



Organization for Security and Co-operation in Europe

Seminar

On

'Economic Rehabilitation and Next Steps in the Transition: Institution-building, Rule of Law and The Role of Civil Society'

Tashkent, 19-20 October 1999

C O N S O L I D A T E D S U M M A R Y



Organisation for Security and Co-operation in Europe

Preparatory Seminar for the Eighth Economic Forum

'Economic Rehabilitation and Next Steps in the Transition: Institution-building, Rule of Law and The Role of Civil Society'

Tashkent, 19-20 October 1999

Tuesday, 19 October

0930 Formal Opening of the Seminar

Statement by the Minister for Foreign Economic Relations of the Republic of Uzbekistan,
Mr. Eljor Ganiev

Statement by the Austrian Ambassador for the South Caucasus and Central Asia,
Dr. Heidemaria Gürer, representing the OSCE Chairman in Office for the Year 2000

Statement by the Coordinator of OSCE Economic and Environmental Activities,
Mr. Thomas L. Price

1000 Introductory Keynote address: Statement by the Personal Representative of the
CiO for Central Asia, Ambassador Dr. Wilhelm Höynck

Taking the Next Step in Transition: Variables in the Ease and Speed of Change:
Statement by a representative of the World Bank, Mr. David Pearce

Links between Legal Reform, Institution-Building, and Policy Dialogue: Statement by
Mr. George Zarubin, Open Society Institute

1100 Working Groups Commence

Working Group I: Rule of Law: The legal requirements for a broader base of policy dialogue

Moderator: HE Mr. Joe Presel, U.S. Ambassador to the Republic of Uzbekistan

Rapporteur: Mr. Riccardo Lepri, OSCE Centre in Ashgabat

Lead Speakers:

Mr. Robert Nowak, UN/ECE

Mr. David Moore, ABA/CEELI *

Mr. Jeppe Linnet, Danish UN Association

Mr. Vladimir Shkolnikov, ODIHR

Mr. Marcus Galdia, Office of the High Commissioner on National Minorities

This working group could address, inter alia, questions of immediate relevance to States in the region such as:

- how the establishment and consistent, impartial enforcement of banking regulations, and specifically of clear mechanisms for trans-border transfers of payments, can contribute to enhancing regional security
- how the rule of law can facilitate greater public expression of diverse opinions, both in the media and in the process of policy formulation
- how the consolidation of the rule of law can lead to increased foreign direct investment and thereby contribute to the prosperity of the region
- how legal steps toward the protection of intellectual property rights can enhance the exchange of goods and services between states, thus decreasing the likelihood of conflict between them
- how the rights of women and national minorities can be protected by legal measures which ensure them a voice in the formulation of public policy

* American Bar Association/Central and Eastern Europe Law Initiative

Working Group II: Institution-building and promoting wider participation in policy dialogue

Moderator: Mr. Herbert Salber, Germany

Rapporteur: Mr. Robert Scott, USA

Lead Speakers:

Dr. Pavel Kral, UNDP, Tashkent

Mr. Philippe Bourel de la Roncière, European Commission, Almaty

Mr. Jean-Victor Gruat, International Labour Organisation

Mr. Vadim Borisov, International Confederation of Free Trade Unions

Ms. Nadezhda V. Doni, European Business Congress

This working group could address, inter alia, questions such as:

- building institutions which broaden the policy dialogue by increasing public participation in debates on questions of environmental policy
- what types of institution-building have been most successful in broadening the base of policy dialogue in countries where the transition has gone relatively quickly, e.g. Hungary
- how business groups and associations can contribute to building institutions which facilitate a wider policy dialogue on economic questions
- how donors and lenders can reinforce – or even instigate – attempts by governments to institutionalize broader policy dialogue
- the roles of local, regional, and national governments in creating and maintaining institutions which broaden the base of policy dialogue

1230 Lunch

1500-

1630 Working Groups continue

1630-

1700 Coffee Break

1700-

1830 Working Groups

1830 Reception hosted by host State

Wednesday, 20 October

0930 Working Groups recommence

1100-

1115 Coffee Break

1115-

1230 Working Groups

1230-

1500 Lunch, plus preparation of Working Group reports

1500-

1730 Presentation of Working Group reports and general discussion, followed by reading of Chairman's Summary

20 October 1999

**Economic Rehabilitation and Next Steps in the Transition:
Institution-building, Rule of Law and the Role of Civil Society**

Tashkent, 19-20 October 1999

CHAIRMAN'S SUMMARY

On 19-20 October 1999, the OSCE held in Tashkent, with the support of the Government of Uzbekistan, the first sub-regional Seminar in a series of three designed to prepare participating States for the Eighth Economic Forum. Representatives of 27 OSCE participating States, as well as numerous international organizations and NGOs from throughout the Central Asian countries, participated in the Seminar.

The meeting was opened by Mr. Eljor Ganiev, the Minister for Foreign Economic Relations of the Republic of Uzbekistan, who noted the importance of the themes of the seminar for the future of the host country. The Plenary was also addressed by Dr. Heidemaria Gürer, the Austrian Ambassador for the South Caucasus and Central Asia, who represented the Chairman-in-Office for the year 2000. She reminded participants that the themes of this seminar are also important for the entire OSCE region, not only for Uzbekistan.

A question was raised as to whether the OSCE could enhance its work in the field of developing legislation and improving the implementation of laws. In the countries of Central Asia, the legislation necessary for developing the economies of the region is to a large extent already in place. Participants noted that the OSCE might provide advice to the governments and parliaments when drafting or amending relevant legislation, bringing to this process its unique perspective combining human rights concerns, a long-term security perspective, and a clear sense of the role of legislation in promoting equitable and sustainable economic development. The implementation of laws was described as particularly problematic. The participants stressed that the OSCE should explore ways of ensuring fuller implementation of domestic laws and international agreements. Regional participants also focused on the need for judicial reform, noting that in some countries the judiciary is particularly weak.

In many Central Asian countries, there is a clear lack of information on legislation among the citizens. Participants proposed that the OSCE could assist local NGOs in legal education on a grass-roots level by supporting publications with legislative information and by conducting workshops on these topics.

Participants showed interest in the relationship among the rule of law, institution-building and economic development, especially in attracting foreign direct investment. The participants emphasized a link between the security of individuals and the security of nations. They stressed the urgent need to deal with related issues – such as language rights, minority participation in economic life, gender issues and corruption - in order to promote this sense of security and consolidate the transition

Such efforts could also stimulate the interest of both foreign and domestic investors towards Central Asian countries.

Participants emphasized the need to improve regional cooperation among Central Asian countries on certain issues. Nation-building is an important goal in the region, and the participants noted that the evolution of these nations should take place in such a way that it would not preclude regional cooperation and/or the development of regional institutions.

Additionally, there was wide agreement among the participants that contacts between local NGOs and NGOs from other OSCE participating States should be improved. The OSCE could usefully facilitate this networking of NGOs. Further, the OSCE could enhance its role as a facilitator for contacts between NGOs and central and local governments, thus helping each country to build civil society.

Representatives of international organisations stressed the importance of promoting, cultivating and maintaining social and political dialogue. They noted, for example, that some well-known environmental disasters in this region, such as the Aral Sea, might not have occurred had such a dialogue existed during the Soviet era. Participants pointed with satisfaction to the OSCE seminar which was held in Almaty in June of this year on the subject of public participation in environmental decision making, particularly as related to the Aarhus Convention. They noted with pleasure that one concrete consequence of that seminar was improved dialogue between the Government of Kazakhstan and the NGO community in that country.

It was also proposed that the OSCE and other international organisations could enhance the cooperation between NGOs and governments by establishing joint projects providing an opportunity for actors at all levels of civil society. This effort would assist NGOs in improving their cooperation with the governments and in making their contribution to the goals of a democratic state structure based on the rule of law and sustainable economic development.

Preparatory Seminar for the Eighth Economic Forum

"Economic Rehabilitation and Next Steps in the Transition: Institution-Building, Rule of Law and The Role of Civil Society"

Tashkent, 19-20 October 1999

Working Group I

Rule of Law: The legal requirements for a broader base of policy dialogue.

The discussion in WG I focused primarily on the issue of rule of law, with respect to institution-building and economic development.

From this point of view the following issues were addressed:

- The impact of rule of law on economic development, including the importance of building institutions that will ensure domestic economic development, a sine qua non for attracting foreign direct investment;
- Increased participation in policy making and implementation by both civil society and institutions like parliaments and the judiciary;
- Impact on the economy of the situation of women and national minorities, from the point of view of their level of participation in economic activities.

The following conclusions were reached:

It is essential to establish appropriate legal frameworks and institutions to ensure economic development and foreign investment. Participants agreed on the existence of a series of problems in this respect. Particularly, they underlined the fact that a number of legal and institution-building measures have already been taken but that there is a problem with a lack of implementation of laws enacted. There is also a problem of insufficient knowledge among the population of legislation enacted. Moreover, the issue of corruption was raised.

Specific suggestions from regional participants were made, which they hoped could be addressed by OSCE, NGOs, or other relevant international organizations. Other suggestions were made by other OSCE States and NGOs. These include:

- Training of officials working in the institutions dealing with foreign investments, e.g. governmental agencies for support of enterprises. Such training should focus on the legal aspects of FDI.
- Participating states should debate, develop, approve and enforce a set of OSCE norms designed to combat corruption and conditions that foster it, and to promote a positive framework for good governance and public integrity.
- Assisting Central Asian States in improving their co-operation in economic matters, particularly with respect to the actual implementation of existing regional agreements and the promotion of new ones. The opportunity to elaborate a unified approach towards FDI was also mentioned. However, some participants underlined the difficulties involved in promoting national co-operation amongst countries where nation building appears as a priority.

- Assisting the Central Asian countries on institution building and legislation. In this respect, it was recommended to elaborate a set of model laws relating to economic development, in co-operation with various sectors of society of the five Central Asian Countries.

Development and reinforcement of citizens' groups like NGOs or professional associations, e.g. judges associations or advocates associations is a key factor in consolidating the rule of law. Such groupings can improve interaction between the civil society and the political establishment. They should be permitted to participate and influence all the different phases of the legislative process, i.e. from promotion to implementation. However, it is necessary to work on broadening the membership of such associations, which sometimes seem to depend almost exclusively on a few, if not only one, persons. As regards the role of governmental institutions, the need for reinforcing the parliament and the judiciary was stressed.

Specific suggestions included more focus on judicial reform, including training of officials aimed at developing their professionalism.

The status of national minorities and language issues were also discussed, specifically with regard to economic development. Discriminatory laws and/or prejudices can exclude, or make difficult, the participation of members of national minorities in the economic life of the country.

Preparatory Seminar for the Eighth Economic Forum

**Economic Rehabilitation and Next Steps in the Transition: Institution Building,
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Working Group II

Institution-Building and Promoting Wider Participation in Policy Dialogue

Approximately 40 participants took part in the working group. The discussion was wide-ranging and active and touched on a broad range of interwoven topics. The lack of effective implementation and enforcement of laws and the difficulty in establishing effective communication between governments, NGOs, and other non-state actors reappeared as themes throughout the discussion.

The UNECE's Aarhus Convention and governments' approach toward it was introduced as an example of principles of public participation and access to public information. The lack of a transparent dialogue on how to move toward ratification, implementation and enforcement of this convention was highlighted. Many speakers believed that their current political climate and weak public institutions would not allow for this convention -- and other laws generally - to be effectively debated, adopted and enforced. A common thread was the call for the process to be made understandable to populations using simple and direct means of communications, especially at the local level.

The need to focus on a broadened political and social dialogue was also mentioned by several participants. This included the need to educate populations on existing laws, and address the needs of people living in economically disadvantaged areas -- the threat that poverty and general disillusionment with the system pose to security was mentioned. Several speakers underlined that the session should also focus on a broader discussion of economic factors and their impact on public life. The difficulty in accessing what should be publicly available information on laws, regulations, and policy decisions affecting everyday life was highlighted as well. A dialogue must be founded on comprehension of the issues.

The need for targeted, readily available foreign aid to NGOs was mentioned -- several speakers spoke of the potential threat posed by an oversaturation of NGOs or the creation of "controlled" NGOs which draw off the available funding. They also stated that donor funds should not be funneled through governments, but provided directly to NGOs. The OSCE missions in Central Asia and the European Commission presented their programs.

Specific proposals for action focused primarily on the OSCE's role as a facilitator of dialogue between governments and non-state actors in all areas of policy:

1. OSCE taking an active role in facilitating discussion between regional/national government, NGOs, business associations and other non-state actors. OSCE acting as a neutral, convening body.
2. A specific focus on the local parliament level - again focused on a broadening of public dialogue through the establishment of commissions including government, NGOs and other organizations. Training of commission members by the OSCE to enhance the process.
3. OSCE and other donors should focus on targeted assistance to Central Asian NGO community, regionally or in individual countries
4. A survey should be made of NGOs working in relevant fields -- contact information, assessment of capabilities, interests and opinions on priorities.
5. Development of environmental funds drawn from fines levied on polluters and others found in violation of existing laws. That these funds must be separate from national budgets and dedicated specifically to redressing environmental damage and supporting affected populations.
6. Public/private -- business codes of conduct to be accepted. General call on businesses to enter the public dialogue - businesses viewed as increasingly important actors in the public policy dialogue.
7. Called for the ratification of international labor organization laws in domestic legislation.



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On

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FINAL LIST OF PARTICIPANTS

Participating States

Germany

BINDSEIL Reinhart, Mr.	Ambassador, Embassy in Tashkent
SALBER Herbert, Mr.	Minister-Counsellor, Deputy Head of Permanent Mission of the Federal Republic of Germany to the OSCE
PROTHMANN Andreas, Dr.	Deputy Head of Mission, Tashkent

United States of America

PRESEL Joseph, Mr.	Ambassador, U.S. Embassy, Tashkent
ABRAMOV Igor, Mr.	Special Adviser for Trade and Commercial Projects, Russia and NIS, U.S. Department of Commerce
AUSTIN Jay, Mr.	Senior Attorney, Environmental Law Institute
SCOTT Robert, Mr.	OSCE Desk Officer Department of State, Bureau of European Affairs
SHELTON Grace, Ms.	Deputy Coordinator, Rule of Law Department of State, Bureau of European Affairs
STEINFELD Andrew, Mr.	Political Counsellor, U.S. Mission to the OSCE
WARE Theresa, Ms.	Head of Organisation, USAID
YODER Michael, Mr.	Regional Environmental Officer, U.S. Embassy, Tashkent
O'NEAL Molly, Ms.	Deputy Head of Mission, Tashkent
SHUTTEE J.P., Mr.	

Austria

ATZLER Elke, Ms.	Counsellor, Ministry of Foreign Affairs
GÜRER Heidemaria, Ms.	Ambassador for the South Caucasus and Central Asia

Azerbaijan

AZIMBEKOV Aidyn, Mr.	Ambassador, Embassy in Tashkent
ROUSTAM-ZADEH Gunesh, Mr.	Third Secretary, Law Department, Ministry of Foreign Affairs

Belarus

KOSSOV Alexander, Mr.	Chargé d'Affaires, Embassy in Tashkent
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Bulgaria

KAPUDALIEV Emil, Mr.	Ambassador, Embassy in Tashkent
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Finland/European Union

BOUREL DE LA RONCIÈRE Philippe, Mr.	Delegation of the European Commission in Kazakhstan
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France

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BAREN Michel, Mr.	

Georgia

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Italy

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Kazakhstan

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AKRAZAROV Sestager, Mr.	President, Ecology Biosphere
ANDREI Andrey, Mr.	President, Legal Initiative, Kazakhstan
BAYEV Latif, Mr.	Department of Economic Stability, Institute for Strategic Studies under the President
DAURANOV Eldar, Mr.	Director of Centre for Business, Institute of Economic Research, Ministry of Energy, Trade and Industry
GOUBAIDULLINA Mara, Ms.	Politology, Kazakh State University
LATYPAEV Shykhvat Tairzhanovich, Mr.	Specialist of Department for Economic Stability, Kazakhstan Institute for Strategic Research under the President of the Republic of Kazakhstan

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RAZUMOV Yaroslav, Mr.	Reporter/Reviewer, "Panorama" News Paper
SHAMSUTDINOVA Svetlana, Ms.	President, "Association of Impeccable Enterprising Nature"
SPANOV Magbat, Mr.	Vice-President, Institute for Development of Kazakhstan
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ZHUBATOV Zhaylaubay, Mr.	Director, Ministry of Natural Resources and Environment Protection

Kyrgyzstan

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Kyrgyzstan (Cont'd)

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AKHUNOV Ravshan, Mr.	Chief Editor, "Market, Capital and Credit" Journal, Tashkent
AMETOV Iskander, Mr.	Chief Controller, United Controlling Center of Energy System
BULTABOEV Buhadir, Mr.	Local Entrepreneur, Kokand
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KHAKIMOV S., Mr.	Head of the Department for UN and International Government Organisations, Ministry for International Affairs
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ABDULLAEV Ilkhom, Mr.	Director of private company "Saita", Fergana
MIRZAEV Ilkhom, Mr.	Businessman, Namangan
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KULMURATOV Imiamin, Mr.	Businessman, Khokim of Nukus
SAMATOV Bakhodir, Mr.	Junior Advisor, Tashkent
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Poland

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GAGINSKY Cristina, Ms.	Expert, Ministry of Foreign Affairs

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RYNZA Viktor, Mr.	Chargé d'Affaires, Embassy in Tashkent
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Slovak Republic

MACISAK Jozef, Mr.	Chargé d'Affaires, Embassy in Tashkent
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Sweden

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HUNN Daniel, Mr.	First Secretary, Embassy in Tashkent
MIRZAYEV Murat, Mr.	Special Program Officer, Embassy in Tashkent

Tajikistan

MARDONOV Tadjiddin, Mr.	Ambassador, Embassy in Tashkent
ABDURAKHIMOVA Firusa, Ms.	Head of "Friends of Protection of Nature"
ASSADULLOEV Iskandar, Mr.	Director, Centre of Strategic Research under the President of the Republic of Tajikistan
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KABIRI Mukhiddin, Mr.	Adviser for Foreign Relations, CNR
MUSAVIROV Faizali, Mr.	Head of Department of Foreign Economic Relations, Department at the President of the Republic of Tajikistan
RASULOVI Gafurjon, Mr.	Journalist, Economic Bulletin of Tajikistan
SUFIEV Azam, Mr.	Deputy Minister, Ministry of Economy and External Economic Relations

Czech Republic

KOPECKY Bedrich, Mr.	Ambassador, Embassy in Tashkent
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Turkmenistan

ASHIROV Saparmamed, Ms.	Member of the Parliament
ANNAMAMEDOVA Nurtach, Ms.	
ARANBAEV Andrey, Mr.	Chairman, Ecologist Ecology Club CATENA
DJUMAYEV Guvanch, Mr.	President of GAYRAT
MAMEDOV Vyacheslav, Mr.	Member of the Ecologic Club Flamingo

Turkey

APAYDIN Umur, Mr.	Ambassador, Embassy in Tashkent
EVAN Dogdalen, Ms.	

Ukraine

SMETANIN Vladimir, Mr.	Ambassador, Embassy in Tashkent
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Mediterranean partners for co-operation

Israel

GENDLER Noah Gal, Mr.	Ambassador, Embassy in Tashkent
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Chairman-in-Office

HÖYNCK Wilhelm, Dr.	Ambassador, Personal Representative of the Chairman-in-Office, Central Asia
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OSCE Secretariat

PRICE Thomas, Mr.	Co-ordinator of OSCE Economic and Environmental Activities
KIRWAN Aidan, Mr.	Senior Economic Adviser
HEISKANEN Janne, Mr.	Environmental Adviser
SCHEYRER-BURGSTALLER Karin, Ms.	Meeting Assistant

OSCE Liaison Office in Central Asia

GANCHEV Gancho, Mr.	Ambassador, Head of the Liaison Office, Tashkent
ROSHAN Yaqub, Mr.	Economic and Environmental Expert, Tashkent

OSCE Centre in Almaty

SCHÖNING Ulrich, Mr.	Ambassador, Head of Centre
ACIKEL Asim, Mr.	Economic and Environmental Officer

OSCE Centre in Ashgabad

ULLMANN Paul, Mr.	Ambassador, Head of OSCE Centre in Ashgabad
BROWN Bess, Ms.	Political Officer
LEPRI Riccardo, Mr.	Economic and Environmental Officer

OSCE Centre in Bishkek

WIECLAW Jerzy, Mr.	Ambassador, Head of Centre
ASANALIEVA Nazira, Ms.	Administrative/Finance Assistant
VISAPAA Markku, Mr.	Economic and Environmental Officer

OSCE Mission to Tajikistan

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TAUSCHEK Regina, Ms.	Administrative Officer

Office for Democratic Institutions and Human Rights

SHKOLNIKOV Vladimir, Mr.	Migration Adviser
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OSCE High Commissioner on National Minorities

GALDIA Marcus, Mr.	Legal Adviser
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OSCE Parliamentary Assembly

KUCHEIDA Jean-Pierre, Mr.	Member of the French Delegation to the OSCE Parliamentary Assembly
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International and Intergovernmental Organizations

United Nations Economic Commission for Europe

NOWAK Robert, Mr.	Economic Affairs Officer
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United Nations Development Programme

KRAL Pavel, Dr.	Head of Organisation, Tashkent
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European Bank for Reconstruction and Development

NAKAZAWA Kengi, Mr.	Head of Organisation, Tashkent
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Asia Development Bank

GNANATHURAI, Mr.	Head of Organisation
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International Monetary Fund

ROZENBERG Christoph, Mr.	Head of Organisation, Tashkent
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World Bank

PEARCE David, Mr.	Head of Organisation, Tashkent
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International Labour Organization

GRUAT Jean-Victor, Mr.	Director, ILO Moscow
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Japan-International Cooperation Agency

HIROSHI Nino, Mr.	Head of Organization, Tashkent
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Non-Governmental Organizations (NGOs)

Counterpart Consortium

COOPER Jay, Mr.	Head of Organisation, Counterpart Consortium
BAGDASAROVA Imma, Ms.	

Danish United Nations Association

LINNET Jeppe, Mr.	
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International Confederation of Free Trade Unions

BORISOV Vadim, Mr.	Representative for C.I.S.
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EPIC

BRITTON Barbara, Ms.	Advisor, Natural Resources and Water Policy Division, Environmental Policies and Institutions for Central Asia
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Open Society Institute

DELETROZ Alain, Mr.	Head of Organization, Open Society Institute, Tashkent
ZARUBIN George, Mr.	Head of Organization, Open Society Institute, Kazakhstan

American Bar Association/Central and Eastern Europe Law Initiative

MOORE David, Mr.	
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European Business Congress

DONI Nadazhda V., Ms.	
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