



"GRANTING LOCAL COUNCIL DEPUTIES THE RIGHT TO EXPRESS A VOTE OF NO CONFIDENCE IN THE RESPECTIVE GOVERNORS."

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In global practice, a vote of no confidence is generally understood in parliamentary activity as a situation in which a specific measure or draft law proposed by the government is rejected by the lower chamber.

In Uzbekistan's legislation, however, there are no provisions that regulate the possibility of expressing a vote of no confidence in the heads of local executive authorities — namely, the governors — by representative bodies or other institutions.

The lack of sufficient oversight by local representative bodies over the activities of local executive authorities, the complexity and lack of transparency in decision-making processes, and the insufficient application of information and communication technologies in this sphere hinder the timely and effective resolution of issues at the local level.

According to statistical data provided by the Ministry of Justice of the Republic of Uzbekistan, from the launch of the "E-qaror" electronic system until 2023, monitoring revealed 8,881 violations of law, and 6,630 decisions of governors were annulled.

The broad discretionary powers vested in governors create conditions conducive to corruption and other violations of law, including excessive administrative command-and-control practices, abuse of office, and the imposition of unnecessary restrictions.

In order to strengthen the powers of local representative bodies and to establish the legal foundations for a genuine assessment of the activities of executive bodies as representatives of the people, the introduction into legislation of norms on expressing a vote of no confidence in governors and other officials accountable to local councils may serve as a solution to existing sectoral problems.

In particular, analyses show that there are a number of unresolved issues in this sphere, including:

Despite the fact that the law provides for the authority to approve decisions and annul the governor's acts that do not comply with the legislation





of the Republic of Uzbekistan, local representative bodies do not exercise sufficient oversight over local executive authorities, since clear mechanisms for such control have not been developed;

A number of legal violations have been observed in the rulemaking activities of local state authorities, while the transparency of documents adopted by governors has not been fully ensured. Moreover, the accountability of governors has not been explicitly defined in legislation.

To eliminate these shortcomings, to establish people-oriented governance, and to ensure public oversight, the proposal to introduce the mechanism of a vote of no confidence in governors is being put forward as a logical continuation of ongoing reforms. This mechanism would help prevent abuses and unlawful practices within the system of local executive authorities and would further enhance the accountability of local executive leaders before the representatives of the people.

Such a practice exists in many developed countries. In particular, it can be observed in several CIS states as well as in other foreign countries.

In a number of U.S. states, the legislature holds the authority to impeach the governor. If the lower chamber of the state legislature supports the impeachment, the upper chamber acts as an impeachment court and votes on whether to find the governor guilty.

In Japan, in order to limit the absolute power of governors, any deputy may submit a resolution of no confidence. Such a resolution can be adopted if it is supported by two-thirds of the prefectural assembly. In response, within 10 days of the declaration of a vote of no confidence, the governor is entitled to dissolve the assembly and call for early elections. If the newly elected assembly declares a vote of no confidence against the governor at its very first meeting, the governor is obliged to resign.

In Georgia, Article 24 of the Code "On Local Self-Government" grants local councils the authority, within their competence, to declare a vote of no confidence in an elected mayor and remove him or her from office. The process of initiating a no-confidence vote against a city mayor requires the written initiative of more than half of the council members or more than 20 percent of registered voters in the respective locality. If such an initiative is supported by two-thirds of the council members, the mayor is deemed to have lost the council's confidence. If the initiative fails to gain the required support, the issue of a no-confidence vote cannot be raised again for six months. Moreover, the Code prohibits considering a no-confidence motion against a mayor who has





been in office for less than six months or has less than one year remaining in his or her term.

In Kazakhstan, according to Article 24 of the Law “On Local Public Administration and Self-Government,” the issue of declaring a vote of no confidence in a governor may be raised at the initiative of one-fifth of the total number of local council deputies. The grounds for such consideration include the failure of the representative body to approve, on two occasions, the governor’s report on the implementation of socio-economic development programs of the territory or the local budget, as well as a public initiative by local residents to remove the governor from office. If the initiative is approved by a majority of the representative body, the decision is submitted to the President or the higher-ranking governor. Within six working days, the President or the higher-ranking governor decides either to dismiss the governor or to allow him or her to continue in office. In Kazakhstan, therefore, a decision of no confidence by a representative council does not automatically terminate a governor’s mandate but serves merely as a basis for consideration by the competent authority.

In Kyrgyzstan, under Article 34 of the Law “On Local Self-Government Bodies,” the local representative body has the right to declare a vote of no confidence in the local executive authority. If two-thirds of the council members vote in favor, the governor is dismissed by the President or the relevant higher-ranking governor.

Grounds for adopting a vote of no confidence against the head of local executive authority – the hokim (governor):

At least one-third of the measures provided for in the territorial development program approved by the local councils of people’s deputies have not been implemented or have not been properly executed;

The hokim has failed to comply more than twice with the lawful demands issued within the competence of the local councils of people’s deputies;

The hokim has violated the code of ethics of state civil servants;

The leadership and officials of the local executive authority have failed to observe restrictions on holding other paid positions and professions;

The hokim or his deputies have allowed conflicts of interest in the implementation of public procurement, as well as violated legislative requirements in the expenditure of local budget funds.

A vote of no confidence shall be considered at an extraordinary session of the respective local council of people’s deputies within ten days. It shall be deemed adopted if more than half of the total number of deputies vote in favor,



and within five days it shall be submitted to the President of the Republic of Uzbekistan or the higher-level hokim for the dismissal of the hokim. In the event that a vote of no confidence is adopted, the President of the Republic of Uzbekistan or the higher-level hokim shall, within ten days, consider the issue of dismissing the hokim from office or rejecting the vote of no confidence.

If these proposals are taken into account, first of all, the legal status and powers of deputies – the representatives of the people – and local councils will be strengthened, the system of checks and balances between executive and representative bodies, as well as the legal foundations of the separation of powers, will be further consolidated, and ultimately the activities of representative bodies will be enhanced.

Introducing this practice in Uzbekistan will also encourage the heads of local executive authorities to feel greater public accountability, to approach their duties with increased responsibility, and to take a more active role in the systematic implementation of comprehensive measures

