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## Central Asia's Restrictive Media System<sup>1</sup>

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Central Asian non-state media is trapped in a system of problematic and unfairly enforced laws. This paper argues that this increasingly paralyzing media situation is the fault of both the Central Asian governments and the non-state media outlets. On one hand, media controls have been engineered for the personal benefit of each country's political leadership — specifically, for the president and his family but extending to other members of the elite. In order to stay in power, the elites silenced opponents, and this silencing is the defining feature of the media environment, which in places resembles a "party press" environment, especially in Kazakhstan (Allison 2004). Currently, in all Central Asian countries, state-controlled media have a virtual monopoly on broadcast media and huge segments of print media. Because of governmental meddling in commercial enterprises, fewer businesses remain free of governmental manipulation each year, prompting ever-fewer

businesses to advertise in non-state-affiliated media outlets. At the same time, most media outlets, state-controlled and independent alike, regularly disobey the existing laws because of legal illiteracy and negligence, as well as because of the highly corrupt Central Asian business/political environment, which often necessitates illegal practices. This business and media takeover and regulation is a systematic approach to media control, facilitated by journalists' illegal actions.

This paper is the result of a year-long study of press freedom in Central Asia for a post-undergraduate fellowship from Rice University. During this time, work was conducted in four post-Soviet Central Asian countries — Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan — including meetings with several hundred newspaper editors, TV and radio station producers, journalists, nongovernmental organizations, governmental bodies and press-freedom and human-rights groups. I conducted interviews usually in Russian, and occasionally in English, depending on the interviewee. In each country, I interviewed many of the journalists who experienced press-freedom violations as cited in monitoring conducted by groups like Adil Soz (Kazakhstan), Public Association Journalists (Kyrgyzstan) and Internews (Uzbekistan and Tajikistan). I also interviewed journalists from state-owned and state-affiliated media outlets to get a diversity of opinion. Like Peter Krug and Monroe Price's "Enabling Environment" paper (2000) and Ivan Sigal's (2005)

<sup>1</sup> This paper was produced during the author's term as Zeff Fellow, Rice University, 2003-2004. For a fuller evaluation of this topic, see the full-length version of the paper, available from the author. The paper explains recent draft media laws and important court cases and gives a full thematic evaluation of media legislation. Local NGOs deserve special acknowledgement: the Kazakhstan, Tajikistan and Uzbekistan offices of Internews Network, and the Kyrgyzstan NGO Public Association "Journalists." The author also thanks the journalist trainers Jack Ronald and George Krinsky of the International Center for Journalists.

and Eric Johnson's (1998) earlier reports on media law, this paper is based on a thematic approach. I devised a list of questions examining the following seven media law topics: media registration, frequency licensing, censorship, access to information, libel/defamation, taxes, and ownership/monopolies. To conserve space, I will not examine each of these topics individually but will instead briefly discuss the basic legislative environment, governments' selective enforcement and journalists' irresponsibility.

In examining regional media-law tendencies, I show that the governments of the region have shared similar trajectories of media development. However, I also consider recent events, like Uzbekistan's and Tajikistan's crackdown on media and Kyrgyzstan's revolution, to discuss the future of the media in Central Asia. I ultimately argue that although these changes seem significant, they are not changing the actual media system.

It is necessary to differentiate among the terms "independent," "privately owned" and "oppositional" when referring to players in the Central Asian media environment. While many newspapers and media are privately owned, few are independent. The term "independent" connotes a freedom of thought or lack of bias that is simply difficult to find in these countries, as media-outlet owners dictate content and slant to a large degree. Many privately owned media outlets are extremely pro-governmental because their owners are members of the ruling elite. On the other hand, there are several oppositional media outlets in each country, and many of these are owned by opposition politicians; thus, while their content is not pro-governmental, the journalists are still propagandistic tools of certain political figures (Krimsky 2002). If there are any truly independent media outlets in Central Asia, they are most likely to be found in smaller cities, where political stakes are usually lower.

As a regional trend, most Central Asian media laws follow the 1990/1991 USSR Law "On mass media,"<sup>2</sup> which, although replaced by later laws in most post-Soviet countries, granted more freedom than previous Soviet legislation but still contained significant limitations on press freedoms. Like the

current laws, the 1990 law contained prohibitions of the "abuse of freedom," as well as other specific limitations on publication of materials that call for a change to the constitutional order. The 1990 law, however, forbid media monopolies (Article 7), an article that could be useful now.

Kazakhstan has an entirely new law "On mass media," adopted in 1999 and amended in 2001 (see fuller explanation of this law below), although sections of the 1999 law still mirror the structure and wording of the Soviet law. Kazakhstan almost passed a controversial law in spring 2004, giving the government more power to interfere in media outlets' affairs and calling for stricter ownership and editorial restrictions. Nazarbaev vetoed it, however, in a publicity stunt. Kazakhstan's government and media groups are currently wrangling about a new media law, but so far there has been more talk than action on this topic. In Kyrgyzstan, a newer law adopted under Akaev is even more similar to the Soviet law. Post-revolution legislation in Kyrgyzstan includes draft laws to turn the state-owned media outlets outside the capital into a "public" TV channel, but specifics of the law — like whether public or state TV will control the transmitters — remain problematic. Tajikistan and Uzbekistan have amended the 1990-91 laws and have passed additional laws regulating the media sphere, but most of the media law structure remains a monument to bygone Soviet days. Uzbekistan's media laws also include a long list of decrees "having the weight of law," which make it difficult to keep up with the current legal environment. The other countries use this tactic as well, but to a lesser degree. In Tajikistan, there has been no revision of the media laws in several years, despite long debates in parliament about these laws. In Uzbekistan, any new law usually requires more registration and more financial and political restrictions on media outlets.

### *Selective Governmental Enforcement*

After analyzing all the segments of Central Asian media law — from monopoly law to censorship practices — a bleak picture emerges. These are not individual court cases or individual newspaper closings: all regulatory bodies are still fully state-run, and for the last 14 years, they have devised a complete system of biased law enforcement. Ivan Sigal writes of Kazakhstan, in his 2000 report for *Communications Law in Transition*, that the regulations in Kazakhstan have been crafted to restrict access to those in power and to force media

<sup>2</sup> For the purposes of this paper, I translate the Russian-language title of the law, *Zakon "O SMI"* as "Law 'On mass media,'" although some sources have translated the law as "On the media."

outlets into a “semi-legal state.” Sigal writes this about Kazakhstan, but it is true of all four countries studied. There are essentially no repercussions for governments’ actions, and they win almost all battles with opposition and independent media. While journalists are often guilty of the charges brought against them, that is only half of the story. Independent or oppositional journalists are guilty of the same infractions that pro-governmental journalists commit, but only the former are punished.

Although all Central Asian media laws forbid censorship, Uzbekistan had an official censor until May 2002, and the Ministry of Defense has required pre-publication review of all media reports concerning military issues. In all four countries considered in this study, self-censorship is pervasive, and most journalists say they cannot write about corruption, business dealings, health risks, real economic figures, ethnic problems, and gender issues (Morfius 2004). While some of these claims of censorship are exaggerated because of a lingering culture of fear, many journalists do face prosecution for writing these types of articles.

It is difficult to succinctly convey the level of pressure media outlets face from all sources. First, there is financial pressure, stemming from the many taxes required of all businesses, including the media. In Tajikistan and Kyrgyzstan, editors claim they have at least 10 to 15 taxes on their already-meager profits. Second, these journalists face a lack of available official information because laws forbid publication of “state and business secrets,” as well as government activities pertaining to “national security.” Even business ownership remains a closed topic, so the simplest business articles become almost impossible to write.

For the most persistent critics of each country’s regime, the government adopts a series of attacks designed to entirely neutralize the outlet. The *Respublika/Assandi Times* office in Almaty has faced dozens of lawsuits, and its offices were fire-bombed in 2002. The 2002-2003 draft media law, which Kazakhstan’s President Nazarbaev eventually refused to sign, included a provision specifically devised to thwart this paper: no media outlet would be allowed to have a foreigner as its editor in chief. *Respublika*’s main editor, Irina Petrushova, is a Russian citizen, and she lives in Moscow because she is threatened with imprisonment if she returns to Kazakhstan. Difficulties for the Tajikistani independent newspapers *Ruzi nav* and *Nerui sukhan*

are similar; they have faced invasive inspections and charges from tax inspectors, the Ministry of Culture and the court system (Kimmage 2004), which sentenced *Nerui sukhan*’s editor to a prison sentence in August 2005 (EurasiaNet 2005). Although theoretically *Ruzi nav* had acted within the confines of the media laws — even within the tax laws so frequently violated — the government’s tactics lie even beyond their manipulation of media law. The newspaper is still closed. Teaching professional standards and correct legal practices to journalists rarely helps because the government can turn off their electricity, refuse to print the newspaper or harass their advertisers.

### *Irresponsible Journalism and Rule-Breaking*

Central Asia’s laws are written such that they are extremely easy to enforce against independent media, and these unfair laws are enforced one-sidedly. But in the past, journalists have not guarded against prosecution by following the laws or becoming financially independent. Journalists often disobey the laws and prepare unethical stories, and media outlets do not attempt to earn profits.

Illegal actions by media are sometimes intentional and sometimes inadvertent. Minor oversights, such as not sending “control copies” — copies of the paper they are required to send to the national library and various ministries — lead to registration revocation. Other violations are more intentional. Tax evasion is rampant. For the government, charging media outlets with back-taxes is a fast way to close them down; if a media outlet goes bankrupt after these fines, there is no court battle and thus no lengthy process. In addition, journalists’ materials are frequently libelous by Western standards, and usually lacking many facts; they would not stand up in Western courts any more than they do in Central Asia. These are generalities, and not all Central Asian media outlets commit all of these infractions. But many commit one or more of them.

While not strictly a violation of any existing Central Asian media law, editors and journalists often violate international codes of journalism ethics by taking paid articles, also called “PR” or “ordered” articles, primarily from various politicians and businessmen, which either promote the requestor’s business interests (“white PR”) or criticize their opponents (“black PR”). There are no accurate estimates of how many stories in a newspaper or on

a TV or radio station are paid, and they are never marked as being paid-for, but the practice is widespread. Although supplemental income is necessary because of journalists' low salaries, this practice is public knowledge and has seriously harmed media outlets' credibility.

Some journalists and editors are in a cycle of giving and taking bribes to cover up their and others' infractions. This contributes to the corruption in the region, which they also complain about, and it too reduces their credibility. Tajikistan journalist Jovid Mukim bemoaned the situation, saying, "At any given point [the government] can criticize or punish a newspaper because everyone is corrupt."<sup>3</sup>

"Independent" and opposition papers — who generally classify themselves as "social-political" newspapers — are low-circulation newspapers, not only because they are oppressed but also because the general population is either unaware of or uninterested in the material they print. Most political newspapers do not contain the diversity of material that attracts an average reader, and these "social-political" newspapers adhere to a verbose style using long paragraphs. Kyrgyzstan's most popular newspaper is *Vechernii Bishkek* not because the newspaper has more professional news articles but because it has the most classified ads and a wider range of topics. One grant-funded newspaper in Kyrgyzstan is rumored to not even attempt to circulate all of the copies of a given edition, despite its already-low circulation.

Many media outlets show an aversion to running advertisements. Media laws stipulate that a newspaper can fill 20 to 40 percent of its print space with advertisements, and a broadcast station 10 to 30 percent of its broadcast time, depending on whether they are state or privately owned outlets. No media outlet — besides those dedicated exclusively to advertising — comes close to these limits. When asked, many editors complain that advertisers refuse to advertise in independent media because of state pressure. They claim that if a business advertises in privately owned media, tax inspections will ensue. While this is likely true in many cases, the low circulation of these social-and-political newspapers provides another explanation.

Finally, many Central Asian journalists are unprofessional in their articles and in their public behavior. Journalists often demand information from

the information agencies of different ministries or businesses. If they are told to wait until the next day,<sup>4</sup> journalists claim they were deprived of this information, even when they do not return to collect it at the promised time. In press freedom monitoring reports, many complaints lodged are of this nature.

### *Conclusions*

Central Asian governments are increasingly unlikely to change their laws to comply with international standards. Even if the laws were changed, most of the problem lies in the total dependence of the court system on the president and national government, which would not change. This factor by itself could allow the continued levying of exorbitant fines on media outlets in libel and defamation cases. Few figures' reputations are worth several billion dollars, so requests of such alarming amounts have the sole purpose of closing media outlets through bankruptcy. Decriminalized libel will not change this fact; only an independent judiciary will improve this situation — and this seems unlikely in the near future (Central European and Eurasian Law Initiative 2003: 2). In addition, equal rights should be granted to state-owned and privately owned media. Although such a provision may not immediately improve the situation, it would provide recourse in the law for appeal if independent and opposition outlets are not treated fairly. Furthermore, without an independent agency for licensing, registration and journalist accreditation, journalists will remain beholden to the government for their very right to work.

Uzbekistan has recently used far harsher tactics than its neighbors (except Turkmenistan) in dealing with the press, although Tajikistan's media also face renewed pressure in the run-up to 2006 presidential elections. Kazakhstan's media outlets face a continuing onslaught of libel and defamation cases. Printing presses refuse to print or distribute certain material from critical media outlets, which is a more overt example of pressure. Kyrgyzstan's media have the most hopeful situation, but recent articles by Institute for War and Peace Reporting and *EurasiaNet* cast doubt on President Bakiev's benign intentions for the media (Sadybakasova 2005).

In Kyrgyzstan, Bakiev has expressed some desire to rid the country of most of its state-owned

<sup>3</sup> Personal interview with Jovid Mukim, March 21, 2004. Dushanbe, Tajikistan.

<sup>4</sup> According to Central Asia's media laws, official entities have five to 30 days to respond to such requests, depending on the country.

media. The proposed laws on creating a public television channel are a promising development, if this plan actually eliminates state-controlled television in favor of a fairer public television station. Along these lines, in Azerbaijan, the public television station was recently commended for having relatively balanced coverage of the country's recent controversial election (Abbasov and Muradova 2005). In addition, a December 2005 Bakiev decree put two national state-owned newspapers, *Slovo Kyrgyzstana* and *Kyrgyz tuusu*, up for sale. Despite this, some fear that these newspapers will only be sold to entities with ties to the new elite (Orozobekova 2005). If Kyrgyzstan's other television stations remain or become controlled by Bakiev's circle, the revolution will have no positive result for the media.

Although all four countries worked to prevent regime change, such regime change has indeed happened — in Kyrgyzstan, in spring 2005. The remaining Central Asian countries will work to prevent spillover from those events — this is seen in Tajikistan's crackdown and in Uzbekistan's continually harsher policies. It is also possible that Bakiev, like other Central Asian presidents, will work to prevent regime change in the future, although he may have to work harder now that protest-driven revolutionary mentality has arrived in Kyrgyzstan. Thus, although it initially appears that the four countries have new and differing attitudes toward their media, there have been no major changes to the selective-enforcement system. There is no indication various branches of the government will stop harassing journalists, so there is no indication that this new era in Central Asian politics will change anything. Rather, regimes will continue to diminish the region's possibility of developing more independent media.

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## Political Islam in Southern Kazakhstan: Hizb ut-Tahrir

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During the 1990s, the government of Kazakhstan came to believe that the country was immune to political Islam, due to its large territory, multi-ethnic and multi-religious population and the booming oil economy. This view has been challenged recently by the emergence of Hizb ut-Tahrir al-Islami (the Islamic Party of Liberation — hereafter Hizb ut-Tahrir) in southern Kazakhstan.

Hizb ut-Tahrir was founded in 1953 by Taqiuddin an-Nabhani, an Islamic scholar of Palestinian origin, in East Jerusalem. Hizb ut-Tahrir views itself not as a religious organization, but rather a political party whose ideology is based on Islam. Hizb ut-Tahrir is now a transnational organization with thousands of members worldwide, including Western Europe and the Middle East. The group aims at uniting all Muslim-populated territories into a single state, the Caliphate. The first emissaries of Hizb ut-Tahrir appeared in the southern Kazakhstan in 1998. Hizb ut-Tahrir now claims to have thousands of members in southern Kazakhstan.<sup>1</sup>

Hizb ut-Tahrir's members regularly distribute leaflets in southern Kazakhstan; most of them are written in Kazakh, Uzbek or Russian, a sign that the group targets all ethnic groups.<sup>2</sup> However, its leaflets usually deal with problems faced by Muslims in other countries (for example, Uzbekistan and Palestine), rather than Kazakhstan. The group is

organized in cells of five people and usually members use nicknames for security reasons.

The Kazakhstan authorities initially ignored the group, but in the last few years have responded with repressive methods. In 2004 alone, Hizb ut-Tahrir members were seen distributing leaflets and other printed materials in more than 180 instances; as a result, Kazakhstan security services launched 111 criminal cases (*Embassy of Kazakhstan 2005a*). In March 2005, the city court of Astana granted the Kazakhstan Prosecutor General's request to declare Hizb ut-Tahrir an extremist organization and ban its activity in the country (*Embassy of Kazakhstan 2005b*).

Drawing on fieldwork conducted from September 2003 to January 2005, the article will show how social movement theories can help explain the rise of Hizb ut-Tahrir in southern Kazakhstan. Fieldwork included examining Hizb-ut-Tahrir's books and leaflets, and interviewing members, officials, and Muslim clerics.<sup>3</sup> Social movement theories focus on multiple aspects of the origins of collective action, including responses to mobilization of resources, responses to political opportunities and framing processes. Finally, the article will suggest that the group has utilized its ideology to mobilize support among religious Muslims in southern Kazakhstan.

<sup>1</sup> Personal communication with a member of Hizb ut-Tahrir in Shymkent, February 2004. The author estimates the organization to have about 1,000 members at the time of this research, with more sympathizers.

<sup>2</sup> Personal communication with Igor Savin, director of the NGO "Dialogue," Shymkent, Kazakhstan, February 2004.

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