



Nations in Transit 2004 TAJIKISTAN*

| NIT Ratings | 1997 | 1998 | 1999 | 2001 | 2002 | 2003 | 2004 |
|---|------|------|------|------|------|------|------|
| Electoral Process | 6.00 | 5.75 | 5.50 | 5.25 | 5.25 | 5.25 | 5.75 |
| Civil Society | 5.50 | 5.25 | 5.25 | 5.00 | 5.00 | 5.00 | 5.00 |
| Independent Media | 6.25 | 6.00 | 5.75 | 5.50 | 5.75 | 5.75 | 5.75 |
| Governance | 7.00 | 6.75 | 6.25 | 6.00 | 6.00 | 6.00 | 5.75 |
| Constitutional, Legislative, and Judicial Framework | 6.25 | 6.00 | 5.75 | 5.75 | 5.75 | 5.75 | 5.75 |
| Corruption | .na | .na | 6.00 | 6.00 | 6.00 | 6.00 | 6.25 |

EXECUTIVE SUMMARY

The implosion of the USSR led to what political scientist Sidney Tarrow has referred to as “a galaxy of semi-democratic, semi-market,” and “deeply conflictual societies.” Tajikistan epitomizes that condition, considering that immediately after independence it went through a brutal civil war (1992–1997) that took the lives of an estimated 50,000 people. Though the 1997 Moscow peace accord between the war’s former Communist victors and the mostly Islamist opposition has brought about a certain level of security and stability to the country, many significant political and economic problems remain unresolved. According to analysis by the International Crisis Group, Tajikistan continues to face four major challenges: establishing a viable political system; combating crime, violence, and drug trafficking; promoting friendly relations with neighboring states (especially Uzbekistan); and reversing economic decline.

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NOTE: Nations in Transit ratings are based on a scale of 1 to 7, with 1 representing the highest level and 7 representing the lowest level of democratic development. The 2004 ratings reflect the period January 1 through December 31, 2003. The ratings reflect the consensus of Freedom House, its academic advisors, and the author of this report. The opinions expressed in this report are those of the author.

During 2003, the country remained semi- to undemocratic, with power lying primarily in the hands of the president, his ethnoregional countrymen (the Kulobis), some former Communist nomenklatura (state bureaucrats), and to a much lesser extent the now legal Islamic opposition. To further the concentration of power, a June 2003 plebiscite paved the way for constitutional amendments that allow President Emomali Rahmonov to stand for reelection for two additional seven-year terms, potentially keeping him in power until 2020. This move was criticized for not being sufficiently debated by the Parliament and general population. The amendments also took away constitutional guarantees for free and universal health care and education.

Little progress was made in 2003 in fighting the income gap and the endemic poverty rate (estimated at more than 80 percent). Despite record gross domestic product rates in the past half-dozen years, including 7 percent in 2003 according to the Economist Intelligence Unit, there are indications that the gap between rich and poor has widened significantly. Furthermore, continued corruption and a lack of confidence in the market and the state have scared away the levels of international capital required for a full economic recovery. Additionally, the toppling of the Taliban regime has actually increased the drug trade from Afghanistan. Drug trafficking remains a serious threat to Tajik society and its hopes for a more democratic future.

Not everything in 2003 was adverse. The government did, for example, make further progress in securing the country from banditry, hostage taking, and terrorism. It did so mainly through the arrest and annihilation of several armed gangs made up mainly of former United Tajik Opposition guerrillas active in the regions east of the capital, Dushanbe. It is now safer for the average citizen to travel and even invest in the country. One sign of confidence is the increase in foreign remittances by Tajik nationals working abroad, mainly in Russia, sent legally through the banking sector. These are estimated at about US\$100 million in 2003 and are only a fraction of the calculated total.

Electoral Process. Following what appears to be a Central Asian trend to extend the terms of powerful incumbents, President Rahmonov successfully persuaded the Parliament in 2003 to allow a national referendum. This led to the overwhelming approval of 56 constitutional amendments by what the government claims to have been a 96 percent voter turnout. Most significant among the amendments is a revision to Article 65 of the Constitution, which will allow Rahmonov to stand for president in two more seven-year terms beginning in 2006. Other amendments ended the socialist tradition of free health care and the right to free higher and vocational education for all. This plebiscite was criticized by a variety of domestic and international entities for the antidemocratic content of the amendments, the referendum's lack of transparency, the perceived ambiguity to voters, and the insufficient time allotted for debate in the Parliament and among the general population. *Tajikistan's rating for electoral process worsens from 5.25 to 5.75 owing to the June 2003 plebiscite, which further concentrated power in the hands of the president and sidelined opposition political parties.*

Civil Society. As of mid-2003, an estimated 2,000 nongovernmental organizations (NGOs) had been registered with the Ministry of Justice, though only a fraction of these are thought to be active. The most successful NGOs in Tajikistan have been religious-based organizations, such as the Ismaili Muslim Aga Khan Development Network (AKDN). The AKDN is active primarily in relief and small-scale economic development activities in the Badakhshan province. Other

successes are domestic women's and environmental NGOs and selected small international organizations active in the country. An effective international group operating in the region is the Belgium-based International Crisis Group, which specializes in conflict prevention and the formation of policy recommendations. Solutions to some of the postindependence patterns of violence, corruption, and environmental degradation may very well lie in the further empowerment of domestic NGOs and their cooperation with the traditional grassroots *mahalla* (neighborhood) civic networks. *Tajikistan's rating for civil society remains 5.00. Although the government has decreased its interference somewhat in the work of nonpolitical NGOs, its policies toward the civil society sector as a whole, and toward politically oriented groups in particular, have not improved substantially.*

Independent Media. Tajikistan is far from having truly independent media. The government has used both legal and illegal means to restrict reporting it deems detrimental to its well-being. Tajik law, for example, incarcerates anyone who defames the president, thus discouraging criticism of the regime by individuals and independent media outlets. Furthermore, opposition newspapers and news media are generally nonexistent, with the government controlling the major media and monopolizing airtime to promote candidates during elections. That said, in the past two years the government has allowed some new media outlets to open, owing to international criticism chiefly from the Organization for Security and Cooperation in Europe (OSCE), of which Tajikistan is a member. *Tajikistan's rating for independent media remains 5.75.*

Governance. The practice of wielding personal power has blurred the distinctions between state and society in Tajikistan. Many state entities such as the judiciary and Parliament have become devoid of real authority, with power lying in ethnoregional clan networks. Quite often the state and clan entities can be one and the same. In 2003, as in the past few years, the government was able to combat major banditry and murderous gangs, hence improving security for the average citizen, furthering stability, and expanding its own reach throughout the country. As an example, nightlife has returned to the capital city, Dushanbe, with people feeling secure to remain in the streets after dark. Still, owing to the ongoing economic crisis, budgetary shortfall, and endemic corruption, the government has been unable and often unwilling to fulfill its obligations in many public sectors, including education and health. *Tajikistan's rating for governance improves from 6.00 to 5.75, owing mainly to enhanced internal security and a better quality of life for average citizens.*

Constitutional, Legislative, and Judicial Framework. On paper, the Constitution of Tajikistan is an example of an ideal democracy, with sufficient checks and balances among the executive, legislative, and judicial branches. In practice, though, the checks and balances do not function properly. Among other things, the legal system frequently disregards the rights of the accused, with lawyers denied access to defendants until after the prosecution's indictment. Furthermore, judges rarely keep their impartiality and often automatically side with the prosecution. In 2003, owing mainly to European criticism, the government modified the criminal code by abolishing the death penalty for women and reducing its application to men from 15 to 5 types of crimes. *Tajikistan's rating in this category remains unchanged at 5.75. Though a move was made away from a liberal use of the death penalty in 2003, the June plebiscite concentrated additional*

power in the hands of the president and thereby weakened the process of checks and balances necessary in a democratic society.

Corruption. Anecdotal evidence indicates that corruption is becoming more entrenched, thus hindering the economic development of the country. Transparency International lists Tajikistan among countries where “corruption is perceived to be pervasive” and considers it the most corrupt among the former Soviet Central Asian countries. There are not sufficient anticorruption laws in place, and the government has failed to pursue blatant cases of high-level corruption. Tajikistan is not yet a signatory to the OSCE Convention on Combating Bribery. *Tajikistan’s rating for corruption declines from 6.00 to 6.25 owing to a sustained lack of attention by the government to the constitutional, legal, and practical dimensions of the problem.*

MAIN REPORT

I. Electoral Process

In 1991, the implosion of the Soviet Union led to what some have called the “independence by default” of Central Asia. In Tajikistan, which also experienced a civil war from 1992 to 1997, President Emomali Rahmonov has managed to hold on to power despite highly controversial victories in the 1994 and 1999 elections. A former *kolkhoz* (Soviet agricultural cooperative) leader from the district of Danghara, Rahmonov was first appointed head of state in November 1992, when former Communists toppled the short-lived opposition-dominated government that had declared independence in September 1991. The more recent presidential elections, which took place in 1999, were criticized by the U.S. State Department as being “seriously flawed.” The Organization for Security and Cooperation in Europe (OSCE) described them as highly problematic in terms of “transparency, accountability, fairness, and secrecy.” Furthermore, Human Rights Watch criticized the state-run media for giving “flagrantly biased” and one-sided coverage to its own candidate.

In Tajikistan, undemocratic elections and other existing political irregularities have their historical origins in, among other things, the postindependence war. The war was caused by a unique set of sociopolitical circumstances, which, according to regional expert Shahrbanou Tadjbakhsh, provided the setting for a “vacuum of institutions and plethora of arms.” Factors leading to the war were the lack of a post-USSR central authority, the socioeconomic disparities among regional and ethnic groups, and the country’s proximity to Afghanistan.

By March 1993, all opposition parties had been banned, leaving the Communist Party (CP) as the sole legally functioning political entity. In time, though, several pro-government parties appeared, including President Rahmonov’s own People’s Democratic Party (PDP). Today, the CP, with supposedly 60,000 members, is considered the second largest party in the country after the PDP.

The 1997 peace accord led to the legalization of political entities like the Islamic Renaissance Party (IRP), which helped form the United Tajik Opposition (UTO). By 2000, there were about eight political parties in existence, with most of the previously outlawed parties allowed to function once again. Six parties qualified for the parliamentary elections in February 2000, with

three obtaining more than 5 percent of the vote. They were the PDP (winning 57 percent of the vote), the CP (23 percent), and the IRP (3 percent). The Democratic Party (DP) and the Social Democratic Party (SDP) were also allowed to form, though only after repeated refusals on technical grounds by the Ministry of Justice. Registration of the pro-government party Vahdat was approved in 2003.

After the parliamentary elections in 2000 (which the government claims had an 87 percent voter turnout), Tajikistan's unicameral legislature was replaced with a bicameral system comprising a 63-member Council of Representatives (lower house) and a 33-member National Council (upper house). Dominating the lower house, the pro-government PDP won the majority of the votes with 65 percent, followed by the CP with 23 percent and the IRP with 7 percent.

Despite this plurality of parties, there is still "little sign of the popular ferment of ideas and debate" that existed in 1989–1991, according to Central and East Asian Studies scholar Shirin Akiner. The new parties are small and tend to have a very narrow social base. This is partly a result of both open and covert government harassment of political dissenters. The lack of strong and democratic opposition movements is also a product of the civil war, which discouraged many from political activity. Furthermore, little energy is left for political debate and organization in the current economic crisis that has forced the majority of the population to concentrate on the basics of survival—namely, food, shelter, and employment.

Following the trend of other regime leaders in Central Asia, President Rahmonov has further concentrated power in his own hands. In June 2003, a national plebiscite overwhelmingly passed a package of 56 constitutional amendments, one giving Rahmonov the potential to serve two additional seven-year terms beginning in 2006. Thus, the revision to Article 65 offers Rahmonov the constitutional possibility of remaining president until 2020. Other amendments forbid anyone who has not lived continuously in Tajikistan for the past 10 years to stand for presidential election. The voters' overwhelming approval of the amendments is thought to be due to the general popularity of the president and the public's conventional association of political change with instability. In early 2003, an independent poll conducted by a local NGO in the Dushanbe metropolitan area showed 70 percent of respondents supporting Rahmonov, as opposed to a mere 1.5 percent preferring the IRP and its leaders.

The OSCE and other international agencies refused to monitor the 2003 referendum. In addition to objecting to the substance of the amendments, they criticized it for lacking internationally approved standards of transparency and vote counting and for offering insufficient lead time to international monitors. According to Human Rights Watch, the high rate of voter turnout (reported at 96 percent) and approval rate (93 percent) suggested possible ballot manipulation by the government. Those opposed to the ballot argued that the public was not fully informed of what they were voting for, as the full list of proposed changes was not available on the ballot papers and was published only in two state newspapers, neither of which is widely read.

In November 2003, two of the legal political entities in Tajikistan, the DP and the SDP, created a coalition to lobby the Tajik Parliament to adopt a law guaranteeing free, fair, and transparent elections in the future. Among the suggested reforms is the introduction of direct elections in local districts, townships, and villages, whose heads are currently nominated by the central government.

One of the strongest opposition parties is the IRP. Originally an all-union (USSR) Islamic party, the IRP was formed in 1990 during a meeting of Soviet Muslim leaders in Astrakhan, Russia. A subsequent attempt by the Tajik delegates to petition the Tajik Supreme Soviet to legalize a similar body in Tajikistan backfired, with the Supreme Soviet banning the IRP instead. Although the IRP once had substantial public support, its popularity has weakened over time and does not appear to be as strong as IRP leaders claim. There are several possible reasons for this. First, it is true that the majority of Tajiks may not have cared for Communism and therefore were willing to support an opposition movement such as the IRP; however, they remain secular by nature. Second, many Tajiks blame the Islamists (and hence the IRP) for igniting the civil war.

Owing to the relative stability that the country has secured, many favor the political status quo over any other system that, in their mind, could return the country to violence and turmoil. But support for Rahmonov is not foolproof and could waver with the appearance of appropriate political alternatives. Support for opposition parties, even the IRP, could very well increase if the government does not sufficiently address the still epidemic levels of poverty, unemployment, crime, drug trafficking, and corruption entangling Tajikistan.

There are de facto restrictions on the activities of ethnic and minority groups. Indeed, an obvious shortcoming of recent elections and the existing government is the near exclusion of representatives of the Uzbek and Pamiri ethnic and cultural groups either in the Parliament or in other major government offices. In addition, many important government positions have been allotted to the Kulobis—people of Kulob regional descent, President Rahmonov's homeland. Uzbeks continue to be the largest minority ethnic group, composing nearly one-fourth of the population. Many ethnic Uzbeks sided with neo-Communist forces during the civil war and have remained supportive of the government ever since.

However, a turning point against the Uzbek minority came in 1998. At that time, an ethnic Uzbek ex-general, Mahmud Khodoyberdiyev, led approximately 1,000 armed men of Tajik and Uzbek descent into northern Tajikistan from Uzbekistan in what appeared to be an attempted putsch. The move was put down by a coalition of government and UTO forces. The Pamiri are another major minority ethnic group, whose homeland is the mountainous Badakhshan province. Many Pamiri supported the Lale Badakhshan Party following independence and the civil war, but they have since become less politically motivated.

Other voices stymied by the government are the more fundamentalist Muslims loyal to the obscure Hizb-ut-Tahrir. This is a transnational radical Islamist organization advocating the establishment of an Islamic caliphate in the Ferghana Valley. The government has accused Hizb-ut-Tahrir of having ties to al-Qaeda. It has also accused the northern Soghd province of serving as a safe haven for religious extremists, noting that three of the U.S.-held Guantánamo Bay prisoners are Tajiks from the Isfara district of Soghd. Incidentally, the government has asked the United States to release eight other Tajik citizens held in Guantánamo whom the government claims were mere refugees in Afghanistan arrested by mistake.

Since 1999, as many as 400 alleged members of Hizb-ut-Tahrir have been arrested in Tajikistan, with the majority given multiple-year prison terms, according to reports by Agence France-

Presse. This heavy-handed approach, however, is likely to achieve the opposite effect from what the government intends. Despite periodic clampdowns on the activities of this political movement, Hizb-ut-Tahrir membership is reportedly growing, especially in the northern Soghd province, where the combination of poverty and political alienation provides fertile ground for religious fundamentalism and radical ideologies.

II. Civil Society

In contrast with the transitional societies of southern and Eastern Europe—where trade unions, political parties, and interest groups were developed extensively—civil society as we know it was considered highly antagonistic to Soviet socialism and was largely undeveloped in the USSR. This was especially true in Central Asia. The formation of private or nongovernmental groups in the USSR did eventually occur with minor reforms in socialist pluralism under Mikhail Gorbachev. For example, just prior to independence, several “discussion groups” such as Ru ba Ru (“Face to Face”) and Ehyol (“Renewal”) served as citizen forums for unprecedented free speech in Tajikistan. Both groups were associated with an opposition political party.

During the Soviet and pre-Soviet eras, a civil society did exist in the form of cultural and nondissident activities. As in much of Central Asia, Tajik communities have historically been self-organized through *mahalla* (neighborhood) councils, which are strongly influenced and supported by local religious centers and mosques. In the past, according to Shirin Akiner, a very common activity had been to organize *hashar* (community help) in such endeavors as repairing neighbors' homes, building local facilities, or helping with wedding preparations. Such informal institutions preserved a private space outside the control of the authorities. They fostered communal identity and solidarity and acted as a “moral mentor and moral censor,” writes political scientist Sidney Tarrow.

Conventional, Western-style nongovernmental organizations (NGOs) first came into existence in Tajikistan in the mid-1990s, when international donors began initiating their own programs and funding. Since then, various forms of civil society have been on the rise. Though still a bureaucratic, expensive, and time-consuming process, the act of forming an NGO in Tajikistan has been somewhat simplified in the past few years. A government resolution in 2001 decreased the cost of registration, which consequently led to an increase in the number of domestic NGOs. It now costs US\$25 to register a local NGO, US\$60 for national groups, and US\$600 for international organizations. Based on forecasts by the UN High Commissioner for Refugees, more than 2,000 NGOs were registered with the Ministry of Justice in 2003.

The role of religion in Tajik civil society is thought to be small. One of the exceptions is in the Badakhshan province, where practically all estimated 200,000 inhabitants are followers of the Aga Khan, the leader of Ismaili Muslims. Headquartered in Geneva, the Aga Khan Foundation (AKF), a modern Islamic faith-based organization, has generated an active sense of civil society in Badakhshan, with an impressive variety of ongoing relief and socioeconomic development projects in addition to assisting educational institutions. There are also limited faith-based organizations influenced by mosques or Islamic civil society in other regions of the country, notably the IRP-dominated Gharm and Quarateguine valleys. Some international NGOs, such as

the Central Asian Development Agency and Shelter Now, are also faith based (Christian) and involved in a variety of development programs, though some conduct proselytizing activities as well and are ultimately missionary in nature.

In 2003, the U.S.-based National Democratic Institute sponsored a forum on civil democracy with hopes of empowering local NGOs that promote democracy and election monitoring. As many as 60 NGOs were present at the forum. Also in 2003, Mercy Corps, a U.S.-based NGO with field offices in Central Asia, continued its work with two domestic groups, the National Association of Business Women and the Dilsuz Association of People with Disabilities. Mercy Corps's aim was to provide funding and technical assistance to 20 civic working groups dealing with the rights of women, children, and the disabled, as well as conflict resolution with former armed combatants of the UTO.

Although Tajik women are not yet widely represented in government, they have been successful in playing important roles in civil society. More than one-third of all Tajik NGOs are headed by women. This is significant considering that the Tajik civil war was to an extent caused by economic decline and low living standards, especially in rural areas where traditionally women do not work outside the home and are therefore dependent on the wages of adult males. To make matters worse, as many as 25,000 male heads of households were killed in the civil war, increasing pressure on women to provide for themselves and their dependents. The increase in women's NGOs is taking place at a time when the status of women in Tajikistan is under serious threat. An estimated 70 percent of women face some form of discrimination, with conditions being worse in rural areas, according to the UN Office for the Coordination of Humanitarian Affairs. Some women are even driven to suicide as a result of violence and the lack of sufficient rights.

There exists a disparity between the Western-influenced NGO sector and the traditional civic network of *mahalla* groups. Ultimately, certain minimum conditions such as the rule of law, political and economic stability, and a significant degree of social cohesion must be present for civil society to take root. Regrettably, many uncivil patterns of behavior, such as violence and distrust, have also become entrenched in post-Communist Tajikistan. According to writer Parviz Mullojanov, such problems require a mixture of solutions that integrate the Western-oriented civil society sector with traditional grassroots networks.

The expansion of civil society groups in Tajikistan has not been problem free. Often, the primary motivation for registering a local NGO is to secure international funding and stable employment rather than address the needs of the community. As in other parts of the Commonwealth of Independent States, many educated and talented Tajiks are adept at fashioning NGO project proposals for the predilections of foreign donors. Furthermore, most NGOs have discriminatory staff hiring practices, with nepotism as the primary criterion for employment.

Some analysts doubt whether substantial development assistance funded through international NGOs—with their generally overpriced international staff and weak auditing mechanisms—will help the most vulnerable and impoverished strata of Tajikistan's society. One alternative would be to channel more foreign aid through domestic NGOs and even some proven government programs, such as the World Bank-funded Tajikistan Social Investment Fund. This government

entity has been generally successful in working with local communities on small-scale development projects.

III. Independent Media

Prior to the Bolshevik Revolution, illiteracy was nearly universal among the dynastic regimes of Central Asia, including the Bukhara Emirate, which ruled over much of current Tajikistan. Consequently, print media was virtually nonexistent. During the early Soviet-imposed nation-building period, education facilities and print and broadcast media were developed rapidly as vital tools of Soviet nationalism. By the mid-twentieth century, the Soviets had expanded the array of mass media and cultural facilities in Tajikistan such as museums and libraries, albeit primarily in the capital city. Such outlets—including print, radio, and TV—were state owned and operated and did not reflect expressions of dissent.

By the end of the Soviet era, Gorbachev's policies of glasnost and perestroika enticed a limited amount of media openness throughout the individual republics. After independence in 1991, this openness translated into a short period of free expression, often through newly formed print media. However, upon consolidating its power over opposition forces at the height of the Tajik civil war, the government of Tajikistan imposed what turned out to be a seven-year (1993–1999) ban on major opposition parties and newspapers. Today, a slow but general trend toward the freedom of independent media is taking shape. In the past several years, for example, a handful of independent newspapers, TV and radio stations, and Internet service providers (ISPs) have been permitted to function.

Still, commenting on sensitive domestic political topics can be problematic. Despite the legalization of most opposition parties, the formal dissemination of opposition platforms through the media is severely restricted. The government continues to limit political content with a variety of tactics. Among other things, it has managed to pass several laws that can be detrimental to journalism. Article 137 of the Tajik penal code, for example, stipulates a punishment of up to five years' imprisonment for insulting or defaming the president. Aside from legal codes that discourage criticism of the government, Tajik law does in fact allow for freedom of independent media. Yet despite some progress, the government still imposes severe cultural and political restrictions.

Typical methods for controlling nonstate media include holding “guidance” sessions to intimidate journalists, barring access to government-run printers for newspapers considered controversial, and imposing burdensome licensing procedures for independent media. Freedom House has categorized Tajikistan's media as “Not Free.”

In contrast with Soviet times—when periodicals were cheap, plentiful, and widely read—the current era has seen an extraordinary shrinkage of public discourse. The multiple pressures of poverty and relatively high taxes, the emigration of literate Tajiks, and the general trend to control news and information have all led to a diminishment of local media outlets. In August 2003, the Association of Independent Media appealed to the government to ease taxes on media, possibly the reason for the lack of a single daily newspaper in the country. The few existing

papers publish on a weekly or biweekly basis. In Dushanbe, *Biznes i Politika* is the only independent newspaper with significant political content, though its coverage is largely pro-government.

The sole nongovernmental radio station in the northern city of Khujand is thought to have obtained its license based on its pro-government, nationalistic, anti-Uzbekistan stance, claims writer Nargis Zahirova. Leading up to the 1999 and 2000 elections, as much as 40 percent of all state television coverage was devoted to the pro-government PDP, with opposition candidates and parties receiving minuscule amounts of airtime, according to Human Rights Watch. There are also severe de facto restrictions on media using languages other than Tajik. For example, though nearly a quarter of the country's population are known to be ethnic Uzbeks, rarely is Uzbek music allowed on TV and radio. The publication of an ethnic Uzbek newspaper, *Tong*, in the Soghd province suggests a limited improvement.

Additionally, in 2002 authorities granted operating licenses to at least two new independent radio stations based in Dushanbe: Radio Vatan and an FM station operated by Asia-Plus. Asia-Plus, a news agency, had applied for a radio license as early as 1998 but was repeatedly denied. The government's reversal is thought to be due to international pressure, namely from the OSCE, the Committee to Protect Journalists, and several foreign governments, all of which criticized the government's ban on private media. Furthermore, though Tajikistan was one of the last nations to connect to the World Wide Web (January 1999), the use of the Internet is slowly expanding throughout the country. Though extremely expensive by local standards, there are now four ISPs in the country, and Internet cafés can be found in all major metropolitan centers.

Still, many severe media restrictions remain firmly in place, and self-censorship by journalists is a common practice, reports the U.S. Department of State. Among other examples, government authorities blocked access to www.tajikistantimes.ru two months prior to the June 2003 referendum because the Internet site was highly critical of the president and run by the opposition journalist Dodojon Atovulloev from outside the country. In 2002, Tajik authorities managed to persuade Russia to arrest Atovulloev in the hopes of extraditing him to Tajikistan for trial. A Moscow judge, however, released Atovulloev for lack of evidence, and the Tajik government was forced by Western criticism to drop the criminal charges. Also in 2003, the Tajik weekly *Ruzi Nav*, which had published critical views of the government, was mysteriously halted.

Journalism can be a dangerous profession in Tajikistan regardless of one's political persuasion. There have been assassinations of both pro- and antigovernment journalists in recent years—though none is known to have occurred in 2003. Local law enforcement agencies also have a reputation for beating and threatening the lives of opposition journalists. Saifullo Rahimov, president of Tajikistan's State TV and Radio Committee, was murdered near his home in Dushanbe in 2000 in what appears to have been an antigovernment political killing, according to the Committee to Protect Journalists. In the mid-1990s, two prominent journalists, Muhiddin Olimpur and Viktor Nikulin, were assassinated, though it is not known whether the government was involved. Olimpur was primarily a cultural reporter with ties to the BBC, and Nikulin (at the time of his murder) was rumored to have been investigating the rampant and ongoing drug trafficking in Tajikistan. Cases involving the murder of journalists are rarely resolved. In August

2003, however, the alleged killers of Olimpur and Nikulin were tried and sentenced to 15 and 22 years in prison, respectively, in what Human Rights Watch cites as a “rare departure from the pattern of impunity.”

Another obstacle to reporting domestic current affairs is the media's insufficient access to official sources, despite the law obliging public organizations to grant access to nonclassified material. According to a Dushanbe-based newspaper, some of the least cooperative agencies are the Ministry of Health, the National Bank, and the Ministry of Finance. This may be due to the less than flattering articles the Tajik press has published about the performance of these entities. Some international organizations are also known to be generally uncooperative when dealing with journalists and the media. This lack of cooperation may be attributed to a degree of cultural bias—that is, a tendency within certain international agencies working in developing countries to hold indigenous peoples and domestic media in low regard.

IV. Governance

Owing to the highly focused and personalized nature of power in Tajikistan, the boundaries between state and society are blurred. Formal institutions of the Parliament, judiciary, or even the state itself, according to Shirin Akiner, are “virtual” entities, “largely devoid of genuine authority,” with real power—from the village to the national levels—lying with informal “clan” networks. The legitimacy of the regime is “decked in the pomp of ritual elections,” according to Akiner, “but the actual contest remains the mustering of superior fire power and forces, and the consequent placating of supporters and rivals alike by the doling out of discreet patronage.” In this scenario, power flows through individuals and groups, not through the notional state. Not surprisingly, President Rahmonov, who has been head of state for the past decade, has increasingly centralized power in his own hands, sidelining the legal and illegal opposition.

Such realpolitik dominates governance in Tajikistan, while at the same time the 1994 Constitution contains guidelines for a pluralistic political system and an American-style separation of executive, legislative, and judicial powers. The bicameral Parliament, for example, can technically override presidential decree by a two-thirds majority. Both houses of Parliament, however, are dominated by the pro-government PDP, and appointed government seats are typically doled out to Kulobis.

As part of the peace accord negotiations with the UTO, the government has largely fulfilled a promise to include opposition figures in 30 percent of major government posts. These appointments include that of a former UTO vice president as deputy prime minister and a former head of UTO armed forces as minister of emergency situations. Furthermore, the appointment of Oqil Oqilov, a businessman from the northern town of Uroteppa, as prime minister is another move toward pluralism.

In addition to its belief that opposition within Tajikistan poses a political risk, the government feels threatened by its exiled opponents. In an apparent July 2003 deal with Russia, Moscow police arrested two former allies of President Rahmonov, Yaqub Salimov and Habib Nasrulloev, on accusations that they conspired in the 1998 invasion of armed rebels into northern Tajikistan from Uzbekistan. By requesting extradition, the Tajik authorities were apparently trying to

prevent these figures from becoming a focus for the exiled opposition. At the same time, however, Russia has not been eager to comply and may be using the two captured men as bargaining chips in winning concessions from Tajikistan in Russia's hegemonic designs on Central Asia.

Despite constitutional requirements for transparency and public access to information, the national legislature often drafts and discusses laws behind closed doors. Furthermore, entry and advancement into the civil service are dominated by cronyism and nepotism. Even with changes in the political system, the elites running the transition economies of the former Soviet Union have generally remained the same. This is distinctively the case in Central Asia, where the former Communist and neo-Communist nomenklatura are now portrayed as champions of the free market system.

In Tajikistan, there has been less change in the composition of the ruling elite and clan structure than in the institutional systems themselves. Furthermore, as in much of the former Soviet Union, the institutional changes associated with post-Communist transition have been characterized by an emphasis on monoethnicity, or the rights of the titular majority over minorities. In turn, this has led to the economic-induced emigration of much of the ethnic Russian population, many of whom were Tajikistan's leading technical experts. Though the trend appears to be decelerating, discrimination continues against people of non-Tajik and non-Kulobi ethnoregional origins.

Powers of coercion are weak, but strengthening. Despite some successes in 2002 and 2003, the army, security services, and police are poor, ill equipped, and considered unprofessional. Still, to govern and maintain power, President Rahmonov relies on the militia and armed forces of the Ministries of Interior, Defense, and, to a lesser extent, Emergency Situations. The heads of the forces in two of these ministries are former Popular Front regional leaders (as is Rahmonov) and are infamous for being involved in criminal activity; their soldiers have a reputation for thuggery.

Rahmonov also relies on the 201st Russian-led army division with its estimated 10,000 soldiers—many of whom are contracted Tajik nationals—to guard the border with Afghanistan. Russia estimates that its assistance in guarding the Tajik-Afghan border will likely continue for the next 10 to 15 years. Overall, the security situation has largely improved in the past couple of years. Government authority, at one time concentrated in the capital city and the Khatlon province, has now expanded to much of the rest of the country.

The Tajik institutional system and public administration cannot be understood without the underlying traditions of regionalism and clan politics. Parts of Tajikistan, for example, are still run by local strongmen who tax the country's cotton, metals, and narcotics trades. The state's ability to govern nonsecurity or indirect security issues such as health care and education is also limited. According to the Ministry of Education, as many as 3,500 teachers left their profession in 2002 in order to earn more money as migrant workers in Russia. The country may be facing a shortage of as many as 8,000 teachers, especially in rural areas. This, along with other economic problems, has led to an increasing number of semiliterate and even illiterate young people, a phenomenon that is expected to significantly affect the future prospects and well-being of Tajik

citizens.

The government seems unable or unwilling to manage health care issues such as the proliferation of AIDS, typhoid, tuberculosis, and other diseases. Though the number of people with AIDS is thought to be approximately 4,000 and rising, the government does not appear to have a plan to combat its spread. Furthermore, despite the nearly annual recurrence of typhoid epidemics, the government has not been able to properly educate the public or repair the systems that deliver potable water. Likewise, neither the government nor the international organizations working in Tajikistan have a ready solution for combating the thousands of cases of tuberculosis in Tajikistan.

V. Constitutional, Legislative, and Judicial Framework

Parliament approved the current Constitution, written in 1994 during a wartime ban on existing opposition political parties, with a vote of 90 percent. Under the umbrella of the UTO, much of this opposition did not approve of the referendum and the resulting Constitution. It claimed that the process had not been free and fair.

Under the Constitution, the political system is divided into a tripartite division of power, with relatively strong presidential powers. The president has the obligation and power to make appointments to government office. For example, he chooses the chairman of the central bank, the state prosecutor, the head of the Constitutional Court, and the heads of regional administrations. The Constitution allows for individual freedoms, including freedom of privacy, assembly, speech, press, association, and religion. However, the government often breaks the law—in word and spirit—by arbitrarily arresting, imprisoning, and torturing its own citizens and prohibiting opposition voices through illegal bans on independent newspapers, journals, television, and radio.

According to the OSCE, the lack of independence of the legislative, executive, and judicial authorities has had negative consequences on the political and economic well-being of the country. The current criminal code, an amended holdover from the Soviet era, contains many of the flaws inherited from that period. For example, the court system has the tendency to presume guilt rather than innocence when trying individuals on a variety of offenses. There is also a lack of alternative sentencing and the means to rehabilitate prisoners.

The law contains little oversight for prosecutors and police. And in spite of the government's admission that some members of its security forces regularly violate the law and have been infiltrated by criminal elements, few concrete actions have been taken to prevent abuses. In addition to corruption in the legal system, defense lawyers are not free to properly defend the accused. As it stands now, lawyers are not allowed to meet defendants until the accused has accepted the prosecution's indictment or has been interrogated successfully by the prosecution. Defendants and lawyers have complained that the majority of cases result in guilty verdicts, with judges siding with the prosecution more often than not.

The only significant change to the criminal code since independence has been stiffer punishment for crimes such as rape, theft, drug use, and possession. Although the government has made some effort to halt the ill-treatment of prisoners, conditions for detainees are considered to be among the worst in the world, with many facing illness, hunger, maltreatment, and death in custody in the country's overcrowded and unsanitary prison system. Some of these problems result from the policy of self-funded prisons, existing since the Soviet era, when prisons used to grow their own food and produced limited goods for the Soviet economy. Though the practice of growing food in prisons has been resumed, abusive conditions have not subsided.

One problem facing the judicial system is insufficient technical resources (such as computers), which slows down the processing of cases. Furthermore, like the rest of the public sector, judges and lawyers receive minuscule salaries that make them vulnerable to bribes. As one OSCE official put it, human rights in Tajikistan tend to be "bought and sold rather than guaranteed." According to Amnesty International, sentences are handed down in unfair and secret trials. During a closed trial in June 2002, Abdujalil Hamidov, former Soghd governor and a relative of the exiled opposition leader Abdumalik Abdullojonov, was sentenced with 18 others to 15 years in prison on charges of embezzlement, attempted assassination of the president, and links to the Islamic Movement of Uzbekistan.

During 2003, the government responded positively to some extent to Western criticism of human rights violations. In an unprecedented case in July, nine high-ranking officials of Soghd province were convicted of using torture to force confessions from falsely accused suspects, according to the International Helsinki Federation for Human Rights. Among the convicted were the deputy head of the regional police department, the head of the regional criminal investigation unit, the head of the Khujand police, and several Ministry of Interior officials. They were sentenced to three to seven years in prison on charges of abuse of power, unlawful detention, falsification of evidence, and use of physical violence to force testimony.

Responding to European criticism of its continued use of the death penalty, the Ministry of Justice stated in 2003 that the country hopes eventually to commute all death penalty cases to life imprisonment. Though the number of executions in 2003 is not known, Amnesty International reports that between January 2001 and June 2002, 103 people were put to death. The ministry also plans to lay down minimum standards for treating prisoners that are on a par with international standards and preserve prisoners' constitutional rights. Following the submission of a bill by President Rahmonov, Parliament modified the criminal code in June 2003 to abolish the death penalty for women and reduce from 15 to 5 the number of crimes for which the death penalty applies. Even so, the danger of wrongful imprisonment, torture, and even capital punishment of innocent people still remains high in Tajikistan.

The law forbids discrimination based on ethnicity and language, and although it establishes Tajik (or Tajiki) as the official state language, it preserves Russian as the language of interethnic communication. Official government documents are to be made available in the three dominant languages—Tajik, Uzbek, and Russian. In reality, there is widespread discrimination against non-Tajiks. For example, near the end of the country's first decade of independence, the government replaced the statue of Ferdawsi, a cultural avatar, in the center of Dushanbe with a statue of King Somoni, a political avatar, as a sign of hyperethnonationalism. (The supposedly

“Tajik” Somonid dynasty ruled over much of Central Asia in the ninth and tenth centuries.) Yet one positive point is that schooling for children in the Uzbek language remains available in Tajikistan, while similar schooling in the Tajik language is banned in Uzbekistan.

There are underlying causes for the quarrels and discrimination between the two countries and the respective minority groups within each country. First, there remain several million Tajiks in Uzbekistan who regard territory within the national boundaries as theirs by virtue of centuries of inhabitation. Furthermore, Uzbekistan is a major supplier of natural gas and electricity to Tajikistan, while Tajikistan supplies Central Asia with water from its vast upstream sources. Verbal and even violent disputes over these natural resources and territory have occurred between Tajikistan and Uzbekistan and seriously threaten future relations.

One area where Tajikistan and Uzbekistan agree is their opposition to supposed extremist Islamist groups. In 2002, Tajikistan extradited to Uzbekistan various individuals accused of religious extremism. It did so in full knowledge of the fact that torture is used by Uzbek authorities as a routine instrument for obtaining forced confessions, says the UN Office of Humanitarian Affairs. The warning that the International Crisis Group sounded in 2001 still remains: “The current war on terror under way by the United States can be counterproductive to the rule of law in Central Asia, if the price of cooperation by the region’s governments would be the tolerance of authoritarian regimes who persecute and imprison their own citizens on alleged thought crimes.” This remains the case in Uzbekistan and, to a lesser extent, Tajikistan.

VI. Corruption

A decade after independence, corruption, crime, and, less obviously, insecurity continue to hinder a smooth post-Communist transition in Tajikistan. Corruption has been endemic and, if anything, has worsened in the past five years. In July 2003, a mission of the international Anti-Corruption Network for Transition Economies visited Tajikistan, and the government expressed its readiness to participate in drawing up a regional action plan to combat corruption in post-Soviet countries. In reality, however, corruption has seeped into nearly every aspect of life in Tajikistan, extending from the average citizen to the highest levels of government.

A legacy of state corruption in Soviet and pre-Soviet eras, combined with a lax rule of law following independence and massive income disparities, have contributed to a culture of corruption in the country. Transparency International ranks Tajikistan among the top 32 countries where “corruption is perceived to be pervasive.” Though there have been some improvements in personal security in the past few years, lawlessness has exploded in every other sphere since independence, from organized crime to the abuse of public office, bribe taking in the educational system, petty theft, and grand larceny. Corruption and crimes such as drug and human trafficking are reinforced by an increasingly significant income disparity, high unemployment, and a political climate where the victors of a brutal civil war remain in senior government offices. Among other things, foreign buyers of cotton and aluminum are known to pay bribes to certain government officials and their cronies, who might include the family and friends of President Rahmonov.

In recent years, Central Asia has become the new Golden Crescent, surpassing Myanmar as the world's major exporter of narcotics. The primary source of illegal opiates is Afghanistan, where an estimated 75 percent of the world's supply originates. According to the Office of the President, in the first seven months of 2003 nearly 5.5 tons of drugs were seized by law enforcement and border officials in Tajikistan, a near 60 percent increase over the same period in 2002. UN drug control experts predict an increasing trend in the trafficking of drugs from Afghanistan, citing a 2003 bumper opium crop. Exports of drugs to Europe, two-thirds of which are Afghan heroin, are estimated to be nearing 5,000 tons per year, much of it passing through the Tajik-Afghan border. The U.S.-led antiterror coalition in Afghanistan has not dealt a serious blow to the Afghanistan drug mafia, unlike what some had assumed. On the contrary, it may have even emboldened it with the new level of security in the country and the occupying forces' attitude of tolerance toward warlord allies who control outlying regions and therefore the drug trade.

It goes without saying that corruption and favoritism are also at play in the privatization of formerly state-owned properties—the cornerstone of the transition from a post-Communist to a market economy. Privatization in Tajikistan is still burdened by the problems of asset valuation, transparency, and the inability to guarantee fair sales. Much of the privatization has benefited influential business and political figures, who have enjoyed preferential treatment and been awarded lucrative state holdings at rock-bottom prices. Some auctions have been rigged, and independent bidders have even been threatened by force to not participate.

Despite these ongoing problems, privatization of even larger properties, such as the state aluminum company, may eventually get under way. The government's plan for privatization entails economic liberalization, which among other things would allow foreign firms to have controlling shares of large economic and industrial assets. A Russian firm, for example, has been interested in having a majority share in Tajikistan's national electricity company and stakes in the Sangtuda hydroelectricity power station. However, such large economic transactions involving state assets can breed favoritism, kickbacks, and potentially unfair economic outcomes.

Though allegations of government corruption have yielded few investigations, the president has periodically fired or replaced various officials because of rumored or proven corruption. In January 2002, for example, he dismissed the head of the country's tax committee and the commander of the Tajik border guards owing to allegations of corruption and drug trafficking. Most recently, in November 2003, the state television announced the arrest of two midlevel government employees charged with receiving bribes of US\$500–\$2,000. Save for occasional dismissals and the introduction of new anticorruption legislation, the government has failed to use formal standards and means to seriously combat corruption.

There is virtually no legal framework or enforcement of existing laws on conflict of interest and financial disclosure. Furthermore, racketeering has not yet been outlawed, and the country has yet to sign the OSCE's Convention on Combating Bribery. It is not surprising, therefore, that the Heritage Foundation's 2004 Index of Economic Freedom ranks Tajikistan 146th out of 155 nations surveyed and categorizes the country's economy as "Mostly Unfree." Ultimately,

combating corruption in Tajikistan requires a strong commitment to the development of the rule of law and a market-oriented economy.