

Nations in Transit 2007

Tajikistan

	1999	2001	2002	2003	2004	2005	2006	2007
Electoral Process	5.50	5.25	5.25	5.25	5.75	6.00	6.25	6.50
Civil Society	5.25	5.00	5.00	5.00	5.00	4.75	5.00	5.00
Independent Media	5.75	5.50	5.75	5.75	5.75	6.00	6.25	6.25
Governance	6.25	6.00	6.00	6.00	5.75	n/a	n/a	n/a
National Democratic Governance	n/a	n/a	n/a	n/a	n/a	6.00	6.25	6.25
Local Democratic Governance	n/a	n/a	n/a	n/a	n/a	5.75	5.75	5.75
Judicial Framework and Independence	5.75	5.75	5.75	5.75	5.75	5.75	5.75	5.75
Corruption	6.00	6.00	6.00	6.00	6.25	6.25	6.25	6.25
Democracy Score	5.75	5.58	5.63	5.63	5.71	5.79	5.93	5.96

EXECUTIVE SUMMARY

2006 for Tajikistan was the culmination of fifteen years of independence and nearly a decade of societal and political peace brought about by a June 1997 accord signed in Moscow between the government and the armed opposition. The bloody civil war (1992-97), which entailed the loss of roughly 50,000 lives, massive damage to infrastructure and the economy, and the fleeing of up to a million people within and outside of the country, is undoubtedly the lowest point in Tajikistan's contemporary history. And the flipside, that of a peace accord brokered by the United Nations, Russia and Iran, and the consequent achievement of substantial amounts of stability and macroeconomic growth are among Tajikistan's major achievements in its short history as an independent state. There remains room for progress, however, as though for about half-dozen years some amount of political pluralism, which was required as part of the signing of the peace accord, was achieved, for the past few years there has been little real progress made in furthering the process of democratization, openness and human rights.

The most important event of 2006 was the presidential election held on November 6th. As was predicted by all observers, the incumbent, President Emomali Rahmonov ("Rahmon" as of end of March 2007)¹, saw a landslide victory. And though five political parties fielded candidates for that race, what are considered the major opposition parties, the Islamic Renaissance Party, Democratic Party and the Social Democratic Party, as a sign of protest either refused to actively participate in the election or boycotted the process all together. Though highly resource-rich, but petrol-poor, the rough geography of the country has

¹ As of end-March 2007, the President officially 'de-Russified' or changed his last name from "Rahmonov" to "Rahmon" and encouraged the rest of the country to follow suit.

prevented the ready processing and export of a variety of Tajikistan's commodities, and despite the improving economy, the country remains largely dependent on foreign aid and investment, substantial increases in the latter of which (especially by Russia and China on infrastructural projects) was seen during the year. However, increased attention to Central Asia including by the Western states after the September 2001 tragic events, though encouraging, have not come with large amounts of improvement in the capacity of both government structures and the nascent civil society of Tajikistan. And though the government made some efforts in formulating a new anti-corruption agency towards the end of 2006, no real progress in combating the all-encompassing scourge of corruption can be said to have been made.

National Democratic Governance. Despite semblances of political pluralism, for the past few years, opposition voices have been largely stymied. Genuine political parties have not been formed, and during the November 2006 presidential election, key opposition parties refused to nominate candidates or actively participate in the election. President Emomali Rahmon has, in turn, taken his third term victory at the polls as a mandate for stronger presidency. He has continued to implement a *de facto* patronage and clan-based policy when staffing his cabinet and various positions of power throughout the republic. The Parliament remains largely a 'rubberstamp' entity, with many of its members either being appointed or elected not via a competitive democratic process. *Though the country remains stable and peaceful, given the lack of pluralism and improvements in the democratization process, underlying frustrations and unspoken dissent are present. Given the lack of improvements in increased political pluralism, genuine engagement and power-sharing, Tajikistan's score for National Democratic Governance remains unchanged at 6.25.*

Electoral Process. The result of the November 6th, 2006, presidential election was of no surprise to all as the incumbent, President Emomali Rahmon, was well expected to be victorious, and in the end reportedly took nearly 80% of the votes. Despite his administration being genuinely popular (based on anecdotal evidence that his reign is associated with peace and economic development), Rahmon made sure that real rivals to his rule would not be running in the election. The Organization for Security and Cooperation in Europe (OSCE), which had sent over 120 election observers to the November election, also determined that despite the peaceful nature of the event, there were a series of violations mostly related to Tajikistan's general commitments to democracy under the OSCE 1990 Copenhagen Document. *The November 2006 presidential election lacked genuine competitive spirit, with several key parties having chosen not to participate. And though opposition candidates were given limited airspace on radio and television, the regime was in near full control of the media, resulting in a disproportionate campaign opportunity for the incumbent. For these reasons Tajikistan's rating for electoral process worsens from 6.25 to 6.50.*

Civil Society. The dynamics of civil society in Tajikistan remained rather unchanged during 2006. Over 2,500 NGOs were thought to be registered with less than 10% in reality being active in one degree or other. Furthermore, donor support for programs remained relatively constant and the government did neither allow free rein to existing groups nor further restrict their activities. A draft law to restrict the activities of NGOs was introduced, but it had yet to be voted upon in 2006. *Given both a lack of progress in development of a more vibrant civil society sector in Tajikistan and the government's distrustful yet stagnant attitude towards the activities of this sector in 2006, Tajikistan's rating for civil society remains unchanged at its previous score of 5.00.*

Independent Media. The year 2006 was characterized by largely stagnation in the work of independent media as well, in that the government did not engage in an unusually heavy-handed attack on existing media outlets as years past. At the same time it did not allow new independent media to be allowed to function. During the weeks leading to the 2006 presidential election, the state media was heavily used as part of a campaign and propaganda venue for the incumbent government candidate, while opposition candidates were nonetheless each given nearly an hour of airtime on radio and television. Fearing repercussions from the authorities, journalists continued to generally practice their well-polished skills of self-censorship and avoidance of controversy. *Given the stagnated status quo of the media, where nearly no outlet was banned for a long period of time, and also that no new independent media outlet was allowed to register, Tajikistan's rating for independent media remained at 6.25.*

Local Democratic Governance. Democracy in Tajikistan did not progress in 2006 especially on the sub-national province, district, city, town, and *jamoat* levels. Though the overall poverty continues to fall, economic growth, based on anecdotal evidence, appears to be primarily aiding individuals living in the main cities. An increasing rich-poor and urban-rural income gap has been developing. Cotton farming continues to be a *de facto* government policy with thousands of farmers not having control over the type of crops they prefer to grow and despite the wretched conditions of cotton farmers who given the supposedly 'strategic' nature of the crop have far worst living conditions as compared to non-cotton farmers. *Given the lack of progress in local and democratic decision making and near non-existent elections on the sub-national levels, Tajikistan's rating for local democratic governance for 2006 remains unchanged at 5.75.*

Judicial Framework and Independence. Despite attempts to reform the judicial system, little progress has been achieved in the past few years. In its 2006 report, the U.N. Committee overseeing the Convention against Torture (CAT) asked the government to *inter alia* ensure prompt and objective investigations of violations of due process, look into all instances of deaths in custody, shorten the current pre-trial detention (*doznanie*), and establish an independent health examination service aside from those of the Internal Affairs and Justice Ministries. Likewise, the 2005 recommendations of the U.N. Special Rapporteur on Independence of Judges and Lawyers remains in place that, among other things, Tajikistan's Prosecutor's Office must abide by international standards to promote equality of judicial powers in proceedings and for independent legal council to be allowed, including discarding of confessions extracted via torture and abuse. *Given the continuing problematic and unreformed justice system and inter alia lack of access by objective international bodies (namely the International Committee of the Red Cross) to state prisons and detention centers, Tajikistan's score in judicial framework and independence remains unchanged at 5.75.*

Corruption. Impressive macroeconomic growth (averaging about 9 percent) in the past five years, though resulting in measurable reduction in the poverty level (as illustrated by World Bank analysis) has not resulted in any known or perceived reduction in the level and extent of corruption in Tajikistan. Corruption remains possibly as the most pervasive scourge of Tajikistan's post-communist transition. *Given the continued entrenchment and ubiquitous nature of corruption in all aspects of public life in Tajikistan and the fact that the government's efforts in 2006 to establish a centralized anti-corruption agency was not sufficient to see real results, Tajikistan's score on corruption remains unchanged at 6.25.*

Outlook for 2007. The tenth year anniversary of the Tajik peace accord is set to be held in June 2007. Both the government and many in the international community agree that good degrees of emphasis must now be put on the economic component of progress in Tajikistan, namely investment in a variety of projects and opportunities for credit, business startups and joint ventures. The year is thus likely to see substantial attention paid to the economic sphere and the signing of new multilateral and bilateral deals. Yet, given the government's state of denial of the existence of major problems in human security, human rights and democratization spheres, and the international community's haphazard engagement in these sectors, a growing gap is expected, as was the case in 2006, between progress in the macroeconomic growth and achievements for the average individual and household on the ground, especially on issues of law and justice. This threat cannot be alleviated unless both the authorities and the international community – including the financial institutions – insist on progress in the less material spheres of democratization and human rights as preconditions to or concurrent activity along with economic progress.

MAIN REPORT

National Democratic Governance

Political pluralism was alive in the few years following the signing of the 1997 General Agreement on the Establishment of Peace and National Accord in Tajikistan ('Peace Accord' signed in Moscow between the Tajik government and the armed opposition ending the 1992-97 civil war, which had resulted in 50,000 deaths). For all practical purposes, however, pluralism in the form of representation of ideas and diversity of real political parties has for the past few years been in short supply. Indeed, leading up to the November 2006 presidential election, a "shrinking space for alternative political voices"² was noticeable as a reversal had already taken place of the, albeit, limited progress made by the Peace Accord, wherein the government had unbanned opposition parties and vowed to (and largely did) appoint 30 percent of high ranking positions from amongst opposition figures. A variety of obstacles has since been imposed on dissenting voices, leading to discouragement of active and real political opposition.

The power base in Tajikistan has been maintained by socio-cultural factors of traditional, "patriarchal clan-based" figures relying on "patronage and consanguineal networks" which came to the fore immediately after the country gained independence from the Soviet Union.³ As part of the victorious ex-communists and appointed as the head of state in 1992, later having won three controversial elections in 1994, 1999 and 2006, President Rahmon has indulged in the same tradition: He has enforced a *de facto* policy of 'Kulobization' or the appointment of trusted individuals from Kulob (main region of eastern zone of Khatlon province where he is from) to key governmental positions, while other ethno-regional groups (such as the country's substantial Uzbek population) have been largely left out of the central government.

Tajikistan's 1994 Constitution already provided for a directly elected executive though with a broad authority to appoint and dismiss officials. Constitutional amendments adopted in 1999

² *Oxford Analytica Brief*, "Tajikistan: Presidential elections," 6 November 2006.

³ Kirill Nourzhanov, "Saviours of the nation or robber barons? Warlord politics in Tajikistan," *Central Asian Survey* 24 (2): 109-30, June 2005.

created a bicameral Parliament and further increased the powers of the president by extending his term in office from five to seven years. The amendments also granted the president discretion to determine the general directions of domestic and foreign policies, establish the monetary system, and appoint diplomats and all court judges (nominated by the Council of Justice, itself a body formed under the president). Later, in 2003, the public through a plebiscite (the details of which was rarely discussed in the media) overwhelmingly approved 56 additional constitutional amendments, including a formal end to state guarantees for free education and healthcare and an amendment allowing the president to stand for election in two (interpreted by the government as additional) seven-year terms.

Though the principle of separation of powers is enshrined in the Constitution, in practice the *Majlisi Oli* (Parliament) acts as a classic case of a ‘rubberstamp’, merely supporting the decisions of the executive. According to Article 27 of the Constitution, the public and members of civil society have the right to introduce new bills to the Parliament through their elected representatives and to participate as invited observers during the Parliamentary committee meetings discussing new and draft laws when the proposed legislation “requires open discussion”.⁴ Such a right, however, is seldom, if ever, practiced by the public nor is it encouraged in reality by the government.

As many of the states in the region (and worldwide), Tajikistan has exploited the post-9-11 environment of fear and suspicion in favor of suppressing its legitimate opposition, among them, the Islamic Renaissance Party (IRP), which remains the only legal Islamist party in the post-communist world. At one point, the government accused the IRP of indoctrinating people in extremism and implied a link between the IRP and the banned pan-regional Islamist extremist groups of Hizb ut-Tahrir (‘Freedom Party’) and the Islamic Movement of Uzbekistan (IMU).⁵ The IRP, itself, has faced a struggle within: In August 2006, it lost its 59-year-old even-tempered and conciliating leader, Sayed Abdullo Nuri, while disagreements remain about its mandate among its overtly religious and its secular-minded wings. As a sign of the worsening relations between the state and the IRP, the news of Nuri’s death was not broadcast on state television nor was his body allowed to be buried at the location he had willed.⁶

In March 2006, the leader of the Social Democratic Party (SDP), Rahmatullo Zoirov, accused the government of having imprisoned at least 1,000 political prisoners. He also claimed that the authorities are holding up to 500 alleged members of Hizb ut-Tahrir, imprisoned mostly on fabricated terror charges. Soon after Zoirov’s comments, the prosecutor-general of the country cautioned him that he could face prosecution unless he produced evidence to back up his claims.⁷ Zoirov, a former advisor to the president on constitutional affairs (who resigned from that post in 2003), challenged Rahmon’s eligibility to run in the November 2006 election and is expected to remain an entity the authorities would want to continue to sideline. He claims that an undetermined attempt on his life via a supposed poisoning incidence is related to his political outspokenness.⁸

⁴ ABA/CEELI, *Qanuni Tojikistan chitavr Ejod Meshavad – How Tajik Laws are Made*, Dushanbe, 2002.

⁵ *Jane’s Islamic Affairs Analyst*, “What next for Tajikistan’s Islamists?,” July 2006.

⁶ Economist Intelligence Unit (EIU), *Country Report: Tajikistan*, London, September 2006.

⁷ EIU, *Country Report: Tajikistan*, (London, June 2006).

⁸ EIU, *Country Report: Tajikistan*, (London, December 2006).

The year was not without its share of political violence. In January 2006, the head of the Defence Ministry's military academy, Hakimshoh Hafizov, was mysteriously assassinated. A month later, gunmen stormed a jail in the northern Sughd province, killing the prison head and freeing at least one prisoner, an act the authorities have blamed on the IMU. And similar to the previous year, during 2006, the authorities arrested tens, if not hundreds, of people on charges of membership in radical Islamist groups.⁹ In May 2006, Sadullo Marupov, an activist of the IRP in the northern town of Isfara, died while in police custody, with the police initially claiming that he had committed suicide by having jumped from the third story. The IRP rejected the idea of Marupov's suicide, claiming that he had been physically mistreated while in custody.¹⁰

It has been argued that the post-communist transition states are facing not a lack of, but too much, stability, brought about by an entrenched elite benefiting from rent seeking and economic distortions.¹¹ In the case of Tajikistan, the present stability is a precarious one. Poverty is reduced but not eradicated and a growing income disparity is on the rise, both being destabilizing factors.¹² The drop in poverty is an effect of the trickle-down benefits from the impressive economic growth of recent years, itself likely a multiple function of the government's prudent macroeconomic policies, but also due to the ongoing drug trade, and massive amounts of incoming remittances mostly from Russia.¹³

Electoral Process

The November 6th, 2006, presidential election was a foregone conclusion, favoring the incumbent, President Emomali Rahmon, who had several factors in his favor: First appointed as head of state in 1992, later elected as president in 1994, and re-elected in 1999, Rahmon had remained genuinely popular among the majority of the citizenry as most voters saw his administration as a stabilizing factor for Tajikistan, which went through a brutal civil war (1992-97) immediately after independence. Rahmon was also credited for presiding over Tajikistan at a time of significant economic recovery, where the average real GDP growth for the five year period 2001-2005 was around 9.0% and where slow but significant decreases in the poverty level was seen. The majority of the electorate thus saw Rahmon as the symbol of both stability and economic wellbeing.

Despite his overwhelming popularity, Rahmon and his highly skilled administration took no chances with the 2006 election and had the cards stacked in their favor. Among other things, as early as 2003, a campaign of intimidation and arrests was launched against selected individuals. Three figures were systematically taken out: Yaqub Salimov, a former close friend and colleague of the president, who together with Rahmon served as one of the

⁹ EIU, *Country Report: Tajikistan*, (London, March 2006).

¹⁰ EIU, *Country Report: Tajikistan*, (London, June 2006).

¹¹ Anders Aslund, "Democracy, governance, and corruption after communism," *Economicheskii Zhurnal VShE*, No. 3, 2001, pp. 311-27.

¹² While a 1999 World Bank household survey found that 81 percent of Tajik households live below the acceptable poverty threshold, the same indicator dropped to 64 percent in 2003 (World Bank, *Republic of Tajikistan: Poverty Assessment Update*, Report No. 30853-TJ, January 6, 2005). Poverty was likely roughly below 55 percent by end-2006.

¹³ According to the International Organization for Migration, between 500,000 and one million Tajik citizens annually seek work abroad, with the total annual remittances sent back estimated to be between US\$400 million–US\$1 billion, equivalent to one-fifth to one-half of Tajikistan's GDP. (IMF, *The Macroeconomics of Remittances: The Case of Tajikistan*, IMF Working Paper, WP 06/02, Alexei Kireyev, Preparer, IMF, January 2006).

commanders of the Popular Front (armed bands which sided with the former communists during the civil war) and later as interior minister, ambassador to Turkey, and director of the national customs agency, was lured to Moscow from his self-exile in the Persian Gulf and subsequently arrested, rendered to Tajikistan, and eventually tried and sentenced to 15 years of prison. Soon after, Ghaffor Mirzoyev, also a former commander of the Popular Front, later in charge of the presidential guard and director of Tajikistan's anti-drug agency was arrested in Dushanbe, tried and sentenced to life imprisonment in July 2006. And a potential presidential contender and head of the Democratic Party (DP), Mahmadrusi Iskandarov, was also snatched in Moscow in 2004 (just prior to the February 2005 Parliamentary elections), extradited to Tajikistan and later sentenced to 23 years of prison. At the same time, however, Rahmon and his skilled aids made sure that the composition of the 2006 presidential race was large enough (five candidates) to satisfy the mostly Western critics, yet for the slew of opposition candidates to be soft enough to serve as a platform for a highly predictable victory.

Days prior to the November 6th election, the outspoken leader of the Social Democratic Party, Zoirov, a lawyer by profession, called the election "illegitimate". He further claimed that the election was not constitutionally valid due to the fact that the election law was passed several months prior to the present constitution of the country, adopted in November 1994. Zoirov also criticized the composition of the country's Central Election Commission (CEC) for being politically monolithic and announced that Rahmon, who had already served two presidential terms, had no right to be allowed to run for a third term.¹⁴ Constitutional amendments passed in 2003 on the terms of the president were interpreted by the government as allowing Rahmon to serve for two additional seven-year terms, making him eligible to run for the 2006 and potentially the 2013 elections, thus possibly remaining in power until 2020. According to the CEC, 88.5% of the eligible voters, equivalent to 3.2 million people, took part in the November 2006 election. To no one's surprise, Rahmon, a candidate and leader of the Peoples Democratic Party (PDP), won the race with a comfortable majority, having reportedly been the choice of four out of five (79.3%) voters.¹⁵

The Organization for Security and Co-operation in Europe (OSCE) had sent nearly 120 observers to the 2006 election. According to the OSCE, the presidential election were an improvement over 1999, with some aspects genuinely meriting positive ratings: Given the recent violent past of Tajikistan, for example, the calm and peaceful process of the election was welcomed. And despite the skewed nature of the political atmosphere where the ruling candidate had overwhelming access to media and funds, the CEC did allow limited amount of free airtime and print space to opposition candidates (though ironically most parties did not use their full allotment).¹⁶

But the OSCE was also critical: The lack of a credible challenger to Rahmon and the incumbent's choice not to campaign resulted in a largely uncompetitive race. Furthermore, the election was criticized for being one of "negative voting", i.e. voters had to cross out four (or all five) candidates they did not favor rather than circling one. And, in general, the election strayed from Tajikistan's commitments to democracy per the OSCE 1990

¹⁴ *Asia Plus*, "SDPT leader considers presidential election illegitimate," By Nargis Haroboyeva, Dushanbe, November 21, 2006. At < www.asiaplus.tj/en/news/17/12843.html>.

¹⁵ EIU, *Tajikistan: Country Report*, London, December 2006.

¹⁶ OSCE Parliamentary Assembly, *OSCE Election Observation Mission: Presidential Election, Republic of Tajikistan – 6 November 2006: Statement of Preliminary Findings and Conclusions*, ODIHR.Gal/83/06, Dushanbe, November 7, 2006.

Copenhagen Document adopted by all 56 member states, including Tajikistan. According to the OSCE, among other things, Tajikistan's presidential election law is considered to be flawed in that there contains serious limitations on the rights of individuals seeking to be candidates. It also poses restrictions on free speech and expression, and entails a cumbersome requirement in the form of a 5% threshold of signatures of the voting population. Some experts doubted the CEC's claim that the five candidates together had gathered 1.5 million signatures (over 47% of the electorate). The OSCE considered the 5% threshold to be excessive, recommending a 1% limit instead.¹⁷

Though the OSCE did deploy over 120 observers to the 2006 election, it also questioned the utility of such an observation given the dubious pre-election environment where the credibility of at least two of the candidates – and their respective parties – running against Rahmon and the PDP was in doubt and where the majority of the major media outlets were either in service of the ruling candidate, with grossly insufficient, low key coverage being devoted to the four other candidates. Rahmon and the ruling PDP reportedly had access to 83% of coverage on the Dushanbe-based Safina television channel and 62% on TVT – both being state broadcasting stations. More importantly, there was a near blackout in analytical and critical coverage of the election. The media was generally silent when it came to analyzing the reasons as to why three of the most prominent opposition parties – IRP, DP, and SDP – either refused to put forth their own candidates or in the case of the latter two formally boycotted the election.

Civil Society

“Neo-liberal civil society”, the ideal type of organizations active in the post-communist world, advocating change towards democracy, the free market, and the upholding of human rights, has been described as the “realm of autonomous voluntary organizations, acting in the public sphere as an intermediary between the state and private life”¹⁸ – this being the classical definition for “non-governmental organization” (NGO). In addition to this modern, Western, and formal type of civil society, for centuries an informal “communal” civil society characterized as patriarchal, conservative and largely based on “trust and solidarity networks”¹⁹ associated with kinship ties has also existed in Tajikistan and the rest of Central Asia. This form of civil society is based on the imposition of the majority will over the community, is highly traditional and may contain elements of repression, especially towards a non-conforming minority, as well as democracy, vice, and virtue.²⁰

Whereas for the nomadic Central Asians the *zhuz* (hordes) or extended clan networks have been of significance and acted as a focal point for traditional civil society, for the sedentary Tajiks and Uzbeks – though both also being clannish –, the *mahalla* or community neighbourhood has been the venue for communication, exchange of information, group volunteer work (*hashar*), and decision making. Elements of *mahalla* civil society at work, in the form of interaction and dialogue, has also existed and continues to take place in the

¹⁷ OSCE/Office for Democratic Initiatives and Human Rights (ODIHR), *Republic of Tajikistan: Assessment of the Law on Election of the President*, Warsaw, July 26, 2006.

¹⁸ Babken Babajanian et al., “Civil society in Central Asia and the Caucasus,” *Central Asian Survey*, 24(3): 209-24, September 2005.

¹⁹ Sabine Freizer, “Neo-liberal and communal civil society in Tajikistan: Merging or dividing in the post war period?” *Central Asian Survey* 24(3): 225-43, 2005.

²⁰ Babajanian, *Op. cit.*

bazaar (market), *choikhona* (tea house), and *masjid* (mosque or church). As opposed to the more authoritarian state of Uzbekistan, however, where the *mahalla* has become a standardized tool of the government with many observers believing that it “exploit[s] the voluntarism of the community in support of state directed objectives,”²¹ the Tajik version of the *mahalla* has remained less politicized and more in tune with genuine affairs of the local community.

As in nearly all the former Soviet Union, for Tajikistan, the Gorbachev era of the late-1980s, with its principles of *glasnost* (openness) and *perestroika* (restructuring), encouraged the budding of the modern civil society. Not all developments associated with free public associations were positive in nature. Some of the informal NGOs formed just prior to and immediately after independence can be said to have contributed to the wrenching up of the socio-political conditions (by appealing to ethno-regional and nationalist sentiments) which eventually led to a bloody post-independence civil war in Tajikistan. And given the traumatic experience of the civil war, the public has largely lost trust in the few non-state critical voices, with dissent and political opposition having been equated with violence and agitation of the fragile peace.²²

At the same time, Western ambitions of inducing democratization and respect for human rights in Tajikistan has led to a plethora of donors with limited choices of projects and civil society entities. This scenario, in effect for the past 16 years, has had a pernicious corrupting effect on the evolution of civil society. The spread of over 2,500 registered NGOs (though less than 10% are active) specializing in various topics in Tajikistan may only be promising on paper. Given the conceptual attractiveness of the relatively few active NGOs, specializing among other things in human rights, women, children, environment, and judicial reform, large amounts of funding from mainly Western donors are readily available. The availability of funds for limited number of minimally coherent and professionally functioning groups can have a highly corrupting influence: Too often the existing NGOs are “more akin to private financial enterprises than representative associational bodies that seek to impact upon public policy.”²³ Many NGOs have become experts in the routine of successfully seeking funding from often naïve donors, utilizing proper buzz words and appropriate Western-approved financial reports and narratives. And aside from glowing end of project reports, many NGOs deliver nothing of substance. This situation is exacerbated by improper and non-existent auditing on the part of the donors, which inadvertently encourage unprofessionalism and financial mismanagement, to one degree or another by even the best of the local NGOs.

Not all is lost however. Some argue that when the modern civil society (the NGO) is fitted on the traditional (the *mahalla*), the outcome has significantly higher chances of impact and sustainability. The resulting civil society would allow citizens to shape their own unique institutions, by “combining traditional values with Islamic teachings, the best elements of the Soviet legacy and relevant Western and international experience”.²⁴ In rural Tajikistan, for example, some Western groups, as the Aga Khan-affiliated Mountain Society Development Support Program (MSDSP) which has formed hundreds of village organizations (VO) and Oxfam Great Britain which has funded the creation of community based organizations

²¹ Daniel Stevens, “NGO-*mahalla* partnerships: Exploring the potential for state-society synergy in Uzbekistan,” *Central Asian Survey*, 24 (3): 281-96, September 2005.

²² Shirin Akiner, “Prospects for civil society in Tajikistan,” *Civil Society in the Muslim World: Contemporary Perspectives*, ed. Aryn Sajoo, Tauris, London, 2002, pp. 149-93.

²³ Akiner, *Op. cit.*

²⁴ Akiner, *Op. cit.*

(CBO), have successfully utilized the *mahalla* as a source of modern day solutions. Still, given its many benefits, support for civil society, in both its *mahalla* and NGO formats, is not, by itself, a panacea for change. Real change is political and a mere focus on and funding of civil society may very well exacerbate the status quo and act as “an excuse to buy time and ignore the political constraints and demands”.²⁵

In what appears to have been a reaction to the March 2005 Kyrgyz color revolution wherein civil society played a major role in toppling the regime of President Akaev, in early 2006, the Tajik government introduced a law to restrict and regulate the activities of civil society organizations. According to the OSCE, the draft Law on Public Associations (which had yet to be approved by the end of 2006) remained rather vague and suffered from various inconsistencies. Among other things, the draft law maintained that for a new organization to be registered, a court decision would be required (with the rationale of avoiding individuals associated with “terrorist” groups from joining or forming public associations). And aside from the draft law lumping together all forms of organizations and even foundations, its Article 3.2 required that *all* who desire forming any type of organization must formally register it with the Justice Ministry. Thus, for example, a group of individuals wanting to form a neighbourhood clean-up project or parents wanting to form an informal child day-care system, technically speaking, would have to register with the government. The draft law (Article 7.2) also forbids non-citizens to found and join NGOs. The OSCE has recommended, among other things, that a provision (in Article 34.2) stipulating the right of the government authorities to attend any and all NGO events be removed.²⁶ The new law was expected to pass in 2007.

Independent Media

Despite obvious problems of restrictions on independent media in Tajikistan, Reporters Without Borders’ *Worldwide Press Freedom Index 2006* labeled Tajikistan’s media as the least restrictive and most free among the five post-communist Central Asian states, ranking it 117th – in between Uganda and Kenya – among 168 listed states (with Turkmenistan and North Korea being least free of all).²⁷ By mid-2006, officially there were 262 newspapers, 81 magazines, 22 private television and radio stations and nine news agencies functioning in Tajikistan.²⁸ In reality, those figures were far lower. With regards to newspapers, for example, due to a continued economic turmoil for the majority, a consequent de-emphasis on scholarship in the post-independence era, and a quasi-authoritarian system which discourages independent coverage of stories and often harasses opposition information outlets, the number of regularly published newspapers were just over a dozen and the majority were either pro-government or practiced severe self-censorship. That said, given international criticisms of closure of newspapers in previous years, no papers are known to have been shut down for extended periods of time in 2006. At the same time, no known licenses were given for new independent media outlets either. Aside from some Islamist literature belonging to the banned Hizb ut-Tahrir, there also were no known underground literature and newspapers,

²⁵ Oliver Roy, “The predicament of ‘civil society’ in Central Asia and the ‘Greater Middle East’,” *International Affairs* 81 (5), 2005, pp. 1001-12.

²⁶ OSCE-ODIHR, *Comments on the Draft Law of the Republic of Tajikistan on Civil Society Organizations (Associations)*, Opinion-Nr.: NGO-TAJ/057/2006 (IU), Warsaw, April 2006. Available at: <www.legislationonline.org>.

²⁷ Reporters Without Borders for Press Freedom, *Worldwide Press Freedom Index 2006*, Press release, October 23, 2006.

²⁸ *BBC International Reports*, “Tajik president’s annual address to Parliament,” April 22, 2006.

likely an indication of the population's apathy and/or overall satisfaction with the status quo and its emphasis on stability and economic growth rather than what many would consider as more abstract notions of human rights and freedom of expression.

De jure, the Tajik Constitution provides sufficient protections for press freedom. Article 30 of the Constitution, for example, states: "Each person is guaranteed the freedoms of speech and press, as well as the right to use information media" and: "Governmental censorship and prosecution for criticism are forbidden." Freedom of expression is also guaranteed by the Law on Press and Other Mass Media and Article 36 of that law establishes liability for obliging a journalist to disseminate or to refrain from disseminating information. At the same time, Article 135 of the Criminal Code criminalizes defamation in case of dissemination of false information that offends the honor and dignity of a person, and Article 137 stipulates a maximum of five years imprisonment for defaming or insulting the President of the Republic.²⁹

Despite the presence of adequate laws protecting the work of journalists, in practice journalism continues to be a highly restrictive profession, with state bodies threatening the activities of those daring to report on controversial topics. In November 2005, for example, the Communications Ministry initiated a court case against Somonion, one of the few independent television stations in the country, on grounds of failing to pay a license fee, resulting in the ministry being granted permission to seize the studio's equipment in lieu of a fine of US\$1,850. The motivating factor in bringing the law suit, however, appears to have more than anything been the station's broadcasting of debates with opposition candidates in the run-up to the February 2005 parliamentary elections. International media have also faced problems: In January 2006 the government suspended the BBC's broadcasting on FM band in the capital city, Dushanbe. Aside from its short-wave services, which were unaffected, BBC had been broadcasting on the FM band since 2004. The government's ruling against BBC broadcasting followed the imposition of a new law requiring all foreign media outlets with FM services to register with the Justice Ministry,³⁰ a process which in reality takes up to six months given the corrupt bureaucratic maze which the government forces local and international entities to go through to be registered. The government claimed that stopping BBC broadcasts was due to the lack of a mutual agreement between Tajikistan and the UK on broadcasting each other's programs.³¹

Media outlets associated with opposition parties have been especially scrutinized. Just prior to the November 2006 presidential election, for example, the Democratic Party claimed that the publisher of its weekly paper, *Adolat* (Justice), had received a letter from the Culture Ministry to cease publishing.³² The Ministry later claimed that the ban was temporary and a result of a request received from one of the DP leaders who had begun a splinter group. In addition, for three days in October 2006, the Communications Ministry ordered the blockage of five Internet sites (Centrasia, Ferghana, Arianastorm, Charogiruz, and Tajikistantimes), which it claimed undermined state policy and promoted ethnic, racial and religious hatred. Upon criticism by international bodies, the authorities reinstated most of the said sites within days, claiming that the blockage was done for maintenance purposes.

²⁹ Article 19, "The state of freedom of expression in Tajikistan," draft, London, December 2006.

³⁰ Radio Free Europe/Radio Liberty, "Tajikistan suspends BBC's FM radio service," January 19, 2006.

³¹ EIU, *Country Report: Tajikistan*, (London, March 2006).

³² World News Connection, "Tajikistan blocks access to opposition websites," *Interfax*, October 8, 2006.

To be fair, not all problems related to the media are the fault of the government. In general, the profession of journalism in Tajikistan (as in much of the post-communist world) has been significantly affected – not always positively – by the economic transition towards the free market system; and the marketization process has prevented much of the standard practices of integrity and avoidance of conflict of interest to take root. Journalists in Tajikistan, for example, have yet to distinguish the difference between public relations and independent journalism, with some journalists only willing to cover important events in exchange for a fee by organizers. Thus many of the stories covered by the press are in reality and inadvertently planted, and can be argued to be lacking independent analysis and scrutiny.

A high number of especially urban residents have access to cable television that delivers European and Russian channels. Satellite at times offers high-quality programs (especially news) that are often not available on domestic television. Despite the availability of a variety of news sources, however, the public appears to be mostly passive in responding to specific events, demonstrating a withdrawal from public space, a condition which is likely due to a combination of factors ranging from the preoccupation of the average household with problems of daily subsistence³³, the enamoration of much of the public (especially the youth) with the perceived material and non-political benefits of globalization, the fear of repercussions by the people from the authorities, and the continued mass trauma resulting from the brutal civil war which ended a decade ago, and which subliminally discourages political activity and analysis by the population.

There are negative consequences of access to international TV programming and Internet as well. Though the authorities are keen on restricting access to extremist Islamist information sources, for example, they do not put restrictions on the rapidly spreading and easily accessible pornography throughout the country, which reaches many households and even conservative villages via cable TV and is also readily available on nearly every Internet café throughout the country. This phenomenon will likely have long-term negative social consequences for a traditional society as Tajikistan and among other things will likely exacerbate the already increasing incidences of violence against girls and women, especially in rural areas.

Tajikistan is a multi-ethnic state, where, based on official 2000 census, in addition to 80% of ethnic Tajik population, about 15% of the people are of Uzbek ethnicity, with another 5% being of other ethnicities³⁴ – though the real numbers of minorities, especially the Uzbek, are likely larger than reported; and there also exist at least 5% ethnic Pamiris which the government classifies as being Tajik, despite the fact that they speak what can be categorized as three separate languages. Regardless of such a reality, the government has been utilizing a nation-building propaganda policy of portraying the state – or at least its ideal type – as ethnically monolithic. The year 2006, for example, was named as the year of the “Aryans”, what the government considers the Tajik population to have been descended from. Right or wrong, the supposed Aryanness of Tajikistan by default excludes the non-Tajik minorities. The state media likewise places much emphasis on ‘Tajikness’. And among other things, whereas there still are schools teaching in the Uzbek language (though facing severe shortages of textbooks and trained teachers), there is very little news or cultural programming in the Uzbek language in the newspapers, radio, and television.

³³ Akiner, *Op. cit.*, pp. 149-93.

³⁴ Tatiana Bozrikova, *Problems of Ethnic Minorities in Tajikistan*, Tajik Branch of the Open Society Institute, Dushanbe, 2003.

Local Democratic Governance

By 1924, when Tajikistan was initially formed by the Bolsheviks (without its northern ‘Sughd’, then ‘Leninabad’, province) as an autonomous part of the Uzbek Soviet Socialist Republic, the population was nearly fully illiterate. To alleviate this scourge and put the country on the fast-track to Socialism, Soviet planners formed *likpunkti*, or centers for combating illiteracy. And given the influence of Islam amongst the masses, Soviet leaders also banned most public expressions of religious worship and introduced “Militant Godless Leagues,” which, on the surface at least, resulted in the near disappearance of religious expressions save for occasional semi-Islamic practices and rituals. Not all effects of the old were wiped out, however. The informal social institution of the *mahalla* (local community or neighbourhood; see ‘Civil Society’ section) never vanished. It even became a useful tool of the Soviet state, while at the same time preserving a private space outside official control. And in the post-communist era, the *mahalla* continues to foster communal identity and solidarity in organized activities such as *hashar* (mobilization efforts such as repairing homes and building local facilities), *touy* (wedding), and *khodaie* (remembrance of the dead).³⁵

As part of its plan of expanding its control over the whole of USSR, communist planners created a series of political institutions which among other things were responsible for social mobilization associated with socialism and modernization. This strategy led to massive economic development and at the outset to inter-ethnic peace as well.³⁶ Among the created institutions were territorial and administrative units. During pre-revolutionary Russia, when what is today Tajikistan was part of the greater Turkistan territory under Russian tutelage, the region was divided mostly into *oblasti* (provinces) and *volosti* (districts).³⁷ The Soviets modified the old system, adding new entities, and Tajikistan’s post-communist Constitution, formulated in 1994, confirmed the existing Soviet administrative divisions. Today, there are 22 cities, 47 towns, 354 villages, and 3,570 settlements in Tajikistan and the country is divided into four *oblasti* (*veloyatho* or provinces), with each province being sub-divided into *rayoni* (*nohiyaho* or districts). Three provinces (Khatlon, Sughd, and Badakhshan) technically uphold their own regional governments and elect – at least on paper – the majority of their regional parliamentarians. The capital, Dushanbe, and a series of surrounding districts are equivalent to two additional provinces or major regions. The sub-division within the district is known as the *jamoat* (something equivalent to the Western concept of municipality). According to the Law on Local Self-governance in Towns and Villages, *jamoat* is the institution for “organizing public activities ... autonomously and at their own discretion... directly or through their representatives”.³⁸ *Jamoat* normally entails a number of settlements (*posiolki*) and villages (*qishloqho*). Further below the village and settlement level is normally where the semi-formal entity of *mahalla* lies.

³⁵ S. Akiner, “Between tradition and modernity: The dilemma facing contemporary Central Asian women,” in Mary Buckley, ed., *Post-Soviet Women: From the Baltic to Central Asia* (Cambridge, U.K.: Cambridge University Press, 1997), pp. 161–304.

³⁶ Philip G. Roeder, “Soviet federalism and ethnic mobilization,” *World Politics* 43 (2): 196-242, 1991.

³⁷ Zarif Aliev, “Regional government in Tajikistan (Centre and Regions),” In Luigi de Martino, ed., *Tajikistan at a Crossroad: The Politics of Decentralization*, (Geneva: CIMERA, 2004), pp. 26-32.

³⁸ Mamadsho Ilolov and Mirodsan Khudoiyev, “Local government in Tajikistan,” In Igor Munteanu and Victor Popa, *Developing New Rules in the Old Environment (Local Governments in Eastern Europe, in the Caucasus and Central Asia, Vol. 3)*, Chapter 11, 2000, pp. 601-48.

The president appoints provincial and district heads in consultation with governors and *jamoat* leaders through the head of their respective district *hukumat* (government). Though district council members can veto appointments, they seldom do. Not surprisingly, central government political organizations, such as the ruling PDP apparatus, almost always dominate province, district, and *jamoat* bodies. Local election commissions of the 2005 parliamentary and 2006 presidential elections, for example, were composed mainly of pro-government PDP members. Patronage exercised by the national government in appointing province and district administrators discourages independent decisions and policy making. Furthermore, owing to the central government's dominance, corruption, and the stagnant economy of outlying regions, most local administrative bodies in the provinces, districts, and especially at the *jamoat* level face serious budgetary constraints.³⁹ It is estimated that the overwhelming majority of taxes generated at the regional governments goes to the state, with a small amount remaining at the local levels. To generate funds for its staff and community projects, *jamoats* spend an estimated two-thirds of their time collecting arbitrary property taxes, transportation duties, and fees from the population.

About three-quarters of the population of Tajikistan lives in rural areas, with agriculture constituting over one-quarter of the country's income and encompassing a little less than two-thirds of the national workforce. Of these, an estimated 400,000 are employed in the cotton sector, one of Tajikistan's main exports. Yet, despite the government's repeated declaration that cotton is a 'strategic' commodity, the vast majority of cotton workers live far below the poverty threshold, with cotton farms having had accumulated a debt close to US\$400 million by end of 2006. Many agricultural workers live under conditions described as "bonded labor" and "financial servitude." As such, local democratic governance for rural folk, who form the majority of Tajikistan's population, is in an extremely poor state to non-existent.⁴⁰

Unelected local leaders on all levels of government at times engage in and promote policies detrimental to the local population. In 2006, among other things, the appointed major of Dushanbe announced an impending and extensive reconstruction of the city, with a non-transparent plan which envisages the forced removal of thousands of households, the sale of their properties to mostly foreign developers, and an accompanying limited consultation with and compensation of losses to those affected by the plan.⁴¹

Local communities in Tajikistan do not lack "mobilizing capacities" or even a tradition and sense of volunteerism – traits existing in both the people's mostly Islamic faith and even reinforced by 70 years of communism. The population does, however, suffer from a "loss of direction, passivity, and the absence of economic resources".⁴² Reforms in local governance that would encourage increased participation and decision-making, including the introduction of fair elections of local leaders (on the province, district, city, town, village, and *jamoat* levels) are long overdue. Providing local decision making, including the granting of full ethnic minority rights, can alleviate potential future socio-political conflicts as well since

³⁹ UN Office for the Coordination of Humanitarian Affairs, "UNDP assists in local government reforms," March 18, 2004, www.IRINnews.org.

⁴⁰ Payam Foroughi, 'White Gold' or Women's Grief? *The Gendered Cotton of Tajikistan*, draft, (Oxfam–Great Britain, September 2005).

⁴¹ EIU, *Country Report: Tajikistan* (London: EIU, March 2007).

⁴² Sabine Freizer, "Tajikistan local self-governance: A potential bridge between government and civil society?" In Luigi de Martino, ed., *Tajikistan at a Crossroad: The Politics of Decentralization*, (Geneva: CIMERA, 2004), pp. 17-25.

despite the increased political stability in recent years, “sub-national regionalism” remains a problem lurking “beneath a thin veneer of pan-Tajik reconstruction and reconciliation.”⁴³

Judicial Framework and Independence

In his inauguration speech following the November 2006 election, President Rahmon talked *inter alia* on the necessity to develop democratic institutions, including political pluralism, religious freedom, free media, active civil society, and a capable judiciary able to ensure social justice and individual rights and freedoms.⁴⁴ The need for such reform is important as currently the justice system of Tajikistan is racked with inefficiency; corruption; insufficient funds; inconsonance with international law; and lack of adequate skills of judges, prosecutors, and defence attorneys, all contributing to the inability of the state to properly dole out justice – especially to the economically vulnerable.⁴⁵

Still, limited reforms – much of it mere window dressing – in the judicial system have taken place. Since independence, for example, Tajikistan’s leadership has had a fast pen in ratifying a plethora of international human rights instruments, a few among them being the Convention on the Rights of the Child (ratified in 1993), Convention on the Status of Refugees (1994), Convention against Torture (CAT, 1994), International Covenant on Civil and Political Rights (ICCPR, 1999), Aarhus Convention on Access to Information (2001), and various International Labour Organization conventions.⁴⁶ By being a member of international bodies such as the OSCE, the government has also promised to adhere to a series of – albeit nonbinding – documents on human rights and democratization. Furthermore, progressive modifications to the domestic laws have taken place such as the passing of the laws on: “deepening the process of democratization in public and political life” (1999), “enhancing the role of women in society” (1999), and the parliamentary Resolution (No. 272, 2001) approving a “public education system in Human Rights”.⁴⁷

The country’s *de facto* track record, however, when dealing with refugees, children’s rights, women’s rights, rights of those detained, provision of information and labor rights is rather poor. And according to the U.N. Special Rapporteur on Independence of Judges and Lawyers, some amount of “backwards reform” have also taken place, such as the increased powers to the prosecutor, manifested in the modified Constitutional Law on the Prosecutor’s Office (2005).⁴⁸ According to the Constitution, judges are independent and interference in

⁴³ Nourzhanov, *Op. cit.*

⁴⁴ *BBC International Reports (Central Asia)*, “Tajik president outlines goals in his inauguration address,” Source: Tajik Television First Channel, Dushanbe, in Tajik, Nov. 18, 2006.

⁴⁵ American Bar Association/Central European and Eurasian Law Initiative (ABA/CEELI), *Legal Profession Reform Index for Tajikistan*, Dushanbe, 2005.

⁴⁶ U.N., “Core document forming part of the reports of States parties: Tajikistan,” *International Human Rights Instruments*, February 12, 2004.

⁴⁷ Swedish International Development Agency (SIDA) et al., *Conference Proceedings on the Perspective of Establishment of a National Human Rights Institution in Tajikistan: February 22-23, 2006, Dushanbe*, Sponsored by SIDA, United Nations Office of Peace-building in Tajikistan (UNTOP), OSCE, and the Government of Tajikistan, December 2006.

⁴⁸ U.N. Economic and Social Council – Commission on Human Rights, Civil and Political Rights, Including the Questions of Independence of the Judiciary, Administration of Justice, Impunity: Report of the Special Rapporteur on the Independence of Judges and Lawyers, Leandro Despouy – Addendum: Mission to Tajikistan, E/CN.4/2006/52/Add.4, 30 Dec. 2005.

their activity is prohibited,⁴⁹ but as the notion of separation of powers (executive, judiciary, and legislative) did not exist in Tajikistan under the Soviet system, after 15 years of independence, it has yet to be. Under communism, judges and courts were subordinate to the executive branch.⁵⁰ Today, the justice system takes its cues from the centers of power and the wealthy. Judges are appointed by the executive bodies and thus have an existential and financial dependence on the same, which negatively affects their objectivity. There also remains a gross inequality between the prosecutor and the defence council both during the investigation phase and in court. This inequality is demonstrated in the very low level of acquittals by the courts – estimated to be around 0.5 percent.⁵¹

The Constitution stipulates that individuals have the right to access a lawyer of their choice from the moment of their arrest.⁵² In reality, one may be arrested, interrogated, tried and sentenced to a multiple-year prison term without proper – or any – legal representation. This is especially so for far majority of people without financial recourse, as a state-appointed lawyer will seldom represent an arrested individual without additional compensation, nor will a state-appointed council criticize violations of the due process or accusations of torture and abuse which the state security forces and courts may have committed against the accused. The problem of legal representation is far worse in remote areas of the country where lawyers, with or without pay, are rare to non-existent.

The use of violence, abuse, ill-treatment and torture is especially known to be prevalent and routine in police stations and pre-trial detention facilities, none of which are monitored by independent national or international bodies. Despite repeated appeals by some international bodies to allow independent visits to detention centers and prisons⁵³ including the globally-respected International Committee of the Red Cross, the government has for nearly two years prevented independent visits of its prisons. By end of 2006, there were reportedly 957 prisoners suffering from TB, at least 87 afflicted with HIV, and a total of 74 prisoners are said to have died of various diseases during the year.⁵⁴

There is almost no known history of a Tajik court nullifying a confession which the defence may allege to have been extracted via torture. At the same time, many of those ill-treated by law enforcement officials are reluctant to report their stories to the police due to worries that complaints would not be dealt with properly if not leading to recriminations.⁵⁵ Not surprisingly, in 2006, the U.N. Committee overseeing the implementation of the Convention against Torture criticized Tajikistan for not providing satisfactory data and not having a proper definition of torture in its domestic law that would fully conform to CAT articles. The Committee also criticized the government for not adopting legislation in line with CAT.⁵⁶

⁴⁹ U.N., “Core document forming part of the reports of States parties: Tajikistan,” *International Human Rights Instruments*, February 12, 2004.

⁵⁰ James H. Anderson and Cheryl W. Grey, “Transforming judicial systems in Europe and Central Asia,” Paper for ABCDE Conference, St. Petersburg, Russia, Jan. 2006.

⁵¹ U.N., International Covenant on Civil and Political Rights (ICCPR), *Consideration of Reports Submitted by States Parties under Article 40 of the Covenant: Concluding Observations of the Human Rights Committee*, 18 July 2005.

⁵² U.N., “Core document ...” *op. cit.*

⁵³ U.N., ICCPR. *op. cit.*

⁵⁴ *Vechrniy Dushanbe*, No. 5 (480), 1 February 2007.

⁵⁵ International Helsinki Federation (IHF), “Tajikistan,” *Human Rights in the OSCE Region: IHF Report 2007*, 2007.

⁵⁶ Convention against Torture (CAT), *Consideration of Reports Submitted by State Parties under Article 19 of the Convention: Conclusions and Recommendations of the Committee against Torture: Tajikistan*, CAT/C/TJK/CO/1, 20, Nov. 2006.

Encouraged and guided by the international financial institutions, which have normally focused on mere macroeconomic indicators, post-communist Tajikistan has been increasingly putting economic reform in front of judicial reform. And in the post-9-11 world, such divergent players as the US and China have focused on their expanding security and economic cooperation with Tajikistan. Major Western donors have avoided “sensitive” topics, such as the upholding of human rights or in the name of combating terror and extremism have by default abetted and encouraged the arrest and abuse of alleged religious extremists and terrorists. A problematic judicial system, however, has ramifications on the economic sector as well. The ongoing privatization program in Tajikistan, itself a highly non-transparent and corrupted process with little judicial oversight, has benefited the already wealthy and politically well-connected, thus leading to increasingly serious levels of income disparity. Lack of enforcement of the rule of law also serves as a deterrent to increased foreign investment.

Corruption

“Misuse of public power for private gain” done “at the expense of the public good” is a succinct definition of “corruption”.⁵⁷ According to a 2004 opinion survey in Tajikistan, the highest level of dissatisfaction (56 percent) among the public is related to inadequate anticorruption measures.⁵⁸ In what is likely a succumbing to domestic and international criticism, the government has in recent years taken some measures to combat corruption. The few nominal steps taken, however, given the entrenched vested interests, have yielded no major results. A 1999 Presidential decree on “Additional measures aimed at crime control and fighting corruption”, for example, has been referred to by the state’s own Strategic Research Centre under the Presidential Apparatus as the “most ignored decree” in Tajikistan’s short history of independence.⁵⁹ In a speech in December 2004, President Rahmon had cited corruption as one of the key internal threats, along with religious extremism, organized crime, and drug trafficking. More recently, in an attempt to express its seriousness on the topic in a systematic fashion, in late-2006, the government was on its way to establishing the State Financial Control and Anti-Corruption Agency.⁶⁰ Prior to this latest move, various government institutions, such as the Internal Affairs Ministry, Security Ministry, Tax Police, customs, military administration and State Border Agency, and the State Drug Control Agency already had their own internal anti-corruption units. Such offices, however, have had overlapping jurisdictions and resulted in limited inter-agency cooperation.⁶¹

A 2006 Sweden-funded and U.N.-coordinated public opinion survey on corruption implemented by the government’s Strategic Research Centre found that the public views the most corrupt government institutions in Tajikistan as the courts, local administrations, and law enforcement bodies.⁶² Corruption is said to be based on the two driving human features

⁵⁷ Rasma Karklins, “Typology of post-Communist corruption,” University of Illinois at Chicago, 2002.

⁵⁸ IFES, *Public Opinion in Tajikistan 2004*, November 2004, www.ifes.org.

⁵⁹ Government of Tajikistan (GoT) et al., *Corruption in Tajikistan – Public Opinion*, Dushanbe, December 2006.

⁶⁰ GoT, “Regulation on the State Financial Control and Anti-corruption Agency of the Republic of Tajikistan,” Approved with the Decree of the President of the Republic of Tajikistan, 10 January 2007.

⁶¹ Anti-corruption Network for Transition Economies, *Regional Anti-corruption Action Plan: Tajikistan – Summary Assessment and Recommendations*, 2004.

⁶² GoT et al., *Corruption in Tajikistan – Public Opinion*, Dushanbe, December 2006.

of “need” and “greed”.⁶³ Given the continued economic slump and low wages, much of the prevalent corruption in Tajikistan, one could argue, is inevitable. With regards to the justice system, for example, the state is obliged to pay public advocates representing clients in criminal cases, but such payments rarely occur nor are they sufficient when they do.⁶⁴ Law enforcement officials and judges can be intimidating and in a punishing mood, or they can be highly lenient largely depending on the financial enticements available. As a result, when and if a lawyer is assigned by the state to a poor client, she or he is likely to be amongst the least qualified, will not seriously commit to the case due to lack of funds, and demand money from the accused for representation and for greasing the system for a more favourable verdict. In nearly all criminal cases, the accused may either go free or at the minimum her/his sentence is substantially reduced if nepotistic ties are used in combination with sufficient payments to the decision makers and intermediaries. Cases of prosecution of the judicial actors on corruption are rare. In 2005, two judges (from the city of Dushanbe and the Konibodom district) were sentenced to up to seven years in prison on corruption charges.⁶⁵

Corruption has produced unqualified officials who see no need to be trained since as a matter of routine many are dependent on bribery as a major part of their earnings. Among the lucrative government positions are those of customs and tax inspectors, which can bring in funds by extortion and turning a blind eye. Other prevalent corrupt practices are the purchasing of university placements, examinations and final diplomas by students.⁶⁶ Allegations of corruption also revolve around the country’s dual export commodities of cotton and aluminium, together forming over four-fifths (84 percent) of Tajikistan’s exports. In 2006, aluminium exports alone, due to a combination of increased output (by 9 percent over 2005) and serendipitous global market prices, is thought to have topped \$1 billion. And though cotton production fell in 2006, affecting a consequent fall in cotton fibre exports by 11 percent (for a total earnings of \$129 million),⁶⁷ many ‘futurist’ companies dealing with agronomic loans to cotton farmers continued to enrich themselves by adding to the existing multi-hundred million dollar cotton debt ultimately owed by farmers.

Drug trafficking is another major source of corruption. Since the overthrow of the Taliban by U.S.-led forces in late 2001, there has been a massive upsurge in the cultivation and consequent trafficking of drugs from Afghanistan into Tajikistan en route to Russia and Europe. The overwhelming majority (92 percent) of the world’s supply of illicit opiates, mostly in the form of heroin, originates from Afghanistan – where in 2006 over 6,000 tons of opium poppy was cultivated, a whopping 50 percent rise over 2005.⁶⁸ It is thought that Tajikistan has one of the highest rates of drug trafficking and interception in the world.

According to Transparency International (TI), which annually rates countries on the scale of 10 (least corrupt) to 1 (most corrupt), Tajikistan scored 2.2 on the corruption scale in 2006 and was ranked 142 among 163 surveyed states, sharing its place with two of its Central

⁶³ Shuhrat Mirzoev, *Allocative (In)Efficiency of Grants in Tajikistan: Corruption and International Organizations*, M.S. thesis, University of St. Andrews, UK, 2006.

⁶⁴ American Bar Association/Central European and Eurasian Law Initiative (ABA/CEELI), *Legal Profession Reform Index for Tajikistan*, Washington, DC: ABA/CEELI and Tajik Branch of the Open Society Institute, September 2005.

⁶⁵ International Helsinki Federation, “Tajikistan,” 2006. www.ihfhr.org.

⁶⁶ Collaborative for Development Action, *Corruption and Anti-corruption Activities in Tajikistan: A Case Study Prepared for Donor Standards in Anti-corruption Project (DSACP)*, Sue Williams, Case Writer, 2002.

⁶⁷ EIU, *Country Report: Tajikistan*, (London: EIU, March 2007).

⁶⁸ U.N. Office of Drugs and Crime, *Annual Report 2007: Making the World Safer from Crime, Drugs, and Terrorism*, www.unodc.org/pdf/annual_report_2007/AR06_fullreport.pdf.

Asian neighbours (Kyrgyzstan and Turkmenistan) and with such countries as Pakistan, Sierra Leone and Nigeria.⁶⁹ Some observers have favoured the 'efficiency hypothesis' that corruption actually lubricates the squeaky wheels of bureaucracy. Many others disagree. A World Bank study brings evidence that the toleration of corruption, especially in cases of weak governance (as Tajikistan), increases regulatory burden by rent-seeking bureaucrats on private activity of ordinary citizens and businesspeople, leading to various procedural delays, additional red tape, and the increased cost of capital.⁷⁰ Prevalence of income inequality, lack of accountability mechanisms in the public sector, and discouragement of popular participation in decision-making undoubtedly affect the extent of the corruption problem.

Tajikistan has experienced impressive annual economic growth rates in recent years, registering on the average 8.7 percent during the five-year period 2002-2006. Most analysts consider sustained economic growth necessary for ending poverty and corruption, but there is also room for caution: Taken by itself, economic growth in transition economies translates into increased government revenues, which in turn boosts the confidence levels of the powers-be and works as a disincentive for those in charge to pursue equitable and sustainable economic reforms, promote democratization, and fight corruption.⁷¹ A multi-pronged approach involving business transparency, press freedom, public pressure and improved public sector salaries may be the solution.

Author:

Raissa Muhutdinova, an independent consultant, holds a Masters degree from the School of Public Administration at the University of Colorado. She was once the Editor-in-Chief of Tajikistan's international radio broadcasting and later worked for the United Nations Development Programme in Tajikistan and Bangladesh.

⁶⁹ Transparency International, *Corruption Perception Index 2006*, Berlin, 2006.

⁷⁰ World Bank, "Corruption in the G-7 countries," Jean-Jacque Dethier, Paper presented at the *Lucerne Conference on the G-7 Initiative*, 20-22 January 2003.

⁷¹ Philippe Le Billon, "Overcoming Corruption in the Wake of Conflict," in *Global Corruption Report 2005*, Transparency International, March 2005, pp. 73-82.