

Current Local Government Policy Situation in Tajikistan

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The emergence of independent Tajikistan out of the USSR is one of the most painful state building attempts of modern Central Asian history. During last twelve years, this country has experienced bloody civil war, the UN-sponsored reconciliation, returning of opposition and Islamic fighters, and re-distribution of power. Born in crisis and chaos, the current Tajikistan's political system assimilated deep seated traditional political loyalties, Soviet standards and recent rational-legal requirements. Beyond the facade of Western patterned legal arrangements, in Tajikistan hides a remarkable blend of secular and traditional features that can poorly connect civil and political society, promote the perceived interests of individuals and different solidarity groups. Quasi-democratic rule is being built on a highly fragmented society with yet declared, but unabled protection of civil liberties. This foundation feeds growing violence, and corruption in society and government. The instability of political system has been worsening by a severe economic crisis that discredits the present regime. Non-inclusive character of the government, ab-

sence of free competition for leadership positions, cause disproportion in terms of distribution of power among regions. The control of the official central government is unstable. In result sub-national loyalties and foreign countries exert great influence.

This paper briefly evaluates the local government policy situation in Tajikistan. It argues that although current political system of Tajikistan prevents effective political mobilization and good governance, there is a poor ground for optimism. During last twelve years Tajiks gained far richer experience then other Central Asian nations. Hopefully, political learning to pay its crucial role in the strengthening of local self-government over time.

Traditional Institutions of Power and Civil Society

The basic unit of traditionally sedentary Tajik society and dominant institution of power was *avlod* - an ascent patriarchal extended family that sometimes can be developed into a clan based on partilineage. Further,

upwards, *avlod* would give its loyalty to region-based groupings, then to local ruler and/or monarch. For generations, this *avlod* system provided survival, autonomy, and adaptability to its members, serving traditionalism and sustainability of the society. Yet *avlod* loyalties had sometimes questioned ultimate ruler's power and authority, the representative government and the concept of popular sovereignty, are not among dominant features in Tajik political culture. In the Soviet era (1917-1991) the *avlod* system was considerably eroded, yet existed as a parallel - to a quasi-national government - system of power. Exactly this community-oriented identity and clan network determined political loyalty during the civil war in 1992-1993 and later.

The totality of political power and command over resources in Tajikistan belongs to a limited number of ruling elites who run governmental and legal institutions, as well as economy to serve their private interests. Current Tajik power structures are rooted in a regionally-balanced coalition between capital-based elites with the president on the top- who

controlled the state apparatus - and local power holders. This personified patron-client connection provided the illusion that links between local communities and the government existed. In fact, the civil society has always been disconnected from politics in Tajikistan, allowing political elites to use and corrupt traditional avlod/clan social structures and safety network. These kinds of alliances will inevitably lead to a type of nation building that is characterized by a weak and corruptive state without civil society, political parties, and free market.

Administrative Structure

The territory of Tajikistan is divided in a descending hierarchy into:

- *veloyats* (provinces or oblasts in Russian),
- *nohiyas* (districts or rayons in Russian),
- towns of republican significance,
- towns of provincial significance,
- towns of district significance,
- *settlements* (or *posioloks*, in Russian), and
- *qyshloqs* (villages)

Administratively Tajikistan is presently divided into four territorial regions

(a group of *nohiyas* and three *veloyats*):

1. **Nohiyas of Republican Control** (NRC) *Nohyiahoi Tobei Jumhuri* situated in central part of the country with Dushanbe as its center and including the Qarategin valley, and the Kofarnihon area and the Hisar valley. It has 13 *nohiyas* (districts), 4 towns of republican significance, 8 settlements and 91 rural *jamoats* (village centers). The NRC stretches over 28,000 square kilometers. As of January 2002 the total population of the NRC stood at 1,900,000 (with 174,700 urban population), including the capital Dushanbe (562,000). Unlike *veloyats*, the NRC is not united administratively. Each *nohiya* is directly subordinate to the Central government in Dushanbe. Four NRC municipalities are administrated separately by city administrations: Dushanbe, Vahdat (former Kofarnihon), Rogun and Tursunzoda.
2. **Sughd** (former Leninabad) **veloyat** with Khujand city as its center. Sughd covers the Zerafshan valley and western part of the Ferghana valley. Sughd, also known as Northern Tajikistan, is the most eco-

nomically advanced province in Tajikistan. Sughd's territory is 26,100 square kilometers, and the population in 1999 stood at 1,870,000 (including 531,100 urban dwellers), mainly Tajiks, with an Uzbek minority of around 30 percent. Sughd includes 14 *nohiyas*, 8 towns of provincial significance and 20 settlements. Surrounded by Uzbekistan and Kyrgyzstan, the province is separated from the rest of the country by the mountain ranges of Turkestan, Zarafshon and Hisor. The Trans-Tajik Railway Konibodom-Dushanbe runs through Uzbekistan, connecting the province with central and southern Tajikistan. Sughd's economic weight facilitated its political prominence in the republic. Traditionally representatives from Leninobod headed the Communist Party of Tajikistan. Rahmon Nabiev was the last Leninobodi to lead Tajikistan, until September 1992 when he was forced to resign by opposition. From 1991 to 1998 Sughd was considered as an aspirant for independence, even secession from the rest of Tajikistan. However, these trends have weakened after the defeat of the

Colonel Khudoberdiev's anti-governmental and pro-Uzbek mutiny in 1998. Imposed by Islam Karimov restrictions to the movements of the Tajik citizens to Uzbekistan and the mining of the Tajik-Uzbek border have also contributed into decline of the pro-Uzbek feeling all over Tajikistan. In result, the integration of Tajik North into the country's economic and political environment is growing. Nevertheless some frustration concerning the decline of political influence of the North in central government in comparison with its economic power remains among Northern elites.

3. **Mountainous Badakhshon Autonomous Veloyat (MBAV).** *Veloyati Mukhtori Kuhistoni Badakhshon in Tajik (Gorno-Badkshanskaya Avtonomnaya Oblast in Russian).* The MBAV is most geographically isolated part of the country. It covers a territory of 63,700 square kilometers and accounts for 44.5 percent of Tajikistan's territory but only three percent of its population (206,000). MBAV's center is the city of Khorugh; the province consists of 5 nohiyas, one city and

42 rural jamoats. The majority of the population belongs to the Ismaili branch of Islam, and follows Aga Khan. The MBAV also contains compact pockets of Tajik Sunni population in the three nohiyas of Darvoz, Vanch and Ishkashim. Six percent of the MBAV population is Sunni Kyrgyz living in Murghob. Inhabitants of Badakhshon speak Shughni, Rushani, Yazgulami, Wakhi and other dialects of the Eastern Iranian languages, distinct from West Iranian Tajiki-Farsi, but use Tajik as their intercommunal and state language. The MBAV is the least economically developed region of the republic. Since 1925 when it was given autonomous status, Tajik Badakhshon depends on supplies brought in by two motor roads. Badakhshon possesses a distinct socio-political and cultural identity from the rest of Tajikistan. Following the collapse of the USSR, calls for Badakhshon's independence from Tajikistan heightened. Since the second part of the 1990s, however, this separatist tendency has fallen. Currently, the Badakhshoni elites acknowledged their fidelity to Dushanbe and the Tajik nation-building project.

4. **Khatlon Veloyat.** This southwestern province is the most populated part of Tajikistan. It was formed at the end of 1992 after the merging of Kulob and Qurghontepa veloyats. Its territory is 24,600 square kilometers, and population in 2002 stood at 2,151,000 (401,400 urban). Khatlon is the country's most ethnically diverse province. It is populated by Tajiks (Kulabis, Gharmis, Badakhshonis, Leninabadis), Uzbeks (from Ferghana valley and local tribes), Tajik-and Uzbek-speaking Arabs, as well as Russian, Tatars, etc. The province composed of 24 nohiyas, five cities of provincial significance, one city of district significance, 18 settlements, and 128 rural jamoats. This region had suffered the greatest shock during the civil war in 1991-1997 caused by people displacements, refugee flows, inter-ethnic clashes and mass killings. Since 1993, there has been a wide-spread opinion in Tajikistan that Kulob - the native region of the acting president enjoys particular attention of the capital. However, seemingly, the expectations of the "victorious" Kulob were not satisfied,

as the North appeared to maintain a higher economic position.

The Tajik war was not a primitive war of ethnic and regional groups. Rather, this was a war of regional political entrepreneurs and newborn "field commanders" who succeeded to various degrees in securing popular support in respective areas. Today there is almost zero open expression of antagonism between communities of different regions and ethno-confessional origin. Yet some experts argue that the Tajik peace is a result of the short-term balance of interests of sub-national leaders and wartime grievances and revenge impulses soon or later could cause a new war.

Local Government Structure

The local representative authority in regions, towns, and districts is the Majlis (assembly) of people's deputies, which is chaired by the chairperson. In Tajikistan chairperson of province, district, and town is a key element of local government, and president's main client. The province, town and nohiya have a local branch of the hukumat (government) which is the central administration. Executive and representative powers in all these locations are vested in the chairperson of hukumat. According to the constitution, chairperson heads

both (!) executive (as a head of hukumat) and representative (as a chairperson of Majlis) authority. As high administrator, the president has exclusive authority to appoint heads (chairpersons) of veloyats (provinces), nohiyas (regions), and towns, thus providing for a strong vertical of the executive, and, in fact, representative powers.

In 1994-1996 the former villages Soviets have been replaced by jamoats (groups of neighborhoods), *mahallahs* (local communities) and their leadership. Each nohiya is subdivided into jamoats. A jamoat thereafter, comprises a varying number of *kolkhozes* (collective farms) and *sovkhazes* (farms based on state form of ownership), which are made up of several *qyshloqs* (villages) or smaller villages (deha in Tajik) each.

Jamoats are rural self-governing organizations arranged on a territorial basis. They derive their financial resources from public budget funds allocated by town, regional Majlises and donations. According to the «Law on Local Self-government in Towns and Villages» passed in December 1994, jamoats have a wide range of competencies and duties. They adopt decisions on current issues by open vote. The chairperson of jamoat is selected by the chairperson of the town or nohiya and approved by the jamoat.

Local grass root activity below jamoats (mahalla councils etc.) is not covered by legislation. The mahalla does not have administrative functions. In some regions mahallas cooperate closely with state institutions, and sometimes even merge with local state bodies. In many cases, chairpersons of mahalla receive salary from hukumat.

Problems and Needs Assessment

Within existing legal framework, local government serves as a reliable agent of central government, responsible for the social and economic development of the region, realization of the Constitution, laws, and acts of Majlisi Oli and the president. To a lesser extent, it desires to encourage political education, participation, assessing needs and protection local interests. There is an urgent need, therefore, to help local government to build relationships with the center not in terms of client-patron politics, but in terms of responsible partnership of free democratic institutions. Unfortunately, yet Tajik society has maintained the strong sense of communal identity, local communities remain politically passive. Tajikistan rural communities failed to develop and support traditions of participatory politics. Strengthening of jamoats and mahallas as rural self-governing bodies should be in the center of the re-

form of the local government. Traditional institutions of power should serve as a counterbalance to the personified power of central and regional leaders who habitually corrupt these communal structures to promote their individual and group interests. These traditional institutes and networks, long-lasting erosion notwithstanding, are likely to remain central to Tajik politics. Such issues as role of communities and government in human rights protection, traditional institutes of power and their role in civil society, partnership with mahallas and hukumats, reform of the legislative base of local government, training of chairpersons of mahallas in the area of leadership, social partnership and market economy should be given special attention. Creation and supporting of accountable and effective Tajik institutions of local self-governance to promote participatory democracy as well as traditional concepts of self-help, volunteerism, and community mobilization is crucial for sustainable social and economic development in Tajikistan.

System of Power: Towards Strong Presidency and Weak Institutions

Tajikistan, following other USSR republics' example adopted declaration of state independence and declared a presidential system of government in September 1991. The presidential election of Novem-

ber 1991 led to the struggle of the opposition coalition of Islamic groups coupled with newborn secular democratic movements versus old Soviet elites. Debates turned into open armed confrontation in 1992. Political antagonism pro and contra communism was gradually overpowered by the region-based group discord. In November 1992, a government led by Emomali Rakhmonov had regained control, backed by Russia and Uzbekistan. In November 1994, Emomali Rakhmonov (by this time a chairman of parliament) was elected president of Tajikistan. Current Constitution of the Republic of Tajikistan was adopted on 6 November 1994 after a nation-wide referendum. It replaced the Soviet Constitution that had been in effect since 1978 and amended after independence. According to it Tajikistan is a sovereign, democratic, law-governed, secular, and unitary state with separated executive, legislative, and judicial powers. The supreme legislative body, a parliament, is Majlisi Oli (Supreme Council) of the Republic of Tajikistan. Amendments to the Constitution, adopted in general referendum on 26 September 1999, sanctioned that the president is elected directly for one seven-year term (instead of maximum of two five-year terms). In November 1999 presidential elections, Emomali Rakhmonov won 96, 91 per cent of votes, while his opponent from the Islamic Renaissance

Party got only 2, 1 per cent. Simultaneously, a bi-cameral parliament replaced the national uni-cameral parliament. Since March 2000, the Majlisi Oli consists of two chambers: Majlisi Namoyandagon (assembly of representatives, or lower chamber) and Majlisi Melli (national assembly, which acts as the upper chamber or senate). Majlisi Namoyandagon consists of 63 members elected directly in a half-mixed basis (65 % as single member district candidates and 35 % according to party lists), for a five-year term. The upper house - Majlisi Melli is elected indirectly for a five-year term and consists of 33 members, elected by local majlises (parliaments). The remaining eight deputies of Majlisi Melli are appointed by the President. These election laws, codifies simultaneous plurality and proportional representation races. The aim of lawmakers here was to undermine traditional patron-client networks and provide for presidential system balanced by strong legislature. However, growing presidential authority challenges the autonomy of legislature from executive power. The post of prime minister is rather nominal as according to the Constitution, the president is both a head of the state and the government.

Most of political power is concentrated in the presidential office, which during last four years has consider-

ably widened its authority and turned into a sort of "super government". This process of the shift of executive power from the cabinet to the presidential office has started after the General Peace Agreement of 1997, according to which the United Tajik Opposition was given a 30% quota in the governing structures. In that time representatives of the opposition filled mostly governmental posts, not presidential office. The latter has remained beyond of any kind of control from the side of parliament. The Office of State Finance Control under the president of Tajikistan, formed in January 2001 assumed exclusive responsibility to control all finances, state property, and money flows (including foreign credits and humanitarian aid), tasks traditionally performed by the Ministry of Finance. In result, the presidential office increased its size and responsibilities, even duplicating the structure of the cabinet of ministries. In addition, the judiciary was becoming more open to influence by the presidential office as indicated in the in the scope of sphere of the Council of Justice. Through this Council, the president consumes exclusive power to nominate and control courts. Finally, as a leader of the most powerful regional grouping of Kulobis, the president enjoys mighty support of regional elite and militaries. Officials from Kulob fill four power

ministries, plus the General Prosecutor Office, Council of Justice, Committee on Radio and TV, the National University, and other key positions. The mayor of Dushanbe and chairman of Majlisi Melli, the official number two in Tajikistan, is also from Kulob.

Multipartism!

In the 1990s eleven parties (in addition to existed previously Communist party of Tajikistan) were formed in Tajikistan. As of autumn 2003, six political parties were registered in Tajikistan. In addition to the most influential presidential People's Democratic Party (PDP), the Islamic Renaissance Party (IRP), Democratic Party (DP), Communist Party (CP), Socialist Party (SP) and Social Democratic Party (SDP) operate. Tajikistan differentiates itself from other CIS countries as the right to form a party on the basis of religious ideology is enshrined in the Constitution. This is, however, rather confusing as secularism remains principal point of the acting Constitution.

The most active oppositional political party in Tajikistan is the IRP. Born from a clandestine militant religious movement in the 1970s, today's IRP tries to survive in the modern world of participatory politics. IRP has never openly pleaded for an Islamic state. Despite their Islamist ideals, Tajik Is-

lamists have been closely attached to ethnic nationalism, and to the Tajik state building project, since the first days of independence. In 1991-1997 they had allied with the official clergy, nationalist-minded secular democrats and the country's non-Sunni (Ismaili) minority. Likewise, they could form coalitions with secular forces during the next parliamentary and presidential elections (in 2005 and 2006). The firm pressure of the General Peace Accord's international sponsors forced the Government to legalize the IRP, and accept a 30% power sharing agreement with the IRP. However, this imposed power-sharing arrangement has not resulted in the formation of the coalition government and institutionalization of opposition. Most of United Tajik Opposition (UTO) nominees, joined to the party of power as soon as they took governmental posts. Some members of the Government were still opposite to the IRP's inclusion and assert that the party's members are closely linked to terrorists and Islamic extremists. Escalation of persecution of IRP members and supporters and excluding them from legal political process could lead to a rapid radicalization of Tajikistan's political Islam and transformation of IRP back to militant religious movement.

The Communist Party of Tajikistan inherited a relatively developed Soviet time administrative infrastructure

all over the country, considerable estate, and enjoyed the support of the part of Tajik masses dreaming about restoration of the USSR. However, the CP having no patrimonial guardianship from outside patrons, and an effective support from regional elites and armed structures, almost lost mass-elite linkages and real influence upon politics.

Generally, all parties lack institutionalized ties between voters, leaders, candidates, and activists. They are elitist in character, have an amorphous mass base, and lack solid infrastructure. Both pro-governmental and opposition parties poorly articulate issue-based political programs or platforms. Despite the relative success of the Tajik peace process, political dialogue yet has not become a normal attribute of Tajikistan's political reality. In general, all political parties remain outside of the real political process. The President prefers contracting and patronage of real and potential opponents to direct competition and open debate.

War on Terror and its Ambivalent Implications

In the aftermath of the September 11, 2001 attacks on the World Trade Center and the Pentagon, Tajikistan has officially declared it will cooperate with the US-led campaign to combat terrorism. Soon Tajikistan together

with Uzbekistan and Kyrgyzstan became frontline states in Operation Enduring Freedom. Tajikistanis hoped that along with US assistance and attraction of foreign investment, their country could move towards the opening of political process, liberalization, fighting corruption, drug trafficking, etc. Their expectations were met partially. Indeed the US military presence has stopped activities of militant Islamists, like the Islamic Movement of Uzbekistan. It also contributed in combating drug trafficking along the Tajik-Afghan border. Together with this there were other more negative consequences of the US involvement in Central Asia.

Since the civil war of 1992-1997 Tajikistan has a negative image of an highly unstable region with a government unable to rule the country effectively. For that reason despite its geographical closeness to Afghanistan, the US did not pay much attention to Tajikistan (comparing to Uzbekistan and Kyrgyzstan). To attract the US interest Tajikistan particularly assigned itself the task to complete the consolidation of state authority by spreading executive presidential power in all regions and tak-

ing control on the totality of non-state actors. In result, the main beneficiaries of the war on terror are the central government, not localities and civil society actors. Sadly, the US involvement indirectly gave impetus to anti-democratic tendencies. Particularly, not capable to resolve problems arising from Islamist mobilization and driven by Soviet-time authoritarian impulses the Tajik government is hardening its position vis-a-vis Islamists and seeking to strengthen its control over the clergy and mosques.¹

The main threat to the Central Asian security however is not in radicalization of Muslim policies and terrorism but in general failure of political and economic transformation, non-inclusive government and widespread corruption. The lack of cooperation between Central Asian governments and rapid militarization of the region further deteriorates the situation.

The June 2003 Referendum and its Significance

The national referendum held in June 2003 obtained popular support for a package of 56 Constitutional amendments. Amongst these is an amendment of Article 65 of the Constitution, which previously limited the President to one seven year term in office. Three (DP, SDP and IRP) out of six political parties expressed, in

¹ In July 2002 the president of Tajikistan during his visit to Isfara (Sughd) accused IRP in connection with Al-Qaeda terrorists. Subsequent state-lead de-registration of mosques and re-attestation of imams led to the firing of tens of imams and refusing to grant new licenses to several mosques.

different ways, their objections with regard of the referendum. The Democratic Party of Tajikistan had boycotted the referendum totally. While IRP, the most powerful opposition party, having cautiously disagreed with the idea of referendum refrained from boycotting and protest. The Social Democratic Party hoped till the last moment that Parliament will change its decision and accept a SDP's proposal to return to public discussing of the amendments. These objections and constructive proposals, however have not been taken into account by the government. Silent disagreement of UN and OSCE and cautious objection of domestic opposition notwithstanding, a 51-year Emomali Rakhmonov has cleaned a path for another two seven-year presidential terms after the expiration of his recent term in 2006. In Tajikistan few doubt that Rakhmonov, having in his command powerful administrative recourse, may succeed in staying in power till 2020.

Some may think that Tajikistan merely followed suit of some of CIS leaders that legally guaranteed their life-time non-alternative leadership. However, ensuring the succession of power that may occur in Tajikistan would not stabilize the situation and lead to the strong presidential power. Three main reasons could confirm this prediction - the first is the relatively weak (comparing to other Central Asian states) national cohesion, elite's fragmentation on domestic level and lack of autonomy in international arena. The IRP, which *de facto* supported Rakhmonov in June 2003, remains out of governmental control and it may at any moment change its position and become a real opposition. Second, the growing secular opposition (DPT and SDPT) whose opinion has been explicitly ignored has nothing to do but to take in a post-June Tajikistan a hard opposition stance. In addition to the above political competition, inter-regional grievances have never seized to

exist in Tajikistan. This political and regional elite's fragmentation would continually weaken the existing Tajik presidency.

Another factor undermining Rakhmonov's presidency is his failure to meet challenges of a rapidly changing world. The current government of Tajikistan lacks autonomy and respect in the international sphere. The persistent and non-effective dependence on Russia comes in addition to the failure of privatization and restructuring of economy, growing poverty and wide-spread corruption. Apparently the current government opted for balancing between Russia and USA interest in maintaining minimum security presence of both actors in this part of Central Asia. This would allow acting president to keep lowest level of required Western legitimacy. Surely this minimalist formula would not be able to ensure sustainable development and attract significant inflow of investments.

Addendum

Table 1 *Tajikistan's administrative structure*

Province	Number of noniyas	Number of towns	Number of settlements	Number of jamoats	Rural villages	Population thousands	Territory thousand km ²
NRC	13	5	1	91	1225	1.900	28.6
Sughd	14	10	20	93	654	1.870	25.4
MBAV	7	1	0	42	396	206	64.22
Khatlon	24	7	17	130	1528	2.151	24.8
TOTAL	58	23	47	256	2803	6.127	143.1

Tajikistan's executive power at the local level

