistan adopted the Law on Media, which established the status, goals, and functions of media outlets, along with proclaiming democratic principles of development, political pluralism, and rejecting an ideological monopoly. Later on, in 1997, this Law re-appeared in a new edition, which substantially worsened conditions for media activity.

**The third period** went on from 1992 until May 2002, with mass media developing in a newly independent Uzbek state. This was a complicated period, characterised by, on one hand, a reduction of state subsidies to the media (and the subsequent necessity to adapt to new economic conditions), and, on the other hand, the state’s rejection of democratic principles, intensification of both censorship and the personality cult of the head of state, and persecution of opposition and dissent. While during the first two years of Uzbekistan’s independence it was relatively uncomplicated to establish a new periodical or a private television station, in succeeding years this process was burdened by strict official and unofficial restrictions, which caused a decrease in the share of independent media. Following the publication by the non-state-owned *Stock Exchange Herald of the East* newspaper of an article entitled “Russia Does Not Want to Be a Milk Cow”, the government granted the Central Inspection on Protecting State Secrets in the Press (UzLit) unlimited censorship authority. A universal examination of all periodicals ensued, with loyalty to Islam Karimov’s political regime as one of the criteria. A number of media outlets belonging to opposition associations (the Erk Party, the Birlik movement, and others) were closed, along with some electronic media outlets, such as the Europa Plus and Moi Gorod radio stations. Local authorities closed down a private television station in Khorezm; Shukhrat Babadzhanov, its director, was forced to leave the country and seek political asylum in Germany.

For political reasons, stations such as the BBC, Voice of America, and Radio Liberty have been unable to secure FM frequencies for broadcasting in Uzbekistan. The Tashkent-based Sesame radio station has likewise

had a serious confrontation with the authorities. Internews, an international organization, has had difficulties with the distribution of its television programmes through the country.

In addition, market economic conditions caused the closure of multiple publications, whether created by state institutions (including departmental and territorial authorities) or private enterprises. The central press, funded from the state budget, managed to stay afloat. Those commercial media outlets able to employ principles of marketing and management, to be competitive with respect to advertising and public relations, and find their readership, also managed to survive, despite restrictions. By early 2001, the majority of newspapers (including nationwide ones) had circulations of 2,500 to 20,000 copies. These figures demonstrate that an increase in the number of periodicals had not resulted in the increase of their volume. On the contrary, circulation has sharply decreased, while sale prices have soared, and problems with distribution have emerged.

The monopolistic position of the Matbuot Tarqatuvchi (former Soyuzpechat) distribution agency has resulted in the emergence of private distribution companies offering their services to nationwide and local periodicals. Thus, in Tashkent alone, there exist such private distributors as Kalion, BGL, Alexander Market, and others, which strive to cover not just the capital, but the entire country. However, it is difficult for them to compete with Matbuot Tarqatuvchi, which over many years has established connections with transportation enterprises, and has enjoyed certain benefits from the state. For example, according to a governmental decree, within the time period from 1 May 2000 until 31 December 2003, Matbuot Tarqatuvchi and any companies that are affiliated with it are only required to pay gross revenue tax in the amount of 5 per cent, with an additional contribution to the Republican Road Fund in the amount of 0.5 per cent of the gross revenue. Meanwhile, the Ministry of Finance is required, within the same time period, to provide the distribution agency with funds from the state budget, in order to compensate it for 50 per cent of the costs of air and railroad freight of the periodical press. The government has also recommended that the Ministry of Energy place Matbuot Tarqatuvchi and any companies that are affiliated with it into the

privileged “fifth group” of electric energy consumers (non-profit consumers and budget organizations). The national Uzbekiston Khavo Iullari airline has also been asked to review its schedule of departures, to provide for early-morning daily delivery of print media into the regional centres and the Republic of Karakalpakstan.<sup>2</sup>

Needless to say, independent media networks have a multitude of problems, including those of transporting their publications through customs, taxation, and the unofficial negative view by the authorities to the distribution of Russian, Kazakh, and any other non-Uzbek publications, especially the ones that may be critical of Uzbekistan. Thus, the authorities banned the import into Uzbekistan of the Kazakh Karavan newspaper, along with Russian *Moskovsky Komsomolets* and *Komsomolskaya Pravda*. On 8 September 2001, the customs office of the Tashkent Central railway station seized 103 copies of *the Central Asia and the Caucasus* magazine, published in Sweden. The Mirabad District Court of Tashkent ordered the confiscation of all copies of this scientific magazine, based on a recommendation by the experts of the Ministry of Culture.

The majority of Uzbekistan’s population continues to exist outside of the information space. Print media do not reach many of the remote rural regions. The only means of information there are television and radio, as well as telephone conversations, and, much like in the times prior to the revolution, the local markets. It is through the travelling merchants and customers that the local residents learn of events in the country.

On the other hand, the potential reach of the electronic media is also limited, since not every family owns a television or radio set. In certain mountain regions, the reception is quite poor, and sometimes non-existent.

Meanwhile, the popularity of the Internet as an information source continues to grow. According to data provided by the Uzbek Agency for Communications and Information Technologies, the number of Internet users in Uzbekistan in 2002 was 275,000 people, which is more than twice the same number in 2001. Up to 72.9 per cent of Internet users are located

<sup>2</sup> “No Longer Under Lock and Key”, *The Business Herald of the East*, 20 April 2000.

in Tashkent. The majority of users (almost 70 per cent) utilise public Internet access locations, of which there are over 100 throughout the country. Internet journalism has emerged. An increasing number of independent reporters use the world wide web for distribution of their information. Certain official media outlets, such as the *Narodnoe slovo* and *Business Partner of Uzbekistan newspapers*, are also starting to be involved with the Internet by offering readers electronic versions.

The UzA information agency has launched its own web site, and covers events in Uzbekistan through the Internet. The *Uzreport* information portal (which doubles as the owner of the weekly *Business Herald of the East* newspaper) is also popular with domestic and foreign readers alike. Information is published on its web site in Russian, English, and Uzbek, and is widely used by analysts. However, one must admit that the aforementioned agencies publish primarily news articles and reference data, while being cautious with any analytical materials, especially those regarding politics and economic reforms. That is due to the fact that Uzbek authorities control all of the information that comes from the “uz” domain zone.

To provide some numbers characterising this third developmental stage, as of 10 January 2001, 719 media outlets were registered in Uzbekistan, with 507 newspapers, 157 magazines, 4 information agencies, and 51 electronic media (television and radio stations). Out of 507 newspapers, 77 were nationwide, 162 regional, 47 city, 176 district, and 45 industry- and factory-specific newspapers. Out of the same 507, 394 were state-owned, 63 public, and 50 belonged to commercial or religious organizations. 133 newspapers were departmental. As for magazines, 99 were state-owned, 34 public, and 27 belonged to commercial or religious organizations.

One must note that the media in Uzbekistan has an international flavour: publications are produced in the official Uzbek language, as well as in Russian, English, Kazakh, Tajik, Karakalpak, Bukharan-Jewish, and Korean. Considering that Uzbeks comprise over 80 per cent of the population, it is reasonable that the majority of periodicals should be published in the official language. Incidentally, that aspect is regulated in accordance with the National Law on the Official Language.

Experts specify that this concerns local media to a larger degree, due to a more mono-ethnic national composition of the regional population. Meanwhile, print media that are distributed nationwide are usually multi-lingual.

Experts agree that the most numerous group of media outlets is that of **public and political newspapers**, targeting mass readership and informing the population of all facets of life in the country, as well as in any given region, city, or district. This group includes such newspapers as *Khalk suzi*, *Narodnoe slovo*, *Toshkent khakitati*, *Taskentskaya Pravda*, *Toshkent okshomi*, *Evening Tashkent*, *Ovozi tochik* (in Tajik), *Nurly zhol* (in Kazakh), as well as newspapers in the regions, and districts (khokimiyats).

The second group includes **media outlets published by officially recognised parties and public organizations**. These newspapers include *Uzbekiston ovozi*, *Golos Usbekistana*, *Milliy tiklanish*, *Adolat*, *Vatan*, *Fidokor*, *Ishonch*, *Ishonch-Doverie*, and others.

The third group is comprised of **the so-called general cultural publications**, such as the ones covering literature, fiction, education, and humanitarian and spiritual aspects of society. These include such newspapers as *Uzbekiston adabiyoti va san'ati*, *Teacher of Uzbekistan*, *Oila va zhamiyat*, *Sport*, *Ma'rifat*, *Markazij Osiyo madaniyati*, *Ialb kuzi*, and others, as well as such magazines as *Zvezda Vostoka*, *Shark yulduzi*, *Theatre*, *San'at*, *Saodat*, *Mushtum*, *Zhakhon adabiyoti*, *Yoshlik*, *Yosh kuch*, *Gulkhan*, *Guncha*, and many others.

It would be inexcusable to leave out the presence of religious publications in Uzbekistan. The Muslim *Islom nuri* newspaper and *Khidoyat* magazine are published in the country, as well as the Christian Orthodox *Slovo zhizni*.

In addition, there is a significant number of periodicals covering various issues of science and research, as well industry-specific publications providing information on certain sectors of the national economy. Recently, there has been an increase in the number of newspapers and magazines oriented toward assisting the development of entrepreneurship, and establishment of inter-governmental economic ties and mutually beneficial trade and economic cooperation among sovereign states.



These publications include such newspapers as the *Khamkor*, *Business Partner*, *Business Partner of Uzbekistan*, *Mulkdor*, *Mening mulkihm*, *Private Property*, *Bank akhborotnomasi*, *Bank Gazette*, *Savdogar*, *Business Herald of the East*, *Kuch adolatga*, and others, as well as such magazines as the *Bozor, pul va credit* (Market, Money, and Credit), *Financial Market Review*, *Economic Review*, *PressTIZH*, *Wholesaler*, *Business Osiyo*, *Investvesti*, and others.

There are also periodicals published by enterprises created jointly by Uzbek and foreign institutions. These include the *Fim 'S* magazine of the Uzbek-Indian Salamander company, the British American *Tobacco Uzbekistan yangiliklari* bulletin of a joint Uzbek-British enterprise, and the Rastr publication of a joint Uzbek-British “Rastr” publishing and printing company.

The following information agencies are active in Uzbekistan: the National Information Agency (UzA), the Zhakhon of the Ministry of Foreign Affairs, the non-state-owned Turkiston-Press, the information Agency of Karakalpakstan, and the Information Centre of the Presidential Staff. Ministries, official departments, and enterprises also have their own information centres.

Additionally, during the third stage of media development, 51 electronic media outlets (including 30 television stations and companies, 6 radio stations, and 15 television/radio companies) held broadcasting licenses. Out of that number, 25 were state-owned and 26 were commercial (of which 14 were private, with citizens of Uzbekistan as their direct or indirect founders). Two television/radio stations founded by joint enterprises were also registered and now hold broadcasting licenses: the Kalamak-TV station (founded by the joint Uzbek-American Kalamak company), and the Sesame radio station (founded by the joint Uzbek-American Rubicon Radio Systems Company).

**The fourth stage** of media development in Uzbekistan commenced with the abolishment of censorship on 7 May 2002. Erkin Kamilov, the country's head censor, retired, the staff of censors was dissolved, while on 4 July a Presidential Decree reformed the State Press Committee into the Uzbek Press and Information Agency.

A subsequent governmental decree confirmed the Resolution on this agency, establishing it as an executive body responsible for developing and implementing state policy with regard to press and information. The agency is delegated with monitoring unconditional adherence to all constitutional rights and legislation regarding independent media activity, as well as providing the guarantees for freedom of speech and the media. It is also responsible for assisting the development of media, and the publishing and printing business, in order to fully satisfy the information needs of the people. The agency's objectives include the issues of licensing publishing activity, standardisation and certification of the technical base, analysis of economic, social, technical, and legal issues, as well as development of suggestions for resolving the problems that exist in the realm of press and information.

Among the agency's rights is the development and approval of normative documents that are compulsory for all, regardless of the form of ownership. In addition, the resolutions and recommendations of the agency issued within its jurisdiction are also compulsory for all Ministries, departments, local governing bodies, enterprises and organizations, and management units, regardless of the form of ownership, as well as officials and individual citizens. In the event of systematic failure to adhere to the press and information legislation, the agency has the right to legally suspend the publishing licenses and registration certificates of the media outlets in question. Most importantly, the agency is strictly prohibited from exercising any censorship, editing, or other forms of unlawful interference with the activities of media.

There is no doubt that the government continues to carefully follow the situation with the media, realising its importance in the state's political system. On 27 June 2003, President Islam Karimov congratulated all media employees on the occasion of their professional holiday. In his congratulatory message, he noted that all media employees were making an important contribution to the development of democratic press in the country by their work and creative potential. "Today, as we are living in the age of globalisation, witnessing an 'information explosion', that phenomenon peculiar of the XXI century, as we are a part of the rapid devel-

opment of information communications, we must reflect on bringing our media in line with world standards, and on individual contributions”, said Karimov. “Our cherished goal is to build a new state, a new life, based on the harmony of national ideas and values common to all mankind, and to create a society in which every individual has the opportunity to freely express his thoughts, and live in friendship and partnership with developed democratic countries.”<sup>3</sup>

According to the leader of Uzbekistan, information transfer via the most modern technologies is becoming common, and any attempts or actions aimed at restricting freedom of speech are senseless.

“Media outlets must not limit themselves to mere coverage and reflection of reality. They must first and foremost serve as advocates of the people’s interests, while journalists must display a lot of selflessness in this complicated area that demands a strong will”, the Presidential message continued.

“Another goal that the media are facing is the necessity to master professional skills, to train qualified experts, analysts, and commentators. One must admit that journalists sometimes lack courage. It is a difficult process to give up the habits which over the course of 70 years have become one’s second nature; habits such as a lack of critical assessment of the authorities, or such archaic stereotypes as taking an official’s word as law. Currently, journalists need to actively participate in the elimination of these vestiges, to make every effort to instil the atmosphere of free thinking in society”, said Karimov.

Statistically speaking, as of early 2003, 984 media outlets were registered in Uzbekistan. Out of those, 582 were newspapers, 167 were magazines, 231 were electronic media outlets, and 4 were information agencies. Out of the 231 electronic media outlets, 56 were television and radio stations, and 24 were cable television stations. One must note that this “abundance” of media outlets does not serve as evidence of their quality. State-owned newspapers’ circulation does not exceed 10,000 copies. The so-called “yellow press”, i.e., digests that reprint information from Russ-

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<sup>3</sup> *Pravda Vostoka*, 27 June 2003.

ian media, or from the Internet, regarding rock, television, and show business stars, music, gossip, jokes, and fashions, remain most popular. Likewise, popular are the only Russian periodicals available, *Argumenty i fakty* and *Trud*. The more serious media in Uzbekistan still have not been claimed by a large number of consumers.

This is partly due to the fact that the information published by Uzbek media continues to be somewhat emasculated and pseudo-patriotic. There are very few analytical materials published, and even the few that do make it to the pages of newspapers and magazines are one-sided and clearly exhibit government policies, while the opinions of alternative-minded experts are not tolerated. Editorial offices do not wish to publish “sharp-edged” and “burning” materials, fearing subsequent repressions on the part of the government. For example, the *Oina* newspaper remains unable to resume its activity following its closure, initiated by the authorities. Due to the “prickliness” of the published articles, the founder of the *Vremya i my* newspaper closed it down under the pretence of financial insolvency. The *Zerkalo XX* newspaper is likewise experiencing difficulties with the authorities, occasionally publishing critical articles despite pressure on its chief editor.

This situation was noticeable to the delegation of the Committee to Protect Journalists (CPJ) during its nine-day visit to Uzbekistan in May 2002. The delegation included Peter Arnett, member of the Board of Directors of CPJ; Richard M. Murphy, CPJ’s Editorial and Program Director; and Alex Lupis, Europe and Central Asia Programme Coordinator. They conducted meetings with Uzbek government officials, local journalists, foreign correspondents, Western diplomats, and human rights activists, in Tashkent and Samarkand.

Despite the formal abolishment of preliminary censorship, which occurred shortly prior to the visit by the CPJ delegation, local editors were reminded by the authorities of their personal responsibility for any publications regarding this visit, which has somewhat reduced the magnitude of the event. CPJ representatives emphasised that Uzbek authorities stimulated self-censorship by threatening critically-minded journalists with prison terms. Other instruments of pressure included lawsuits

filed in non-independent courts, persecution by the police and security agencies, discretionary resolutions on introducing normative acts pertaining to the media, and politically inspired tax audits. As a result, local journalists rarely write of official corruption, human rights violations, or of the activities of opposition political parties or Islamic organizations.<sup>4</sup> The CPJ delegation made several recommendations on improving the situation with freedom of the media. Naturally, those recommendations were ignored.

Attesting to that is the fact that the author of this article, following a 16-month-long run around on the part of the Ministry of Foreign Affairs, received a written denial for accreditation as a foreign journalist. No reason was given for the denial. The National Security Service made every effort to impede the author's participation as a media representative at the May 2003 Summit of the European Bank for Reconstruction and Development, which took place in Tashkent. Prior to that, there had been provocations against the author by the police, as well as harassing of the author through the Internet.

On 12 May 2003, Tashkent hosted a conference on World Press Freedom Day. It was organized by the UN Mission, the OSCE Centre in Tashkent, and the Open Society Institute Assistance Fund-Uzbekistan. Well-known journalists and media managers representing both local and nationwide newspapers, representatives of international and non-governmental organizations, and members of the diplomatic corps took part in the forum, discussing a wide range of issues concerning media development in Uzbekistan.

In his opening remarks, Michael Barry Lane, permanent UNESCO representative and the Acting UN Representative in Uzbekistan, stated that World Press Freedom Day provided the opportunity to acknowledge the bravery and persistence of many journalists who perished or risked their lives in military conflict areas, including, most recently, in Iraq, courageously fulfilling their duties. However, Barry Lane also stated that the dangers that threaten journalists were not limited to times of military

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<sup>4</sup> Based on material by the Turkiston-Press information agency, July 2002.

conflict. Freedom of the media could often be restricted by laws and law enforcement agencies, as well as by unlawful acts of violence, threats, and intimidation. According to Barry Lane, the general situation with freedom of the media had worsened in the past year.

“Our collective duty to journalists, who suffer for our sakes, must be to at least declare a war on impunity”, Barry Lane said, adding that it was important for all crimes to be investigated, and for all legal systems and procedures to allow for punishment of those found guilty.

In concluding his opening remarks, the Acting UN Representative to Uzbekistan quoted from UN Secretary-General Kofi Annan’s Message on World Press Freedom Day 2003: “Unless ideas and information can travel freely, both within frontiers and across them, peace will remain that much more elusive. Where censorship is imposed, both democracy and development are the losers. A free and independent press is the lifeblood of strong, functioning societies, and a lifeline to progress itself.”

Uzbek journalists participating in the discussions emphasised that, despite the abolishment of censorship, they were still subjected to pressure, the use of the so-called “telephone right”, as well as instances of self-censorship. The conference also raised such issues as the commercialisation of mass media outlets, their dependence on founders and owners, and problems with information access.

## **THE INTERNET AS AN ALTERNATIVE TO THE MEDIA**

Currently, the Internet is not considered a media outlet, although many experts admit that it may serve as an alternative to media. An increasing number of world wide web users obtain important information and news from sources located both within and outside Uzbekistan. According to the Uzbek Agency on Communications and Information Technologies, the number of registered domains in the national “.uz” domain zone has increased by 12.5 per cent since the beginning of 2003, reaching 650. As of 1 January 2003, the number of registered domains was 570, a 22.3 per cent increase from early 2002.

At the present time, the German Euracom Equipment GmbH serves as the owner of all rights to the “.uz” domain zone. The company has

transferred these rights for the next three years to Tomas Ltd., which represents its interests in Uzbekistan. In early 2003, Tomas Ltd. introduced an average 20 per cent discount for domain registration services. Previously, these services had cost 78 USD (for a registration period of one year). According to the agency's representatives, the lowering of the registration cost has resulted in an increase in the number of registered domains.

In mid-2000, the government of Uzbekistan adopted the Program for Development of Computerisation and Information Communications Technologies for 2002-2010. Within the framework of the Program, at least 45,000 public Internet access points are to be created by 2010. It is expected that the number of Internet users will grow by almost 60 times (to 3.32 million) by 2010. Furthermore, the Program envisions that at least 74 per cent of all state and local governing bodies will be provided with Internet access (currently, only 8.2 per cent of them have such access), in addition to at least 60 per cent of all management units.

The number of Internet access providers and operators in Uzbekistan has exceeded 130 in early 2003. As of today, the number of state institutions connected to the Internet is 286, while the number of management units with Internet access is 5,123. For instance, there has been a negative tendency of electronic censorship. Given the Internet's increasing influence as an important source of information, the government has issued an unofficial directive for the private service providers to exercise ideological control over web sites and information published on them, for the purpose of restricting the Uzbeks' access to certain sites. Since hundreds of thousands of web sites exist throughout the world, it is impossible to review all of them; hence web co-ordinating function was assumed by special service agencies, which have the authority to limit access to any particular Internet resource. For example, UzSiNet, an Internet service provider, exercises censorship over such information portals as CentrAsia ([www.centresia.ru](http://www.centresia.ru)), Navigator ([www.navi.kz](http://www.navi.kz)), as well as such abroad-based opposition movements as Erk and Birlik. The web site of the Ozod Ovoz (A Free Voice) human rights organization, headed by journalist Bobomurad Abdullaev, has been banned by the Uzbek authorities.

Service providers are blocking this site ([www.ozodovoz.org](http://www.ozodovoz.org)), which not only makes it impossible to access in Uzbekistan, but also does not allow Abdullaev to post new information on it.

## **JOURNALIST ORGANIZATIONS IN UZBEKISTAN**

The Union of Journalists in Uzbekistan ceased to be as such in the mid-1990s, although there has been no official information attesting thereto. Some sources claim that its leader continued to issue membership cards to those journalists who wished to have one. However, that did not win any prestige for the organization which no one wanted to know about.

The Foundation for Media Democratisation and Support, instituted by a Presidential Decree, has likewise failed to become respectable and prestigious. Over the many years of censorship and persecution of journalists, this organization has never spoken out in their defence, nor has it ever expressed its protest against government policies of suppressing freedom of speech. Having limited itself to announcing the names of “the journalists of the year” on Press Workers Day, this Foundation has gained a reputation of a weak and second-rate “screw” in the state ideological machine. Considering that the Foundation is currently headed by the former Presidential press secretary, the independent journalists’ view of it is far from cordial.

An attempt by several Tashkent journalists to create their own professional organization has yielded no result. In 2001, Ruslan Sharipov, a journalist and human rights activist, together with Inera Safargalieva, a staff member of Radio Liberty, announced the creation of the Union of Independent Journalists of Uzbekistan (UIJU), publicising that fact through the Internet. However, due to a lack of support from their colleagues, the ambitiousness of their plans, vagueness of their ideas, goals, and programmes, as well as a conflict between the founders themselves, the UIJU was never actually formed. Furthermore, Uzbek special service agencies have managed to “nip” the idea “in the bud” by starting a defamation campaign against the two journalists.

The non-governmental Ozod Ovoz organization has never received an official status. Its leader, Bobomurad Abdullaev, has said that the prob-



lem is not just a lack of registration, but also the fact that the Tashkent City Department of Justice has simply refused to accept the registration application. Abdullaev is convinced that it has to do with the political repression by the Karimov regime of all the dissidents.

In the mid-1990s, the Presidential Academy of State and Public Organization and the German Konrad Adenauer Foundation instituted the International Centre for Re-Training of Journalists, headed by Gulnara Babadzhanova. This institution engaged in educational programs for journalists representing print and electronic media, organized discussions and interest clubs, and attracted foreign grants for research and educational projects.

In the Bukhara Region, Asatillo Kudratov, a journalist, has managed to register the Association of Journalists of Bukhara, with the objective of uniting journalists and developing common. It is no secret that Kudratov's loyalty was scrutinised by Uzbek special services, which provided the regional justice department with the permission to register the Association.

In late September 2003, the Tashkent City Department of Justice held a ceremony of issuing an official registration to a new non-governmental, non-profit organization, dubbed the Association of Foreign Correspondents Accredited in Uzbekistan. Its Chairman Vilor Niyazmatov, the ITAR-TASS Correspondent in Uzbekistan, announced that the organization's major goals were to protect the rights and interests of journalists working for foreign newspapers, magazines, television and radio stations, and information agencies. The organization likewise offered assistance to foreign journalists in their professional activities, striving to provide for a free dissemination of ideas and information, in accordance with international law, as well as relevant legislation in Uzbekistan.

One must note that these changes did not occur because of the current political regime dreaming of democracy. They occurred because of the involvement of many international organizations (OSCE, ODIHR, EBRD, NATO) and foreign states (US, Europe), which have exerted considerable pressure on Islam Karimov's government, pushing it toward serious political reform. If it were not for this involvement, the Association of Foreign Journalists would not have existed; and the News of Uzbekistan newspa-

per would not have been publishing certain analytical pieces on the country's economic situation by the "blacklisted" author of this article.

## LEGISLATIVE FOUNDATION OF JOURNALISM

One should not belittle the fact that Uzbekistan's legislative base regulating the activities of media is quite impressive, both in its volume (that is, the number of normative acts adopted) and in the breadth of aspects covered. This base consists of documents of direct and indirect application. The former include those *providing for the political and legal functioning of the media. For example:*

### **International agreements:**

- The Universal Declaration of Human Rights (of 10 October 1948), which Uzbekistan signed in 1991;<sup>5</sup>
- The International Covenant on Civil and Political Rights (of 16 December 1966), which Uzbekistan signed in 1995.

**International documents and agreements** signed by Uzbekistan with other countries, and pertaining to the creation of an information space (for example, within the jurisdiction of the CIS, or that of Central Asia).

### **National Laws of the Republic of Uzbekistan:**

- on Media (adopted in June 1991; amended and edited on 26 December 1997);<sup>6</sup>
- on Protection of the Professional Activity of Journalists (adopted in April 1997);<sup>7</sup>
- on Guarantees for Access to Information (adopted in April 1997);<sup>8</sup>
- on Publishing (adopted in August 1996);
- on Copyright and Related Rights (adopted in August 1996);<sup>9</sup>
- on Information Technologies (adopted on 7 May 1993);

<sup>5</sup> Uzbekistan and International Human Rights Documents. Tashkent, Adolat, 1998.

<sup>6</sup> *Gazette of the Oliy Mazhlis of the Republic of Uzbekistan*, 1998, #1 (1261).

<sup>7</sup> *Narodnoe slovo*, 26 April 1997.

<sup>8</sup> *Narodnoe slovo*, 26 April 1997.

<sup>9</sup> *Narodnoe slovo*, 17 September 1996.

- on Advertising (adopted on 25 December 1998);
- on Communications (of 13 January 1992);
- on Archives (of 15 April 1999);<sup>10</sup>
- on Telecommunications (of 20 August 1999);<sup>11</sup>
- on Protection of State Secrets (of 7 May 1993);<sup>12</sup>
- on the Official Language (of 1991);

#### **Resolutions of the Cabinet of Ministers:**

- on the Procedure for Media Registration in the Republic of Uzbekistan (#160, of 15 April 1998);
- on Regulating Publishing in the Republic of Uzbekistan (#393, of 11 August 1997);
- on Rules Regulating the Activities of Correspondents of Foreign Media in the Republic of Uzbekistan (#391, of 11 September 1998);<sup>13</sup>

#### **Departmental documents:**

- Statute on the Procedure of Mutual and Gradual Accreditation of Foreign Media Representatives with the Ministry of Foreign Affairs of the Republic of Uzbekistan (approved by the Uzbek Ministry of Foreign Affairs on 1 February 1995).

In addition, this list of normative acts constituting the legislative foundation for the media includes separate articles of the existing Codes (Civil, Criminal, and Tax), as well as of other laws reflecting the activities of the media (for example, the Law on the Referendum, on Presidential Elections, on the Prosecutor's Office, on Courts, on Elections to the Oliy Mazhlis, on Citizens' Petitions, and others).

***Other laws regulate the activities of media outlets as management units.*** These laws provide for certain tax, customs, and foreign investment benefits for the media; these are general benefits, provided to small and medium-size enterprises regardless of their area of activities. For

<sup>10</sup> *Narodnoe slovo*, 7 May 1999.

<sup>11</sup> *Pravda Vostoka*, 14 September 1999.

<sup>12</sup> *New Laws of Uzbekistan*. Tashkent, Adolat, Issue 8, 1994.

<sup>13</sup> Collection of Resolutions of the Government of the Republic of Uzbekistan. #9, 1998.

example, if the subsequent legislation of Uzbekistan worsens the investment conditions, then foreign investments are treated for the next ten years in accordance with the legislation that was active at the time of the investment. The enterprises' revenue tax rate decreases to 20 per cent with the total production exports share of 5 - 10 per cent; it decreases to 30 per cent with the exports share of 10 per cent to 20 per cent; to 40 per cent with the exports share of 20 - 30 per cent; and to 50 per cent with the exports share of over 30 per cent.

Another benefit is that, at the end of a fiscal year, any convertible currency revenue received from the growth of the exports volume of goods (jobs, services) is exempt from revenue tax. A revenue tax rate of 25 per cent is imposed on joint enterprises with a foreign capital share of over 30 per cent, as well as on foreign enterprises, their offices, branches, and subsidiaries. If an editorial office (or a publisher) exports self-manufactured goods, they are not subject to excise tax; meanwhile, if a joint enterprise produces export-oriented and import-substitution goods, it has a right to receive tax credits for production development; i.e., a deferment, for up to 2 years, of the budget payments of the VAT and land tax. If a media outlet is a joint enterprise with a statutory fund of no less than 500,000 USD, it is exempt from the property tax. Furthermore, the import into Uzbekistan of any private property by foreign citizens who are also staff members of joint media enterprises, or of any articles required for production, is exempt from customs duty.

### **JOURNALISM IN UZBEKISTAN: LATEST TENDENCIES**

Despite the abundance of normative acts, according to polls conducted among journalists only 31 per cent are aware of the aforementioned Laws, and only 16 per cent have referred to the Laws in their professional work.<sup>14</sup> Journalists will continue to ignore the legal field "until they are dismissed from press conferences or from a location of coverage, until their notepads are confiscated, their film is spoiled by exposure to light, their critical stories are taken out of news-

<sup>14</sup> Sociological data provided by the Asia-Monitor Centre, March-April 2000, 100 people polled.

papers or off the air, and so forth”,<sup>15</sup> as R. Gafurov, a legal expert, writes in the *Journalist’s Abridged Legal Handbook*.

In Gafurov’s opinion, “the low exposure of media rights violations is determined by the tolerance of media representatives, who often demonstrate little ability to resort to legal protection”. Indeed, many journalists do not wish to use legal mechanisms to increase the effectiveness of their work, fearing that by doing so, that may complicate their relations with the sources of information, or with official bodies that regulate the issues in question. “It is better to exercise an Eastern approach, that is, obtain information through personal contacts, gifts, or bribes; if that is not effective, it is better to forget about the issue altogether, and not write about it”, claims Anna Merkurieva, a journalist.

These conclusions are confirmed by a poll conducted by the Asia-Monitor Centre: thus, journalists in Kazakhstan are more likely to work independently, searching for information on their own, while their Uzbek colleagues are more likely to use official papers in working on their articles (see Table 1), and rely exclusively on the opinions expressed by the higher authorities. In the words of an employee of the *Akhorot* television programme (who wished to remain anonymous), “by so doing, we protect ourselves from inaccuracies and prevent potential conflicts with the authorities. It is better to avoid such conflicts, and criticise only what the authorities themselves point out. One’s own opinion aired without prior approval from the management may hurt one’s career, financial standing, and may even get one fired.”

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<sup>15</sup> Tashkent, Internews-Uzbekistan, 1999, p. 9.

**Journalists' answers to the question  
"How do you receive information?"**

(only positive answers provided; in per cent) <sup>16</sup>

Answers	Kazakhstan	Uzbekistan
I receive press releases or reports from official authorities	20	49
I conduct my own investigations, participate in events, and report	59	34
I poll witnesses and participants	87	56
I write articles as assigned by the authorities "made to order"	6	57
I write articles "made to order" by persons not affiliated with the authorities (advertising excluded)	36	10

Thus, despite a common history, similar mentality, religion, and language in the two countries, the state of democratic development differs from Kazakhstan to Uzbekistan, and is directly reflected in the development of the media. "Our journalists are braver when it comes to obtaining, analysing, and publishing information; they are aware that at any given moment, they may turn to legal experts, who will provide the necessary protection, and that they will be supported by their colleagues", says Ruslan Minulin, a correspondent for the Kazakh Karavan newspaper. "Unfortunately, I have not observed the same in Uzbekistan. People seem to be afraid of something here, listening spellbound to the government, as if asking, 'who should I bark at, and how?' That is completely abnormal for journalism."

Uzbek legislation does contain a definition of a journalist. In particular, Article 3 of the Law on Protection of the Professional Activity of Journalists states that "a journalist is a person employed by a media outlet of the Republic of Uzbekistan or a foreign state, or else working for such on a contractual basis; and engaged in collecting, analysing, and disseminating information on certain subjects." In other words, this text provides for a specific connection between a journalist and a media outlet; only through an employment agreement may a journalist be considered

<sup>16</sup> Sociological data provided by the Trans-Asia Centre, March-April 2000, 100 people polled.

as such. An article in the Law on Media considers a media employee any person who appears “on the staff of an editorial office and is engaged in collection, analysis, editing, and preparation of stories”.

In this sense, national legislation does not provide for the existence of journalists who are free, i.e., independent from any particular media outlets and, consequently, from censorship: the kind of journalists who would independently collect information on any particular event(s) and publish it in those media outlets which they trusted, wished to collaborate with, or wished to sell their information to for profit (after all, information is a commodity). That is why it is so difficult to work in Uzbekistan for those who practice private journalism (they cannot receive accreditation with state institutions, and do not have any legal documents giving them the right to engage in journalistic activities); incidentally, the existence of private detectives is likewise not provided for by Uzbek legislation. Journalists are bound to be affiliated with editorial offices, which dictate their own will and directives; meanwhile, the editorial offices themselves are tightly controlled by the government. In other words, everyone is controlled by someone else, which protects official authorities from “the fourth power”. Anyone who can independently collect, analyse, and sell information, circumventing “official” institutions (those of censorship, for example), poses a threat to the pseudo-democratic systems, as the ones in Uzbekistan and Turkmenistan. Therefore, any kind of free journalism is out of the question here.

Meanwhile, world practice does know of a solution to this problem. The Republic of Armenia, for instance, has treated the issue of independent media representatives rather competently, stating, in Article 1 of its Media Law, that “no special access to media activities shall be required”, and in Article 2 of the same Law, “A journalist has the right to engage in professional activity independently, without representing any particular media outlet.” For purposes of attributing an official status to such an individual, the Law further stipulates that “he has the right to receive a certificate of a ‘free journalist’ from an official media registration institution”. Certainly, in order to avoid abuse of this privilege, “the certificate may be issued upon submitting by the journalist in question of no

fewer than three letters of reference from media executives”.<sup>17</sup> This progressive provision has legalised the activities of many journalists, promoting the development of “the fourth power” in Armenia, and raising the social status and significance of media representatives. Russian media legislation likewise introduces the term “special status”; Article 52 states that a “professional journalistic status shall be applicable to... authors not bound to editorial offices through employment or other contractual obligations, but recognised as freelance authors or correspondents pursuing assignments on behalf of editorial offices”.

However, even if such an article was introduced in Uzbekistan, there would be no guarantee that it would be adhered to or abused by the executive institutions. Such abuse often occurs with regard to other, existing articles. For example, Article 29 of the Uzbek Law on Media states that “Representatives and offices of foreign media shall conduct their activities in the Republic of Uzbekistan after being accredited with the Ministry of Foreign Affairs.” Elsewhere, Article 6 of the Principal Rules Regulating the Activities of Correspondents of Foreign Media in the Republic of Uzbekistan states that “a decision regarding the accreditation of a permanent correspondent shall be made by the Ministry of Foreign Affairs of the Republic of Uzbekistan within a time period of no more than two months”.<sup>18</sup> How are these provisions adhered to in reality? Let us consider some facts. Thus, Shamil Baigin, a correspondent for Reuters, waited almost two years to receive his accreditation; Alisher Azimov, a representative for the *Finances of Russia*, did not receive his accreditation at all in 1995. A similar situation befell Alexander Djumaev, former representative of the Swedish *Central Asia and the Caucasus* magazine, and Inera Safargaliev, a correspondent for Radio Liberty. The Ministry of Foreign Affairs does not respond to written enquiries, while in telephone conversations Ministry officials state that the issue has not been resolved, and appear uncertain as to when it may be resolved. Meanwhile, the Ministry refuses to provide a written registration denial, since it would be difficult to jus-

<sup>17</sup> Media Law of Kazakhstan and Other Foreign Countries. Almaty, Daniker, 2001, p. 165.

<sup>18</sup> Appendix to the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan, #391. Collection of Resolutions of the Government of the Republic of Uzbekistan, #9, 1998.



tify that to a media outlet which is well-known and popular in democratically developed states, and covers the situation in Uzbekistan from a scientific standpoint. Besides, Article 14 of the Law on Protection of the Professional Activity of Journalists would be applicable in this case, as it states that designated officials are to be held responsible for “impeding any lawful professional activities of journalists by means of unjustified accreditation refusal or unjustified accreditation suspension”. However, the officials in question are likely unaware of this Article.

As one can see, at times official bodies themselves do not acknowledge or adhere to the laws; therefore, it is quite difficult for journalists to refer to any particular normative acts. One must note that this practice has already become traditional within the country. Some sources maintain that decisions regarding accreditation of foreign journalists are made by the special services. An Uzbek journalist employed by a Russian media outlet says that “those persons who continue to work for foreign media but are not officially accredited may be accused of espionage, or of engaging in subversive activities, as provided for by the Criminal Code of Uzbekistan”. This circumstance complicates a reporter’s work: it is as if he is engaging in his professional activity illegally. Any journalist arriving at any event without official accreditation documents is sure to get into trouble with the authorities.

According to a poll conducted among media representatives by the Palitra Centre, a significant number of journalists in Kazakhstan and Uzbekistan would like to be independent; however, in Kyrgyzstan, over two-thirds of the people polled wish to be employed as full-time staff members, linking that to their material well-being (see Table 2).

**Central Asian journalists' answers to the question  
"In what capacity would you like to work in the media?"  
(in per cent)<sup>19</sup>**

Answers	Kazakhstan	Kyrgyzstan	Uzbekistan
As a full-time staff member of an editorial office	40	67	45
On a contractual basis, as a freelance author	19	10	20
As an independent journalist	41	23	35

Looking at Table 3, one can see a difference in the opinions of Central Asian journalists with respect to the kind of media they wish to be employed by. Thus, in Kyrgyzstan and Uzbekistan, about one-fifth of journalists polled wish to work for the national media, while in Kazakhstan, this number is over one-third. Experts believe that this is due to the fact that in Kazakhstan, domestic media staff have the opportunity to receive higher salaries than their counterparts in the neighboring republics.

**Central Asian journalists' answers to the question  
"What kind of media would you like to represent?"  
(in per cent)<sup>20</sup>**

Answers	Kazakhstan	Kyrgyzstan	Uzbekistan
I would like to represent a domestic media outlet	36	22	19
I would like to represent a foreign media outlet in my country	64	78	81

In answering the question, "Why would you like to work for a foreign media outlet?", Uzbek journalists polled provided the following responses:

- to receive a high (compared to the local level) salary – 62 per cent;

<sup>19</sup> Sociological data provided by the Palitra Centre; the poll was conducted in December 2001 – January 2002 in three Central Asian republics; 143 people polled.

<sup>20</sup> See Footnote 19.

- to have an opportunity to travel abroad – 27 per cent;
- to obtain additional professional skills and learn new media technologies – 4 per cent;
- to not be subjected to censorship – 3 per cent;
- to be protected by a foreign state – 2 per cent;
- to have the prestigious status of a foreign correspondent – 2 per cent.

In other words, over two-thirds of the respondents see an improvement in their well-being when working for a foreign media outlet. Also important is the opportunity to travel abroad, which is a strong stimulus for Uzbek journalists. It goes without saying that Western media reject censorship; it is also known for using modern technologies for receiving and processing information; therefore, a small number of those polled attributed their interest in working for foreign media to that, while others considered it natural and ordinary. Certainly, there is a large number of Uzbek journalists who would have liked to represent their domestic media abroad. Currently, this is practised only by the Zhakhon information agency, which is a structural division of the Ministry of Foreign Affairs: those employees of the agency who are working abroad are also considered diplomats, and carry diplomatic papers in addition to their journalistic accreditations. Other media outlets find this practice difficult due to the high costs of maintaining an office abroad. It is much more effective to receive information from foreign sources, and provide one's own interpretation of it to the domestic audience as if it was original. Newspapers and television stations commonly use information obtained from the Internet in this fashion.

Protection of state secrets constitutes another issue. Throughout the world, access to information containing state secrets is conventionally limited to individuals cleared by the relevant institutions (special services, law enforcement agencies, etc.); meanwhile, Article 6 of the Uzbek Law on Media establishes the inadmissibility of using media for “disclosing state or otherwise legally protected secrets”. One would think that this provision would only apply to the people with access to such information. However, in practice, things may be different; i.e., a journalist may write an

article containing elements of a state secret without having any access to secret information. This journalist may be held legally liable in accordance with Article 162 of the Criminal Code, on “Disclosure of State Secrets”. This Article states that “disclosure or transfer of information containing state secrets... by a person who had received such information... through his/her professional activities, is punishable by incarceration for three to five years (in the absence of treason), or for five to eight years (under grave circumstances).” The prosecution may easily apply the “professional activities” clause to journalism. Furthermore, Article 10 of the Law on Protection of State Secrets stipulates that “protection of state secrets is a responsibility... of citizens of the Republic of Uzbekistan”; i.e., ordinary citizens, perhaps unaware of the fact that something they have written contains state secrets, may also be held liable. Thus, a journalist once published an article in the Pravda Vostoka newspaper, detailing his opinion on the development of the country’s export potential, whereupon the Deputy Minister of External Economic Relations (as well as a special service agent) demanded an explanation of where the journalist had obtained the information, and why he had disclosed state secrets. “It is paradoxical that my thoughts happened to be close to classified materials, although I had no access to any secrets, nor did I possess any official data on the economic area in question; all of what I wrote was based on my own conclusions”, the journalist stated in a private conversation.

In the current conditions, it is quite difficult to determine whether or not any particular information is classified as a state secret. It would seem that this ambiguity should be cleared up by Article 5 of the Law on State Secrets, which stipulates that “classifying and de-classifying information as secret is conducted in accordance with this Law, the Procedural Statute for Definition and Establishment of the Degree of Secrecy, and the List of Information Subject to Classification as Secret, as approved by the Cabinet of Ministers of the Republic of Uzbekistan”. In the opinion of Karim Bakhriev, a journalist and legal expert for Internews-Uzbekistan, “since the aforementioned documents have not been made public in Uzbekistan, no one has been (or can be) held liable for disclosing state secrets. In order for a state to function normally, these documents must

be published, and made accessible to all citizens, who, in turn, must adhere to them and be held liable in the event of a violation. That would spare the government the preliminary examination of all media texts, which constitutes censorship, and is therefore illegal.” Bakhriev adds that “the institutions protecting state secrets may feel free to exercise their supervisory functions (including legal ramifications against those found guilty) after the relevant documents have been published, announced, or shown to the media.”<sup>21</sup>

Since journalists do not know what constitutes a state secret, it is difficult for them to receive information; furthermore, at times they are afraid to cover particular subjects, fearing liability for unwittingly disclosing secrets. On the other hand, the problem may also be reversed. “Quite often, an official unwilling to produce particular information to a journalist uses national security as a reason for so doing, referring to an arbitrarily self-placed ‘Secret’ or ‘For Internal Use Only’ stamp”, R. Gafurov writes. Naturally, an official, wishing to avoid any trouble with the higher authorities, refuses to meet with journalists, let alone produce any information. The principle of “better safe than sorry” is at work here; one must be responsible for any words uttered, while there is no direct responsibility for any events that might have taken place.

It would be appropriate to use foreign experience as an example. Article 2 Paragraph 3 of the Law on Media of the Republic of Armenia states that “liability for disclosure, through media, of any state or otherwise legally protected secrets rests with the proprietor of such information, who is responsible for protecting it in accordance with his/her professional duties”<sup>22</sup>. As Karim Bakhriev points out, “a journalist may not be held liable if any particular secret has reached him through a conversation in a chaikhan (café – transl.) or at a local market. Those individuals entrusted by the state with keeping secrets safe are to be held liable.”

Uzbek censorship does exist, unofficially, and yet legitimately, because state secrets exist. However, journalists’ opinions on censorship differ: while media representatives in Kazakhstan are less convinced that cen-

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<sup>21</sup> [www.ferghana.org/analytics/013.html](http://www.ferghana.org/analytics/013.html)

<sup>22</sup> *Laws on Mass Media of Kazakhstan and Foreign Countries*. Almaty, Daniker, 2001, p. 162.

sorship exists to protect state secrets, over a half of their Uzbek counterparts believe that it is so. Meanwhile, the majority of journalists are convinced that censorship allows for concealment of many social problems, such as repression, low level of living, corruption, lobbying of clan groups' interests, etc. (see Table 5).

**“What is censorship for?”**  
**Opinions of journalists of Kazakhstan and Uzbekistan**  
 (in per cent)<sup>23</sup>

Answers	Kazakhstan	Uzbekistan
To protect state secrets	14	55
To conceal the true state of affairs from the people	92	76
To avoid dissent and “intellectual ferment”	76	68
To prohibit dissemination of anti-government and anti-social material	11	39
To avoid being responsible to the authorities for writing an article	29	44

Likewise, the majority of those polled claim that the authorities are afraid of dissent. Karim Bakhriev writes: “censorship is employed by the government that is afraid of its own people and unsure of itself; therefore, it considers it necessary to control not only the tangible elements, such as the land, water, property, cotton, oil, etc., but also the intangible, such as people’s thoughts. Censorship is a manipulation tool.”<sup>24</sup> The journalists’ own lack of legal awareness allows them to believe that censorship helps to avoid trouble with the authorities and responsibility for their own words. “However, among censors, there are no legal experts that can foresee potential legal conflicts”, Nadira Bairamova, a reporter, points out. “It is actually quite difficult to determine the censors’ background.

<sup>23</sup> Data provided by the Palitra Centre; the poll was conducted in December 2001-January 2002; 102 people polled.

<sup>24</sup> “Censorship Is Useless, Harmful, and Degrading. A speech in defense of Article 67 of the Uzbek Constitution.” © All manuscript rights reserved, Tashkent, 2001, p. 24.

One is left with an impression that they are people of little education, zealously trying to execute a governmental order.”

A journalistic investigation is an effective means of collecting and analysing information of public significance on any event. However, officials and authorities often withhold the existence of this useful tool. In Western media, journalistic investigations have helped law enforcement agencies to solve crimes and detain criminals; they have also helped parliaments to exercise better control over the government and its institutions, and to solve social problems. Even specialised associations exist in this area: for example, in Denmark, there is an Association of Journalistic Investigations, which conducts conferences with media representatives sharing their investigative experiences and new technologies available in that area.

In Uzbekistan, this activity is established in the legislation; for instance, Article 9 of the Law on Media states that “an editorial staff member has the right to study, by means of a journalistic investigation of a specific event, any circumstances which became known to him/her through contacts with any other sources, or which he/she witnessed...” The same Article establishes a journalist’s right to “...use audio/video technology while collecting facts and gathering interviews”, which logically contradicts Article 6 of the Law on Protection of the Professional Activity of Journalists, which, in turn, states that “a journalist may not use any audio/video recording devices without prior permission of the source of information”. Thus, if a journalist conducts an investigation of corruption, he/she acts illegally if using concealed recording devices. You may agree that it would be ridiculous for a media representative to ask a corrupt official’s permission to use an audio or video device to record an instance of the official in question receiving a bribe.

Meanwhile, in accordance with Article 22 of the Armenian Media Law, “dissemination of reports and/or materials prepared with concealed audio/video recording devices is permitted if it does not violate the constitutionally protected human rights and liberties, necessary for protecting public interests, or has been required by a court decision”. Thus, in that case, a journalistic investigation assisted in the struggle against neg-

ative social aspects, and provides for legal protection of the journalist.

Meanwhile, Article 9 of the Uzbek Law on Media contains another paradox: “a journalistic investigation shall not influence the course of a legal investigation or a judicial process”. At the same time, Article 2 of the Law on Courts states that “the judges shall be independent, and answerable only to the law. Any interference with the justice-administering activities is inadmissible, and legally punishable.” If the legal system is fully independent, then how can a journalistic investigation influence the course of an investigation or a judicial process? Especially if one considers the fact that Article 6 of the Law on the Prosecutor’s Office states that “any interference... by media outlets with the Prosecutors’ Office... is prohibited”. So, if a journalist writes an article assessing an investigation, he or she exhibits a *de facto* violation of the Criminal Code. However, in other countries, the media serve as one of the means of obtaining the truth. For example, in Russia, journalists often write of their perished colleagues, such as Dmitri Kholodov (the *Komsomolskaya Pravda*) or Vladislav Listiev (ORT), even though both of these cases have been under investigation for many years. None of the legal or law enforcement agencies have accused the Russian media of interfering with their activities or exerting pressure.

Article 6 of the Uzbek Law on Media prohibits one to publish the materials of a preliminary investigation without prior written permission from the prosecutor, investigator, or examiner. As Ruslan Minulin points out, “if the journalists had been waiting for the results of the official investigation into the events with the nuclear submarine ‘Kursk’, the world would have never known of this August 2000 tragedy. The media collected a multitude of expert opinions, which aided the investigation with their suggestions and hypotheses. Did they require a prosecutor’s permission for so doing? Uzbek legislation states, in Article 3 of the Media Law, that ‘each person has the right to use media to openly express his/her opinions and convictions.’ Why should a journalist be unable to simply express his/her opinion, without turning to the investigating authorities for information? Did the local press publish the results of the trial over the Koraev family, members of which had killed six people in Bukhara,



selling their organs for transplants abroad, and supplying the meat to a local restaurant? No, but the foreign media did!”

Journalists often claim that their investigations are viewed critically by law enforcement agencies, as if the media are trying to undermine them. According to the polls conducted in 1998, 54 out of 380 journalists (14 per cent) confirmed that administrative and law enforcement agencies demanded from them the disclosure of the information received while conducting professional activities. “There exists a notion of a journalistic secret”, Sveltana Odintsova, an independent journalist, says. “It is confidential information, or facts and events voluntarily reported by the citizens or other sources. Article 7 of the Law on Media prohibits a journalist from ‘disclosing information classified as a journalistic secret, without permission of the source of information; it is likewise prohibited to use such information... in the interests of third parties,’ such as investigators. However, a law enforcement agent may hold a journalist criminally liable for refusing to disclose a source of such information, referring to Article 240 of the Criminal Code: ‘Evasion of Responsibility by the Participants in a Criminal Trial.’ A journalist may be viewed as such a participant, in his capacity as a reporter. Thus, a mass media representative may find him/herself in a rather precarious situation.”

Article 6 of the Uzbek Law on Media stipulates that only a court has the right to demand from a journalist disclosure of the source of information, while the same law in Belarus grants this right to any person conducting an investigation (Article 34). One may claim that Uzbek journalists are in a more privileged position in this regard than their counterparts in Belarus. However, that is only so from a legal standpoint, while in actuality, any investigator is able to exert psychological pressure and receive necessary information from an editorial office.

Journalistic practice knows of other “nuances” that complicate media activity to one degree or another. For example, there is the issue of economic survival. Currently, the costs for printing, newsprint, and distribution are rather high, and the newspapers’ retail prices are unable to cover all of them. Certain publications enjoy state support by being included in the budgets of local administrations (e.g. *Tashkentskaya Pravda*, and

*Evening Tashkent*), the government (*Narodnoe slovo, Pravda Vostoka*), or Ministries and official departments (*Business Partner of Uzbekistan, Private Property*). Other media outlets that do not have state institutions as their founders must rely exclusively on the sponsorship by private organizations and on advertising. It is advertising that often serves as the only source of financial support for such publications. “Without advertising, our newspaper would have been on the brink of bankruptcy, even though the current volume of advertising is not sufficient”, claims a staff member from the popular economic *Business Herald of the East* newspaper.

Meanwhile, the Law on Advertising stipulates, in Article 18, that “in print media that do not specialise in advertisements and announcements, advertising must not exceed 40 per cent of the volume of one issue; the rest must be provided as a supplement, free of charge.” In other words, editorial offices may count only on this advertising volume, which includes not only modular advertisements, but also public relations materials that may appear in text form. On the other hand, this provision is a slight improvement from that of the Kyrgyz Republic, which stipulates, in Article 12 of the relevant law, that the advertising volume shall not exceed 20 per cent in one issue.<sup>25</sup>

Advertising depends not only on a media outlet’s prestige, but also on its audience coverage, which, in turn, depends on subscription and distribution systems, as well as on circulation. According to Vadim Sirotin, editor of *Business Herald of the East*, “if your circulation is less than 10,000 copies, advertisers are not interested, since it is simply economically unprofitable”. Meanwhile, not all media outlets display their circulation, since it has to do with the ability to attract advertisers. The current circulation of nationwide political publications does not appear to exceed 6,000 copies, while the entertainment *Darakchi* newspaper and the Russian *Trud* and *Argumenty i fakty* have volumes of 50,000 copies and more. In this regard, editorial offices act in violation of Article 21 of the Law on Media, which stipulates that a media outlet must publicly produce certain data, including information on circulation.

<sup>25</sup> A Journalist’s Aide. Law of the Kyrgyz Republic Regulating Media Activity. Soros Foundation-Kyrgyzstan, Bishkek, 2001, p. 112

In the event that a newspaper misleads an advertiser by claiming that its circulation is higher than it actually is, it may be held liable for providing false information. In this regard, tax authorities may be involved, on the grounds that the newspaper receives revenues from unaccounted production. Thus, newspapers find themselves as if between Scylla and Charybdis.

Another “nuance” is the newspapers’ obligation to publish material received from the government. Article 22 of the Law on Media states that media outlets established by state institutions must publish official releases of those institutions; that is entirely understandable. Special announcements regarding a state of emergency, or urgent public messages by relevant state officials are published by all media outlets. However, how can one view as “special” and “urgent” the censoring institutions’ demand to publish, in non-state-owned media, information regarding four newly proclaimed Heroes of Uzbekistan (who had become such on the eve of Independence Day in 1999)? What about the official requirement to publish an article on Abdulla Aripov, a poet, on the occasion of a national celebration in his honour? The authorities once “cut” an entire printed issue of *Tax and Customs News*, for the reason that the editorial board had forgotten to cover Islam Karimov’s visit to NATO on the front page... Situations such as this one fall under a legal stipulation that “any other kind of information or announcement shall be published on a contractual basis”, that is, for a fee. However, there has never been a precedent when the censoring authorities (or any other official institution) paid for the publication of such “compulsory” announcements.

Thus, contemporary media practice in Uzbekistan demonstrates that the authorities continue to view journalism not as a mechanism for informing the population of any particular events, but rather as a mouthpiece of ideological indoctrination. In this regard, the authorities do not consider it shameful to introduce illegal forms of management and control, such as censorship, in circumvention of the country’s fundamental law.













