

The Role of Civil Society in Promoting Political Accountability in Fragile States: the case of Tajikistan

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Map of Tajikistan



Downloaded at: www.un.org/Depts/Cartographic/map/profile/tajikist.pdf

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List of acronyms

| | |
|---------|--|
| AKF | Aga Khan Foundation |
| AKDN | Aga Khan Development Network |
| CSO | Civil society organisation |
| CU | Consumers' Union |
| DFID | Department for International Development (UK) |
| GBAO | Gorniy Badakshan Autonomous Oblast |
| JCPS | Joint Country Partnership Strategy |
| INGO | International non-governmental organisation |
| INTRAC | International NGO Training and Research Centre |
| IRP | Islamic Renaissance Party |
| NANSMIT | National Association of Independent Mass-Media in Tajikistan |
| ODA | Official Development Assistance |
| OECD | Organisation for Economic Co-operation and Development |
| PRS | Poverty Reduction Strategy |
| SIDA | Swedish International Development Cooperation Agency |
| UNDP | United Nations Development Programme |
| USSR | Union of Soviet Socialist Republics |

1. Background to the report

1.1. Purpose of the research

The current research, funded by SIDA, was undertaken as part of the study of the role of civil society in fragile states, namely in Tajikistan and Zimbabwe. One of the aims of the project was to assist the development of strategies for civil society groups working in fragile states in order to create an environment more conducive towards long-term development, political accountability and culture of democracy. By providing empirical qualitative data from Tajikistan, this research intends to contribute to theoretical and policy debates on fragile states, civil society strengthening and the potential of civil society to play a critical role in fragile states. The proposed research will explore whether civil society can play *a more strategic socio-political role, rather than a widely acknowledged social service delivery role* in the situations of fragility¹, namely spreading the norms of political accountability and rule of law. Unlike some studies which explore mainly social service delivery organisations², the current project will explore less visible but possibly more significant roles of civil society in the longer term.

Rationale for the research

Over the past years fragile states have emerged as a pressing concern for the international donor community. In contrast to the previous situation when states on the verge of collapse received “paltry amount of aid”, with the exceptional cases of Iraq and Afghanistan³, recently, major international donors put fragile states as one of the priorities on their agenda⁴. However, despite the fact that in 2006 one fifth of Official Development Assistance (ODA) went to fragile states, 75% of the ODA targeted at 38 fragile states was disbursed in only five countries, and almost half of it took the form of debt relief⁵. This shows the centrality of addressing the question of “from whom, to whom and to what ends” the aid should be channelled⁶.

Engaging with fragile states poses a serious dilemma for international donors since, in the countries with weak institutions, lack of capacity and ownership of reforms, aid is often used inefficiently. Research has shown that increasing levels of aid to societies torn around sectarian divides might contribute to the escalation of conflict, as was the case of Afghanistan and Rwanda at certain times in their history⁷ or that aid given to authoritarian personalistic regimes may lead to their perpetuation as well as exacerbation of poverty and inequality⁸. Equally, it has been shown that large amounts of funds aimed at civil society strengthening might lead to the escalation of conflict, deepened societal divides and deterioration of CSO accountability⁹. However, support to CSOs can also make a positive contribution to the inclusive state-building process on condition that donors take into consideration the

¹ (World Bank 2006; Nissen 2009; Dowst 2009)

² For example, a World Bank study (2005) looking at 3 African countries.

³ (Browne 2007)

⁴ (OECD 2007a; DFID 2005; World Bank 2006)

⁵ (OECD 2007a)

⁶ (Boyce 2004:27)

⁷ (Goodhand 2006; Boyce 2004)

⁸ (Jones 2008)

⁹ (Knack 2004; Davis and McGregor 2000; Mosse 2001).

complexity of the local context and seriously consider the possible impact of their interventions on the dynamic of state–society relations¹⁰.

In the light of controversies surrounding budgetary support and civil society strengthening programmes, state-building and creation of “effective, resilient and stable institutions” was adopted as a key strategy of work in fragile states¹¹. The domination of the civil society strengthening paradigm among the international donor community in the 90s¹² has waned and the role of civil society in fragile states has been increasingly defined as that of social service provision or humanitarian relief¹³. Realising the centrality of this role in terms of saving lives and meeting basic needs of people, INTRAC suggests that social service provision does not address the underlying problems of the weakness of the state, its accountability, responsiveness and inclusiveness. Whilst delegation of social service provision to civil society groups gives a temporary benefit to the population and the state, in many cases it further diminishes the capacity of the state and undermines its legitimacy in the eyes of people through the creation of a parallel service delivery mechanism. This report recognises that the critique of long-term consequences of donor-sponsored service provision might not be embraced by local actors who would often prefer something useful today to promised improvements in future. Nevertheless, acknowledging the potential of civil society to take on the role of basic service provision in fragile states, the proposed research aims to explore the role that civil society can play beyond the now widely acknowledged role of social service provision¹⁴. The question about what kind of civil society, in which types of situations and through what mechanisms, can enable citizens to influence the power structures of the state, make the state more inclusive and accountable was key to the present research project.

1.2. Focus on political accountability

INTRAC’s framework for the role of civil society identifies building political accountability as one of its core functions¹⁵, bearing in mind that it is the responsibility of the locally owned civil society, rather than foreign organisations, to ensure political accountability. Political accountability is essentially about governments being responsive to the demands of citizens through citizens monitoring government policies and practices and then challenging government to uphold the rights of citizens when these are being violated or ignored. Clearly, improving the accountability of states to their citizens is one of the main challenges for the social and economic development of fragile states. Working in the area of political accountability implies working with the state institutions and trying to transform the way they function, supporting citizens when they make demands on the state. This is different to the social service delivery role of civil society, often performed as a substitute to the state capabilities or a complementing mechanism to it.

The present research will focus on the role civil society has played in Tajikistan in improving political accountability. Whilst recognising that civil society needs to fulfil all of its core functions in fragile states, particularly building social trust and generating the social basis of democracy, this study examines whether civil society can play a more critical role in

¹⁰ (OECD 2010:13)

¹¹ (OECD 2008, 2007b, 2007a)

¹² (Carothers and Ottaway 2000)

¹³ (WB 2005; World Bank 2006; Sen 2008; Nissen 2009).

¹⁴ (Sen 2008; World Bank 2006)

¹⁵ (INTRAC 2009)

augmenting political accountability and having an impact on the long-term development of the state: from creating an effective legal environment to establishing the channels of communication between society and the state. By focusing on political accountability of civil society, rather than on grassroots development initiatives which may or may not have an impact beyond their immediate communities, our research intends to examine whether CSOs contribute to the creation of the culture of accountability, what role they play in changing the nature of the state institutions and how they may contribute to the positive state-building process.

The initial research was a mapping exercise to identify civil society organisations and their core functions in respective case study countries, exploring whether there are civil society groups that have a specific focus on building political accountability. Identifying the forms of civil society that are most viable in a particular context allowed us to see whether there is a need to encourage creation of new institutions of civil society or to augment forms that already exist.

1.3. Methodology and research questions

Guided by the idea that situations of fragility are extremely diverse and rooted in different causes, this research project took the context as a starting point of inquiry¹⁶. Therefore the fieldwork – interviewing members of civil society organisations – was complemented by examining the literature on the recent history of Tajikistan, nature of its political and social arrangements as well as the development of civil society.

Two methods of data collection were used. **Secondary data** which included sources in English and Russian was gathered by making a literature review on the nature of the state in Tajikistan, character of its political and economic regime, history of civil society, factors behind the decline of the state, shape of societal, regional, sectarian divides. The main method of gathering **primary data** was interviewing¹⁷ representatives of CSOs, which was carried out in the capital of Tajikistan Dushanbe, and the town of Khujand, in Sughd region.

The key research questions asked to the representatives of civil society were:

- What are the main activities that CSOs have undertaken to improve political accountability?
- How effective have they been and what have been the main successes?
- What are the constraints and difficulties with undertaking political accountability work?
- Have CSOs been more effective in strengthening political accountability when doing this through service delivery or other programmes to build accountability (e.g. starting at level of strengthening community level demand for services)?
- At what administrative level has civil society been most effective at improving political accountability: local, district, national?
- How important have alliances and networks of CSOs been for improving political accountability?
- What strategies have been developed by donors and INGOs for supporting civil society's role in holding the government to account?

¹⁶ (OECD 2007b)

¹⁷ List of the people and organisations interviewed are in the Annex 1.

Defining civil society and the limitations of the current research

Looking into the role of civil society in improving political accountability, this report does not equate civil society with the NGO sector, which has become an increasingly popular phenomenon in the 90s. It adopts a broad definition of civil society which includes professional organisations, trade unions and clubs alongside professionalised local and international NGOs. Realising that Tajikistan has a rich associational life and a dense network of traditional institutions of civil society¹⁸, this study nevertheless concentrated on examination of professional associations, including businessman and lawyers associations¹⁹, NGOs and CSOs.

This choice of respondents can be explained by a number of reasons. Firstly, since the main research question considered the problem of improving political accountability, modern institutions of civil society arguably constitute a more appropriate pool of informants than the communal ones. Whereas communal forms of civil society are often more concentrated on the issues of social service, generating trust and resolving conflicts, further study is needed into their capacity to improve political accountability at anything above the self government and district levels. Secondly, because of the limited time allocated for the present study, research on communal types of civil society²⁰, which are not institutionalised and formalised, was not feasible. Thirdly, realising that civil society in Tajikistan can not be confined to the realm outside the domain of the family and the state²¹, we nevertheless left associations based on kin and clan ties outside the scope of this study. Even though kin ties augment patronage networks through which access to resources, political posts and economic assets is determined in Tajikistan, we hold that these forms of civil society are not conducive to the project of establishing the culture of political accountability and transparency, recognising though that they might produce a distinct form of accountability.

As will be shown in the report, Tajikistan has a dense network of CSOs rooted not only in secular modern institutions but also in religious life and kinship ties²². Alongside an increasing role of modern forms of civil society, there is clear evidence of the increasing influence of Islamic associations and continuing importance of patronage networks as an organising principle of social and political life in Tajikistan. The centrality of patronage networks, which represent a form of social capital, is visible not only in the functioning of the political system but also the civil society sector. Universalistic values of civil society, promoted by Western donors, that enshrine accountability, transparency and equality can stand in conflict with the values of particularity, mutual help and support to the kin that govern not only traditional forms of civil society in Tajikistan but also 'modern' institutions, ranging from courts to the NGOs. Furthermore, increasing visibility of religious associations is not accompanied by concurrent recognition of the former by the modern secular institutions of civil society: there is lack of interaction, not to say cooperation, between religious and secular forms of civil society and increased stand off between the state and religion, understood as part of the social and political life rather than an amalgam of folk beliefs. The complexity and multilayered nature of

¹⁸ See Chapter 3

¹⁹ The line between professional/public associations and NGOs in Tajikistan is clear-cut. Professional associations are well-established membership based organisations with full-time staff and often get funding from foreign donors. Therefore, they are in many respects similar to NGOs.

²⁰ See Chapter 3

²¹ (Freizer 2004)

²² Ibid.

civil society in Tajikistan indicates that further research is necessary to understand to what extent traditional and religious forms of civil society, which possess substantial leverage in the countryside, can work in alliance with secular modern institutions, what kind of values they promote and what role they can play in the state building process.

There are a number of specific limitations of this study. Firstly, the geographical span of the research is limited to the areas that are economically better off in comparison with the other regions of the country. In addition, both Dushanbe and Sughd region (former Leninabad) have provided political elites for Tajikistan since the Soviet times. Even though the current research focuses on particular, better-off, regions, they are also the regions with the greater bulk of the registered associations²³. Whereas Gorniy Badakshan and Khatlon, the most conflict-affected areas, are the best places for civil society development in the country²⁴, further research would be needed to determine how far civil society institutions have become part of the societal fabric in these war-torn areas that received a substantial amount of humanitarian aid in the wake of the conflict.

Secondly, despite the signs of the increasing influence of religious constituency in Tajikistan and the rise of Islamic forms of civil society, especially among the youth, the current research did not explore these issues through primary sources, i.e. holding interviews, but rather through analysis of the secondary data. Whilst religious forms of civil society are gaining in popularity in Tajikistan, it is clear that secular forms of civil society are very suspicious towards the religious forms and tend to view them as a threat rather than as potential partners. Finally, there is evidence that religious leaders are influential at the village level, and that moderate Islamic leaders exert influence at the national level as well. However, in order to determine the role played by Islam in the social life and state–society relations in Tajikistan, a separate study should be undertaken.

2. Tajikistan: Stable or fragile?

2.1. Defining fragile states

For most donors, the term fragile state refers to state weakness and the failure of the state to provide an enabling environment for social and economic development. The dominant definition of fragile states promoted by OECD-DAC is defined in terms of social and security service failure²⁵. The current policy debate on fragile states is guided by the idea that fragility is a result of internal factors such as the weakness of the state, bad governance or flawed policies. In contrast to this view, a number of researchers argue that fragile states can not be fully understood without taking into consideration external factors such as the legacy of colonialism and global capitalism, impact of the structural adjustment programmes of the international financial institutions as well as military interventions of major powers²⁶. Some scholars have gone as far as to argue that “the failed state might entirely be a product of the

²³ (UNDP n.d.:8)

²⁴ (Yusufbekov, Babajanov, and Kuntuvdiy 2007:39,45,52)

²⁵ (McLoughlin 2009: 8)

²⁶ (Fayyad 2008; Chataigner and Gaulme 2005; Jones 2008).

neoliberal doctrine that has dominated development process over the last three decades”²⁷. It has also been noted that globalisation and configuration of the international financial system create perverse incentives for elites of developing countries to perpetuate the state of fragility²⁸. Moore et al²⁹ argue that the problem of fragile states is rooted not in internal factors such as “lack of resources, expertise or understanding” but rather in “powerful incentives to protect illegal income sources, and very weak incentives to nurture economic growth or create the political and bureaucratic capacity to collect and administer taxes.”

While most of fragile states are experiencing conflict or are undergoing the period of post-conflict reconstruction or transition, the category of fragile states is broader. There is a common agreement that neither poverty nor violence per se cause the situation of fragility but rather it is a failure in one of the subsystems of the state³⁰. The Crisis State Centre at the London School of Economics defines fragile states in terms of susceptibility “to crisis in one or more of its subsystems and particularly vulnerability to internal and external shocks and domestic and international conflicts”³¹.

The following table summarises some of the basic definitions of fragile states:

| | |
|-------------------|---|
| DFID | Those where the government cannot or will not deliver core functions to the majority of its people, including the poor...DFID does not limit its definition of fragile states to those affected by conflict. ³² |
| World Bank | Fragile states are characterised by very weak policies, institutions and governance. Aid does not work well in these environments because governments lack the capacity or inclination to use finance effectively for poverty reduction. ³³ |
| USAID | Two categories of fragile states: Vulnerable: unable or unwilling to adequately assure the provision of security and basic services to significant portions of their populations and where the legitimacy of the government is in question, this includes states that are failing or recovering from crisis. In crisis: central government does not exert effective control over its own territory or is unable or unwilling to assure the provision of vital services to significant parts of its territory, where legitimacy of the government is weak or nonexistent, and where violent conflict is a reality or a great risk. ³⁴ |
| OECD-DAC | When governments and state structures lack capacity—or in some cases political will—to deliver public safety and security, good governance and poverty reduction to their citizens...four categories |

²⁷ See discussion of this viewpoint in (Sen 2008:3)

²⁸ (Nick Moore, Schmidt, and Unsworth 2009)

²⁹ (2009:38)

³⁰ (Di John 2008; Stewart and Brown 2009)

³¹ (McLoughlin 2009: 8)

³² (DFID, 2005:7)

³³ (Pavanello and Darcy 2008:6)

³⁴ *ibid*

³⁵ *ibid*

| | |
|--------------------------|---|
| | ...deteriorating, violent, improving and transition ³⁵ . |
| Stewart and Brown | States that are failing, or at risk of failing, with respect to authority, comprehensive service entitlements or legitimacy ³⁶ |

One of the limitations of the current approach to defining fragile states is that it is often underpinned by an ideological rationale and security considerations rather than empirical research³⁷. To illustrate this point, one needs to map the first 40 states in the rankings of different institutions³⁸ which shows that only USA think-tanks, namely Fund for Peace and Brookings Institute, include Iraq, North Korea (both organisations), Lebanon, Syria, Iran, Pakistan and Sri Lanka (Fund for Peace) in the list of fragile states. This situation reflects the fact that US organisations adopt a value-based approach to defining fragile states and attach a primary importance to US security considerations and foreign policy interests, which stands in contrast to a more neutral approach adopted by DFID and World Bank.

The value based approach is evident in many studies that adopt human rights failure³⁹ or nature of political regimes⁴⁰ as one of the dimensions of fragility. Thus, Zimbabwe and Burma which are universally cited as examples of fragile states, according to the report of the French Association for Development, represent not the case of internal collapse but rather “development of tension between the authorities of these countries and the main donors and/or international community”⁴¹. Isolationist policies adopted by the international community to these states have proved to be counterproductive and increased the repressive policies of the respective governments, further weakening the state’s capacity to deliver services to the citizens. The case of Zimbabwe shows that fragility in this country cannot be attributed solely to bad leadership or internal governance problems, but rather to the combination of external and internal factors⁴² that have triggered and exacerbated the crisis over time.

2.2. Tajikistan: a successful case of post conflict transition?

Tajikistan, in line with Namibia and Mozambique, can be considered one of the few states that emerged as a comparatively stable entity after a recent civil war⁴³. While Tajikistan has a poor record of democracy, it has a high degree of stability, security and low levels of criminal activity, despite the legacy of the civil war, border with Afghanistan and proximity to Pakistan and comparatively low levels of development aid⁴⁴. The energy sector remains the major area of fragility in Tajikistan which continues to threaten the economic development as well as social service provision. This was exemplified by the energy and food crisis in 2008 when the state failed to deliver some of the basic services to the population. However, the situation of 2008 alone does not qualify Tajikistan to be called a fragile state in line with DFID or OECD-

³⁶ (Stewart and Brown 2009:8)

³⁷ (Chataigner and Gaulme 2005)

³⁸ (WB 2007; DFID 2005; Rice and Patrick 2008; Fund for Peace 2009)

³⁹ (Stewart and Brown 2009)

⁴⁰ (Rice and Patrick 2008)

⁴¹ (Chataigner and Gaulme 2005:12)

⁴² A series of policy regime failures, including structural adjust programme of the early 1990s, unresolved land question and mounting demands on the state from powerful pressure groups, such as the war veterans, for land redistribution process, contraction of aid and total suspension of lending from international financial institutions in 2002 - all played a role in the evolution of the crisis in Zimbabwe.

⁴³ (Matveeva 2009a)

⁴⁴ The level of aid varied from 15.3 % of the GDP in 2001 to 8.5 % in 2006 (Matveeva 2009b:176).

DAC definitions⁴⁵, since the events were triggered by a combination of factors, such as unexpected cuts of electricity supplies from Uzbekistan, unusually severe winter and the rise of food prices, rather an inherent weakness of the state.

This report supports the view that Tajikistan represents a resilient rather than a failing state, as it shows an ability to cope successfully with external and internal shocks, under a strong presidential rule and patrimonial networks⁴⁶. Moreover, while Tajikistan might represent a failure in leadership according to the liberal standards, one cannot characterise it as a failure in legitimacy which is key to political stability and maintaining its peace process. Despite a difficult economic situation, the incumbent regime seems to enjoy legitimacy in the eyes of many Tajik people because the President, E. Rakhmon, is seen as a peacemaker who has managed not only to maintain peace but also to preserve continuity with the Soviet era which is by and large being remembered by the population as a time of relative stability and well-being⁴⁷. Moreover, the findings of the present research show civil society groups in Tajikistan adopt a more positive or neutral approach to the current regime, than is suggested in the recent report of the ICG⁴⁸ – preferring to cooperate with the state rather than confront it.

Tajikistan, one of the former Soviet republics, is the poorest country in the Central Asian region (ranked 127 in the HDI list), with 44 % of the population living under the poverty line or 50% of the population living on less than two dollars per day⁴⁹. Poverty is unequally distributed throughout the country, with the Gorniy-Badakshan and Khatlon regions (the main stronghold of the opposition during the civil war) having considerably higher levels of poverty – 84% and 78% of the population compared with 59% in urban areas⁵⁰. The difficult economic situation in Tajikistan was gravely exacerbated by the fuel crisis in the winter of 2007-8 that demonstrated the inability of the government to provide basic services to the population⁵¹. The country largely survives due to the remittances of migrants, who number up to one million and whose input into the national economy constitutes up to 46 % of the GDP⁵².

The designation of Tajikistan as a fragile state is contentious. Even within the donor community Tajikistan is not unanimously categorised as a fragile state: it was not included in the list of fragile states of the International Development Association (World Bank) in contrast to its neighbour Uzbekistan⁵³, and it scored slightly better than its neighbours in the report of Brookings Institute (42 place)⁵⁴. However, DFID⁵⁵ and OECD⁵⁶ reports list Tajikistan along with Uzbekistan as a proxy fragile state. The latest report of International Crisis Group⁵⁷ holds that Tajikistan exemplifies a weak state, with a failure in leadership, and predicts a gradual downslide of the country into the state similar to that of its neighbour, Afghanistan. This appears to be too strong a comparison since the latter has been at war for almost 30 years

⁴⁵ “Failure of the state to provide to its citizens basic service and security to go around about daily lives” (DFID, quoted in Sen 2008: 2)

⁴⁶ (Matveeva 2009b)

⁴⁷ (Matveeva 2009b, 2009c)

⁴⁸ (2009)

⁴⁹ (UN 2009:177)

⁵⁰ (Babajanian 2004:1).

⁵¹ (International Crisis Group 2009)

⁵² (Matveeva 2009c:5)

⁵³ (2007)

⁵⁴ (Rice and Patrick 2008:40)

⁵⁵ (DFID 2005:28).

⁵⁶ (OECD 2007a)

⁵⁷ (International Crisis Group 2009)

and has experienced military interventions. Therefore, the present report is more optimistic about the future of Tajikistan and gives more credibility to the current regime, which despite some failures in human rights and democracy, and more recently in the energy sector, has managed to maintain peace and keep the country together.

Tajikistan emerged as an independent state in 1991 after the collapse of the Soviet Union. However, in contrast to the other Soviet republics Tajikistan did not strive towards independence but rather got it as a result of the struggles in the other former republics of the USSR. Having been the poorest of the Soviet republics, Tajikistan benefited from financial transfers allocated by Moscow during the Soviet times. Unexpected independence brought about not only a drastic deterioration of the economic situation but also a stand off between pro-Soviet and pro-democratic forces, the latter standing for a program of widescale reforms in the economic and political spheres. The conflict between different elites, representing not only different values but also different clans, whose position in power was under threat, resulted in a five-year long civil war – believed to be one of the most ruthless conflicts in the post-communist era, with the official death toll reaching 157,000 and unofficially 300,000⁵⁸.

The Peace Agreement of 1997 seemed to reconcile the warring parties by providing the United Tajik Opposition (UTO) with 30% seats in the executive branch of power and incorporating former warlord-commanders into the power structures, ranging from the military to government positions. However, later political developments led to the reversal of the political arrangements reached after the civil war: all the major political parties, including Islamic Renaissance Party and Democratic Party were sidelined, as well as influential figures in the UTO who were considered potential rivals of the regime⁵⁹. Thus, shortly after normalisation of the political situation after the civil war, President Rakhmon consolidated his power: held the referendum in 2003 which allowed him to stay in power for two seven-year terms from the date of the referendum, impinged on the freedom of independent media, sidelined the potential opposition figures close to him, Iskandarov and Mirzoev, as well as adopted laws that made it more difficult to register the political parties. The nature of the political regime in Tajikistan can be described as follows:

Tajikistan is mimicry of democracy: it is an autocratic state which maintains a democratic façade. It has adopted a constitution and legislation which guarantees basic rights and freedoms, has laws on participation and competition, and has opposition parties in the parliament. It goes through the motion of adopting constitutional amendments and conducts nation-wide election and consultation fora (for example, the Public Council) with civil society and dignitaries⁶⁰. However these measures are devoid of political competition: decisions are made elsewhere and by other means⁶¹.

The fact that the power-sharing agreement was reached after the civil war, which included warring parties in the political settlement, did not change the geographical imbalance of the political elites in Tajikistan: the old elites from Sughd (former Leninabad) and Kulyab regions still dominate politics in present day Tajikistan, with the latter assuming more leverage due to the fact that the current President E. Rakhmon comes from Kulyab clan. Whereas some

⁵⁸ (Matveeva 2009d:2)

⁵⁹ (International Crisis Group 2009)

⁶⁰ For many leaders of civil society this constitutes a considerable step forward in the state-society relationship even if at the moment this does not have a major impact on policy-making process.

⁶¹ (Matveeva 2009b:163-164).

scholars contend that the civil war in Tajikistan was strife between warring clans⁶², in reality it was a power conflict where elites from different regions of the country recruited members of their armies from the existing clan and *avlod* networks. The areas of the most severe fighting during the civil war, Gharm and parts of Gorniy Badakshan Autonomous Oblast (GBAO), are still viewed by the current regime as the main source of instability and threat to the centralisation project. Recent violent clashes between the state security forces and squads of the former warlords in these remote mountainous regions led to the death of the few remaining wartime commanders⁶³ which demonstrates the resolution of the current regime to centralise power, maintain security and prevent transformation of the far-off regions into havens for the oppositional forces or commanders. Whilst the danger stemming from the former warlords has diminished, one of the major threats currently facing the region comes from Islamist groups, connected to drug mafias and former warlords, operating not from across the border, Afghanistan or Uzbekistan, but increasingly from Tajikistan itself⁶⁴.

Tajikistan has managed to maintain a great degree of internal political stability and security. It seems to be most vulnerable to external and internal shocks in the economic sphere. This was vividly shown by the energy and food crisis of 2008. Tense relations with Uzbekistan, which transports a fair amount of electricity to Tajikistan, and Uzbekistan's recent decision to withdraw from the Central Asian grid could have far-reaching implications for the energy situation in the country, its industry and agriculture, and the well-being of the population⁶⁵. One solution to the energy problem envisioned by the current government is the construction of the Rogun hydropower station on the Vakhsh river. This is not likely to happen without substantial financial support from donors, who should start considering diverting part of the funds from financing small-scale development programmes, aimed at poverty alleviation, to large-scale infrastructure projects which are key to economic development and growth.

Having acknowledged the mounting difficulties in the economic sphere, one should note that despite the food and energy crisis in winter of 2008 and increasing poverty, the population has remained remarkably calm and the current regime retained its legitimacy. The source of legitimacy of the current regime rests on its ability to maintain peace and comparative stability after the civil war. In addition, one should acknowledge the success of the current regime not only in preserving peace but also ensuring a moderate level of economic development⁶⁶ which was maintained at 7-9% GDP growth per year since 1999⁶⁷. What might seem to an outsider as a failure in social service delivery and providing well-being of the population can be interpreted by Tajik people themselves as a marked improvement from the havoc of the civil war. The level of poverty, which comprised 80-90% of the population in 1998, in the aftermath of the civil war⁶⁸, is currently estimated at 50%⁶⁹. These improvements are not only a result of positive internal developments within Tajikistan, but also an inflow of remittances (46% of GDP) and aid (around 10%)⁷⁰.

⁶² (Collins 2002)

⁶³ (Matveeva 2009c:3)

⁶⁴ (Matveeva 2009c; Schofield 2009).

⁶⁵ (Matveeva 2009c:2)

⁶⁶ After the end of the civil war the GDP of Tajikistan constituted only 60% from the 1990 level (Linn 2008).

⁶⁷ (Linn 2008)

⁶⁸ *ibid*

⁶⁹ (UN 2009:177)

⁷⁰ (Matveeva 2009b:176)

The legitimacy of the political regime in Tajikistan should be considered against the legacy of the Soviet state and the popular expectations of the state it had formed: the state is seen first and foremost as a supplier of services, and guarantor of social and economic rights, rather than of civil liberties and democratic procedures. In Tajikistan, independence and subsequent civil war meant transition from a world where employment, salary and healthcare was secured to a world where nothing was guaranteed:

By 1997 most people were no longer struggling with the immediate consequences of the war but rather with those of the peace. Now one of the main worries of daily life, for most people by far the biggest one, is how to make ends meet. During Soviet times money was of relatively little importance. Food was cheap and plentiful. Housing was inexpensive, and access to it not dependent on individual ability to afford it. Utilities and other everyday costs of living were extremely cheap. There were few consumer goods available so the ability to pay for them was not so important. In these Gharmi villages many families had possessed the majority of those material possessions they desired.

Now this has all changed. Sky-rocketing inflation has made it almost impossible to afford even the most basic foods or to pay for utilities, but anyone with money to spare has a very much larger range of consumer goods to spend it on. As a result, employment and its remuneration have become major preoccupations. The formerly secure jobs that paid at least a basic living wage no longer exist. Unemployment is high and only those working in the few private enterprises receive a living wage. Pensions are worth no more than a few loaves of bread⁷¹

Thus, it is evident that for a large amount of the population the Soviet state epitomises a state machine capable of providing basic services and economic well-being. For Tajik people, the demise of socialism meant a considerable lowering of the standard of living. However, in contrast to the other former Soviet republics where a similar process brought about the prospects of European integration, in Tajikistan it invoked fears of the gradual downslide to the economic, political and security situation of adjacent Afghanistan and Pakistan. Taking these factors into consideration explains not only the legitimacy of the current regime which tries to preserve continuity with the Soviet era and deliver some social services, but also a low demand for democracy in Tajik society⁷² – since the short period of democracy in 1990-92 unleashed forces that propelled the country into the civil war.

Tajikistan illustrates the case of the state where democracy, which fell into the lap of elites in the early 1990s, turned out to imperil the future of the newly created state – demonstrating that democracy is unlikely in a country without strong institutions, culture of open political competition and a certain level of economic development⁷³. Similarly, the case of Tajikistan supports an idea that authoritarian regimes may be more stable than democratic ones at a low level of economic development⁷⁴ and, as findings of this research show, may provide a

⁷¹ (Harris 1998:655-671)

⁷² (Matveeva 2009a)

⁷³ (Collier 2009; Di John 2008; Matveeva 2009d).

⁷⁴ According to Collier (2009:18-21), societies at the bottom billion with a democratic regime are more likely to dissolve in violence than authoritarian states. However, with the increase of income the autocracies seem to be more vulnerable to violence, with the threshold level of income \$7 per capita per day.

more conducive environment for the slow but gradual development of civil society, provided that people fight for civil society in a way that is manageable for them and that the state allows such actions. This supports the conclusions of the other studies on concomitants of fragility: the most democratic constitution with a detailed provision of the division of powers adopted in Congo could not guarantee a successful process of state-building. On the contrary, Rwanda, where a constitution limits multiparty democracy and secures one party rule for a limited amount of time, might have brighter prospects for the revival from the situation of fragility.

The examples of successful state-building suggest that the key role in this process belongs to political elites as well as political parties⁷⁵. The current research will nevertheless address the issue of whether civil society, which includes professional associations, trade-unions as well as NGOs, can influence the process of state-building and the nature of the state institutions. Moreover, this study will address the question of whether civil society can perform constructive work in an undemocratic state and undertake work that contributes to the transformation of the state and its legal arrangements. Whereas some researchers have been sceptical about the existence of western-style civil society in Tajikistan⁷⁶, the present report will show that CSOs, professional and legal associations are not only able to function within the constraints of a personalistic regime but can also have an impact on the transformation of the state institutions, augmenting the culture of political accountability and contributing to the law formulation process.

3. The past and present of civil society in Tajikistan

3.1. Defining civil society

The idea of civil society has become ubiquitous in development discourse and policy-making circles after the wave of democratic revolutions in Eastern Europe. Civil society was believed to have the powers of transforming the state, thwarting authoritarianism and achieving democracy. The idea of civil society dominant in the 1980-90s equated it with the widescale dissident or opposition movements opposed to a totalitarian state. Thus, civil society is assumed to be in the realm outside the state, or critical of it – an interpretation rooted in a specific historical situation, namely the stand-off between communist regimes and pro-democratic opposition in the former Soviet Block⁷⁷. Celebration of civil society in the 90s was oblivious to the initial meaning of the concept used by de Tocqueville as a realm where citizens can form free associations within the legal order of the state, with the aim of ensuring the existence of a system of checks on the political order⁷⁸. Thus, in the development discourse of the 90s, the initial emphasis on civil society as being inseparable from the judicial and legal realm of the state gave way to civil society as a force which, by adopting a confrontational attitude to the authoritarian state, can transform it.

Over the past years, however, there has been a mounting critique of the concept of civil society understood as a wide range of associational activity outside of, or opposed to the

⁷⁵ (Giovane 2003; Carbone 2003; Sumich and Honwana 2007; Mick Moore and Putzel 1999)

⁷⁶ (Jonson 2006; Matveeva 2009b:165)

⁷⁷ (Carothers and Ottaway 2000)

⁷⁸ (Sekinelgin 2002:12)

state, and to the idea of civil society as a realm outside the family and the state⁷⁹. The classical notion of civil society which has often been used as a “universal prescriptive model”, obliterating the value of indigenous societal structures, does not always work in contexts outside the Western world⁸⁰. While the current research has not explored the traditional forms of civil society, it takes into consideration that the classical notion of civil society is not always applicable to those parts of the world where much of civil society is based on clan, kinship and tribal alliances rather than formal membership in organisations⁸¹. Whereas the classical notion of civil society has been suspicious towards so-called primordial ties, believed to reinforce hierarchical inequalities, relationships of patronage and corruption, anthropological studies have shown that forms of associational life based on communal and familial ties can play a crucial role in organising citizens for particular causes⁸². Moreover, the failure to appreciate a different form of associational life has precluded donor agencies or NGOs from a fruitful work with communities in different contexts, whereas radical organisations on the contrary understand the existence of informal networks and utilise them in their recruitment campaigns⁸³. Tajikistan is an example of the country where secular forms of civil society dominate the donor’s priority list, largely leaving considerable religious constituency and influential religious associations outside the area of concern, thus creating a niche not only for alternative donors but also for radical Islamic networks.

It is clear that professionalised NGOs represent an important part of civil society in many developing countries’ contexts. However, over the past years, civil society has been increasingly equated with professionalised NGOs – an idea that has come under scrutiny recently. Civil society promotion or strengthening, which was one of the major directions of the donor funding throughout 1990s, was largely concentrated on creating western-style civil society, with NGOs being considered as one of its main symbols. Western donors tried to encourage the emergence of a civil society sector confrontational to the state with the hope that it would bring about democratisation: NGOs working on human rights and elections, democratisation and decentralisation should have brought about the transformation of the nature of state institutions. However, stagnating democratic reforms in Eastern Europe showed that holding free elections did not mean installing political accountability overnight and achieving more accountability, or transforming the institutions of the state. The nature of the programmes development agencies supported showed that it was much easier to fund election monitoring programmes than to reform the judicial system in the former communist countries – reform which could really result in a structural change conducive to entrenching democracy⁸⁴.

Disenchantment with the civil society paradigm has led donors to turn their thinking to the state-building process – the establishment of quality institutions and good leadership, understood from a Eurocentric perspective of a multiparty democratic regime with a market economy – as key to the recovery of fragile states. However, the example of countries such as Vietnam proves that a one party regime might not only provide a stable environment and rapid economic development but also have a great degree of legitimacy⁸⁵, which is one of the critical dimensions on which fragile states are failing. An alternative approach suggested by

⁷⁹ (Hann, 1996, Seligman, 2002, White 1996)

⁸⁰ (Hann 1996)

⁸¹ (White 1996:144)

⁸² (Hann 1996)

⁸³ (White 1996:147)

⁸⁴ (Carothers and Ottaway 2000)

⁸⁵ There is evidence showing that one-party regimes in certain situations of fragility might be more conducive to establishment of the virtuous cycle of development (Golooba-Mutebi 2008).

Moore et al⁸⁶ suggests that “creation of effective public authority”, i.e. legitimate authority, should not be conceptualised only within the framework of the state since effective authority building is different from state building. The former can be created within and without the government since public authority and legitimacy is wielded not only by government structures but also political parties, trade unions, chambers of commerce, professional business associations and public associations. The importance of building public authority within wider networks of society is especially vital in weak states, where, according to Moore, malfunctioning is the feature not only of the government but also police, medical system, political parties, associations of lawyers – all of which are part of making a strong state.

In the context of fragile states, especially in post-conflict situations, the immediate needs of service provision and humanitarian relief tend to be more important than long-term development. The social service delivery function of civil society might be the only way to ensure the survival of the people in fragile states. However, the prolonged service delivery role of NGOs can be problematic because it creates a parallel service delivery mechanism and thus undermines legitimacy of the state. Unlike some studies which explore social service delivery and advocacy work of civil society organisations⁸⁷, the current research explores potentially more significant roles of civil society for ensuring resilience of the state in the long run. Instead of asking how successful civil society has been in alleviating poverty, building infrastructure objects, the current research explores whether it can influence the power structure of the state and the system of law, and whether civil society groups can make the state more inclusive and accountable.

3.2. Introducing civil society concept in Tajikistan

The current shape of civil society in Tajikistan should be located within the legacy of the Soviet state, and civil strife preceding the conflict in 1992-97 and post-conflict reconstruction. Firstly, while it has been widely assumed that all independent forms of civil society were extinct in Soviet Tajikistan, recent research has shown that quasi autonomous organisations, ranging from trade unions and co-operatives to kolkhoz and housing associations, can be viewed as civil society that ensured participation of people in the societal affairs of the Soviet republic⁸⁸. In addition, during the Soviet time high value was placed on voluntary work performed either in various associations or during specifically designed days, such as *subbotnik*⁸⁹. The repressive regime does not necessarily wipe out all forms of civil society: thus, the Soviet regime, often assumed to have eliminated all traces of traditional or religious associational life, was not able to take control over the whole societal sphere. Invisible forms of civil society existed alongside the more standard Soviet forms of associations which were linked to the state - such as parent associations, pioneer organizations, Red Cross societies or *sovet* (council bodies) in kolkhoz. The Soviet authorities, however hostile they were towards traditionalism, did not succeed in eliminating local traditions of self-help and community action but rather reinforced them through their emphasis on voluntary work as part of the Soviet citizen's consciousness⁹⁰.

⁸⁶ (Nick Moore et al. 2009)

⁸⁷ For example, a World Bank study (2005) looking at three African countries.

⁸⁸ (Roy 1999, Giffen et al 91-107).

⁸⁹ *Subbotnik*, from the word *subбота*, (Saturday), the day when all the people would undertake voluntary action in their neighbourhoods, such as planting trees, removing rubbish etc.

⁹⁰ (Starr 1999)

Secondly, the period of 1989-92, the time of the opposition-dissident movement that called for political change, democratisation, revival of Tajik culture and historical legacy, is sometimes assumed to be the era of the strongest civil society in Tajikistan⁹¹. Indeed, the strength of civil society in the beginning of the 90s in Tajikistan can be illustrated by the fact that President Nabiev, who belonged to the Communist Party, was the first Central Asian leader to have been removed from post by public pressure and street demonstrations.⁹² Atkin⁹³ purports that public demonstrations in the 1990s was "a technique for instilling a sense of Tajikistani civil society" and that it was not only "about confrontation but also an attempt to create a new attitude towards the political process". However, the representativeness of civil society of the early 90s in Tajikistan can be seriously questioned: it was comprised predominantly of groups of urban intelligentsia. Indicative of this are the results of the 1990 elections when the Communist Party won 96% of votes, whereas in many Soviet republics it no longer took the majority of votes⁹⁴. The fact that civil society in many post-Soviet republics was not rooted in wider society, but was rather limited to urban educated intelligentsia, inspired by western ideals of democracy, could partially explain the failure of the democratisation process in these states. In the case of Tajikistan, where the stand off between different groups of competing elites for power led to the civil war, can to a large extent explain the current stance of civil society groups and political parties in Tajikistan that, instead of adopting a confrontational position towards the Rakhmon regime, prefer to cooperate with it.

Nascent civil society that appeared during the *perestroika* time was extinct by the end of the civil war. Instead, civil society that came to dominate the public space in Tajikistan was an amalgam of humanitarian organisations and development INGOs that set up local NGOs especially in the areas most affected by the civil war⁹⁵. A mapping report of civil society, received by INTRAC researchers in early 2000s from a Tajik academic, demonstrated that INGO/NGOs became what was spoken of as civil society in post-conflict Tajikistan⁹⁶. Most of the development assistance in the wake of the war was channel for humanitarian relief and post-conflict reconstruction⁹⁷. According to Harris⁹⁸, many of the Tajik people in the distant areas of the country, such as Khatlon, survived during the civil war and in its wake only due to the international humanitarian agencies which provided everything from medication and food to roofing materials and clothing: "Indeed, it would appear difficult for the country to function at present (1998) without international aid which appears on the surface to be one of the main things standing between the Tajik people and total disaster." The prominence of international aid agencies and NGO sector in solving the immediate needs of the population as well as the demise of the social bonds, traditions of self-help in Tajik society as a result of the civil war can explain the view of civil society as an NGO sector.

Increasing levels of available funding led to the mushrooming of local NGOs which were often created for financial reasons rather than ideals of development, humanitarian assistance or voluntary action. This can be explained by the fact that wages in non-profit sector were higher than in the public, and that creation of a local NGO provided the means to attract financial resources⁹⁹. The fact that "over 80% of registered organisations were inactive within less than

⁹¹ (Akiner 2004:183).

⁹² (Rashid 2002:103)

⁹³ (Atkin 1997:288)

⁹⁴ (Atkin 1997:283)

⁹⁵ (Giffen, Earle, and Buxton 2005:115)

⁹⁶ (Giffen et al. 2005:34-35).

⁹⁷ (Matveeva 2009b:178)

⁹⁸ (Harris 1998:667)

⁹⁹ (UNDP n.d.:9)

six years of registration”¹⁰⁰ suggests that the so-called civil society development in Tajikistan was largely externally driven. Similarly, an Aga Khan Foundation report¹⁰¹ suggests that the first generation of CSOs in Tajikistan were largely dependent on humanitarian aid and big INGOs, and many registered NGOs in urban areas existed on paper rather than in reality¹⁰².

One further example of the demise of the culture of participation was given by one of the respondents from our study, who suggested that even such a tradition of voluntary action as *subbotnik* from the Soviet time became totally extinct after the civil war. While civil participation in the Soviet Union was largely tied to the state agenda and was often forced, this respondent noted that any type of action for the public good is now expected to be remunerated. According to Harris¹⁰³, the arrival of international assistance in Tajikistan resulted not only in the demise of the culture of self help but also in perpetuation of the tradition of dependence on the outside supplier: “Dependence on Moscow has largely been replaced by reliance on the international community, supplying advice as well as food, agricultural, and medical aid, and at the national level, major contributors of cash.” It appears, however, that the demise of the voluntary tradition in Tajikistan should be blamed not on civil society but rather the general post-civil war situation and “wild capitalism” that had a negative impact on community life and trust in all post-Soviet states. Furthermore, it is the NGO sector that puts much effort in encouraging participation and voluntary work at the moment; many development projects are implemented only on condition of communities providing voluntary labour or other inputs which should supposedly create the ownership by the community.

3.3. Traditional forms of civil society in Tajikistan

The apparent weakness of Western-type civil society in Tajikistan following the war led scholars working on Central Asia to be highly critical of any prospect of its development¹⁰⁴ and to suggest the importance of the communal or traditional forms of civil society based on reciprocity, trust and informal networks¹⁰⁵. This has been recently endorsed in the reports of INGOs on civil society in Tajikistan, such as AKF and UNDP. The weakness of liberal civil society and NGO sector in Tajikistan has been contrasted with a rich associational life of communal civil society¹⁰⁶. Scholars working on Central Asia have pointed out that kinship and clan serve as a basis for organising civil society in Tajikistan, which contradicts the classical definition of civil society as a realm outside the domain of the family and the state¹⁰⁷. Kin ties augment patronage networks through which access to resources, political posts and economic assets is largely determined in Tajikistan.

Thus, *avlod* “an extended family or a kinship/patronymic group”¹⁰⁸ is one of the main organising structures in Tajik society. The importance of *avlod* is such that its leader enjoys a degree of trust second only to the President¹⁰⁹. Another institution central for social life in

¹⁰⁰ (UNDP n.d.:9)

¹⁰¹ (Yusufbekov et al. 2007)

¹⁰² This could mean that either NGOs in urban areas were set up to attract the funding, or alternatively that once the short term humanitarian aid delivery was no longer needed, the donors drew back.

¹⁰³ (Harris 1998:668)

¹⁰⁴ (Akiner 2004; Jonson 2006; Matveeva 2009b)

¹⁰⁵ (Babajanian, Freizer, and Stevens 2005:212; Freizer 2005; Giffen et al. 2005).

¹⁰⁶ (Freizer 2005)

¹⁰⁷ (Freizer 2004)

¹⁰⁸ (Matveeva 2009d:10)

¹⁰⁹ (Matveeva 2009d:11)

Tajikistan is *mahalla*, a territorial unit similar to that of neighbourhood or parish in Europe.¹¹⁰ *Shura Aksakal*, the council of elders, has for a long time served as an organising principle of community life in Tajik society. These and other forms of traditional civil society¹¹¹ in Tajikistan have a potential for social mobilisation, generating trust and promoting development¹¹².

Having said that, one should be cautious as to what extent these forms of civil society might be central for promoting political accountability and influencing the institution building process in the country. Furthermore, communal forms of association may not become a source of trust within certain communities, but also a source of division and hostilities between communities and regions. According to Tajik scholars Saodat and Muzaffar Olimovy, *avlod* was one of the main means of recruitment during the conflict, with people joining not because of ideological commitments but rather loyalty to the kin. Much of the fighting that took place was not motivated by ideological reasons but rather by the obligation of vengeance and observation of *nomus* - honour and *nang* – dignity¹¹³. A comprehensive description of the ambiguous role of communal civil society during the Tajik civil war is given by Freizer¹¹⁴:

During the Tajik civil war, communal civil society played a significant yet ambiguous role. On the one hand, *mahallas*' status increased as international humanitarian aid agencies, often distributed aid through them. On the other, warlords, field commanders and other militarized groups undermined traditional community leaders' position in society. Villagers asked assistance and protection from them, rather than from the *mahalla* or *aksakal*. To build trust within local communities, warlords carried out many functions of communal civil society, organizing *maraka*, *sadaqa*¹¹⁵ and village improvement projects. In 2002, in some communities, especially in the Karategin Valley, warlords continued to wield much power, able to impose their worldview, for example banning dancing at weddings or female attendance in school beyond the 9th grade.

Thus, whereas communal forms of civil society are hardly hostile to authorities, during the civil war, recruitment into the warring faction happened via of different territory and kin networks, via *madrasas*, *chaihanas* (teahouses) constructed in rural areas through *hasher*, communal voluntary work. Similarly, traditional forms of civil society may reinforce already existing hierarchies within the communities, such as the power of the elders or subordinate position of women¹¹⁶.

It appears that it is not only the question of what form of civil society will be created in Tajikistan but rather which norms will be guiding its action. Modern forms of civil society, such as NGOs, functioning through the patrimonial networks do not contribute to the culture of accountability but rather reinforce the flaws typical for the state institutions – cronyism, corruption, exclusivism¹¹⁷. Similarly, communal forms of civil society that perpetuate the existing order are different from those who try to challenge the existing norms and values, as

¹¹⁰ Ibid

¹¹¹ See Annex 2 for a discussion of traditional forms of civil society and their potential role in development work

¹¹² (Earle 2005; Matveeva 2009d: 10-11)

¹¹³ (Matveeva 2009d:11; Nourzhanov 2005:113)

¹¹⁴ (Freizer 2005:228)

¹¹⁵ Community giving to those in need

¹¹⁶ (Earle 2005)

¹¹⁷ (Schetter 2006:17; Abramson 2009)

illustrated in the case study of Ghamkori¹¹⁸. Interestingly enough, one of the most successful projects of post conflict reconstruction, carried out by Aga Khan Development Network in GBAO, was based on the idea of recreating institution of Village Association similar to that of mahalla.

3.4. Civil society in Tajikistan: qualitative development in rural areas versus quantitative in the metropolitan?

Despite the reservations of scholars about the prospects of Western-style civil society in Tajikistan, over the past years it has shown steady progress in increasing the areas of specialisation, embracing new geographical areas and exerting influence on the situation in the country. Civil society groups managed to find their niche within the limited public and legal space provided by the state. The report of AKF¹¹⁹ assesses the environment of Tajikistan as conducive to the development of NGOs, stating that while the laws might be not exemplary, in practice NGOs can choose their areas of work. Re-registration of NGOs carried out in 2007 decreased the number of public associations from 3,700 to 1,400. However, the number has climbed back to 2,100 within a short period of time, which shows that at present the NGO sector has more experience in dealing with the difficulties of the legal environment. The increasing role of civil society is reflected in the holding of an annual NGO forum which serves as a coordination centre and as a point of making joint appeals to the Government.

As in most countries of the world, civil society in Tajikistan is unevenly developed across regions. However, in contrast to many developing countries, where civil society is confined to the metropolitan areas, representing the educated urban elites, in Tajikistan remote mountainous areas seem to have a more substantively developed civil society. The number of registered CSOs in Dushanbe and Sughd¹²⁰ regions is several times higher than in GBAO and Khatlon, meaning that quantitatively the richest urban regions of Tajikistan and Khujand have the most developed civil society. But this does not necessarily mean the substantive or qualitative development of civil society but could indicate a quantitative value, with many organisations being inactive as has been shown by the studies of civil society carried out by AKF¹²¹ and UNDP¹²².

There is considerable regional variation in civil society position. A few years ago, Dushanbe was advanced, now both Sughd and Khatlon are better for civil society state relations, and GBAO is the best of all” (Sh. Karimov, Development Foundation Tajikistan)

The favourable environment of state–civil society relations in GBAO can be explained by the fact that AKDN has been heavily funding the state and civil society in this area for 15 years. Indicators, signifying that civil society is more substantively developed in remote areas of the country, are the level of interaction and trust between CSOs and local authorities as well as people’s attitude towards civil society. According to the AKF report¹²³, whereas Sughd region is favourable for the relations between local authorities and CSOs, the best region for state–

¹¹⁸ (Freizer 2005)

¹¹⁹ (Yusufbekov et al. 2007:77)

¹²⁰ Sughd region is the former Leninabad region from which most of the Soviet Tajik elites were co-opted.

¹²¹ (Yusufbekov et al. 2007)

¹²² (UNDP n.d.)

¹²³ (Yusufbekov et al. 2007:45)

civil society relations is GBAO and the worst is Rasht valley, where these relations are characterised by suspicion and mistrust. Furthermore, in contrast to Dushanbe where a large proportion of people view NGOs as elite-based entities that have a for profit orientation and work only with a limited number of people¹²⁴, the population in the regional centres Kulyab (Khatlon Region), Khujand (Sugdh) and Khorugh (GBAO) think that NGOs have a critical contribution to the social well-being of people and positively assess the work of civil society organisation¹²⁵.

To explain the untypical situation of the rural population being more favourably inclined towards civil society than the urban population, one should look to the patterns of humanitarian aid that came into the country after the civil war. Whilst the international donors might have wanted to promote good governance and democracy, they viewed the Tajikistan government as lacking the will to pursue these policies. Corruption was seen as an obstacle to investment in big infrastructures led by the government and “donors were influenced by an underlying sense of reluctance to trust the government with large sums at its disposal, which would be hard to control”¹²⁶. Therefore the international development community channelled most of the funding to community work in the countryside and targeted mostly conflict affected areas, such as GBAO and Khatlon regions. It is clear that the present high level of civil society and state interaction in these areas is the result of a substantial period of cooperation and accomplishments of CSOs in post-conflict reconstruction work, ranging from building small hydropower stations, repairing schools and hospitals, to making first aid posts.

A positive attitude of the population towards civil society in the remote mountainous areas of the country where the level of public awareness and information is certainly lower than in the capital could be largely due to the nature of the NGO projects implemented there. Some of the most successful projects used indigenous forms of civil society and involved the population in the decision-making process of determining the needs of the community. The most frequently cited example is the AKDF village organisation (VO) programme which based its development work in Karategin valley¹²⁷ and GBAO on the idea of reinvigorating the pre-existing institutions of civil society and thus engaging the community members in restoring the social and economic life of their villages.¹²⁸ Village organisations were constructed in a way that would ensure their embeddedness in local communities and their continuity with the pre-existing forms of self-help, organisation, conflict-resolution and decision-making. The qualitative difference between VO and *jamoat*, instituted as a body of local self-governance by the Rakhmon regime, is that leaders of the former were elected every two years and villagers themselves decided the priority areas of work, in contrast to *jamoat* where the leaders are appointed from above. The leaders of the VO performed the roles similar to those of leaders of *mahalla* or *shura aksakal* which was entrusted to them due to their moral authority in the years preceding the war. The further step in the AKDN project is to merge VO with government structures.

3.4.1. Changing roles of civil society in Tajikistan?

The most important role ascribed to civil society sector in Tajikistan is the delivery of social services ranging from disease prevention programmes, support of women and small business

¹²⁴ (AKDN 2007:9)

¹²⁵ (AKDN 2007:6,8)

¹²⁶ (Matveeva 2009: 178).

¹²⁷ An especially impoverished area that has not fully recovered five years after the civil war.

¹²⁸ For a detailed description see Freizer (2005)

to reducing poverty and violence against women. It is not surprising therefore that GBAO and Khatlon appear to be the best regions for civil society development, which can be explained by the difficulties encountered by the state in reaching out to these remote areas in the aftermath of the war and provide the services that are expected by the citizens. It is notable that the population of GBAO and Khatlon regions, most affected by the civil war, remark on the importance of CSOs for solving social problems: there is a consensus that CSOs are effective in the areas where government does not have the capacity to act¹²⁹. Having said this, one should keep in mind that GDAO represents a special case of a very rich donor, AKDN, and a very small population that adhere to Ismaili Shi'ite version of Islam and thus venerate Aga Khan as the Imam of Nizari Muslims.

Having acknowledged the successes of civil society in delivering social services in Tajikistan and filling in the gaps in the areas where the state did not have capacity to act, one should stress that all the accomplishments cited in the AKF report¹³⁰ are predominantly confined to infrastructure projects, ranging from energy and water supply to school and hospital renovation. There is no doubt that these are critical for the survival and well-being of people, however, there is more concern whether these efforts contribute to breaking the cycle of poverty, increasing the capacity of the state to deliver, not to say, influence the decision-making process at the national level, or debates about the future of the state.

The UNDP report¹³¹ on civil society in Tajikistan rightly points out that the strongest areas of its work has been promoting public awareness on social issues and the delivery of services, but it has been quite weak in advocacy and political accountability work. The findings of our research show that over the recent years the situation has started to change gradually. Over the past years, the limitations of service delivery work have been increasingly realised. Thus, the report of the Law and Prosperity¹³² organisation notes that efforts targeted solely at service delivery without undertaking measures to tackle the causes of social malaise are ineffective. The report notes that identifying the causes and making proposals to the local authorities should become a key strategy for improving the situation. Our research shows that CSOs have undertaken piecemeal efforts at working more closely with the state, not only at the local but also the national level, and to influence its institutions and the legal framework of the state.

Finally, CSOs in Tajikistan have matured from being solely an offspring of the donor projects to associations that negotiate with the donors on the priority for action. According to some organisations, they are no longer always just abiding by donor requirements. In addition to the coming of age of civil society sector itself, it has also got recognition from the government which shows signs of the will to cooperate, reflected in the President's Rakhmon improving stance towards NGOs.

3.5. Islam, state and civil society: Religious forms of civil society

Tajikistan has been always considered the most pious of the former Soviet Central Asian republics¹³³. According to Tett¹³⁴, inhabitants of a village 30km from Dushanbe several years

¹²⁹ (Yusufbekov et al. 2007)

¹³⁰ (Yusufbekov et al. 2007)

¹³¹ (UNDP n.d.:26)

¹³² (2009)

¹³³ (Malashenko 2001)

before the collapse of the USSR and the start of the civil war in which they took the side of the pro-communist forces thought of themselves as Muslim rather than Tajik. What will be even more surprising for the outsider is the fact that shortly after the dissolution of the USSR in a village that took the side of the pro-communist forces in the civil war, a mosque was built and became a centre of public life¹³⁵.

While Islam is deeply rooted in the day-to-day life of the people in Tajikistan, it would be premature to suggest that Islamist forces (those who advocate the establishment of the Islamic state and shar'ia law) enjoy large popularity within the society. As has been noted by specialists working in the region, Islam in Tajikistan is syncretic with a strong presence of Sufi tradition which means that people practicing Islam on a daily basis, venerate Sufi shrines as well as spirits of the nature – something unacceptable for Islamist movements and the type of Islam referred to as Wahhabism. There is no uniformity among the scholars as to what degree the population is becoming more radicalised or adherent to Islamic way of life. Rashid points out that in the wake of the civil war the prospect of Islamisation waned, madrasas did not take roots in the villages and the villagers no longer supported the Islamic Renaissance Party (IRP), rejecting any trace of militant Islam¹³⁶. On the contrary, Jonson¹³⁷ observes that the role of Islam has increased in Tajik society, citing as evidence women wearing hijab in a non-Tajik way in order to stress their political identity. Furthermore, she argues that when IRP adopted a more moderate and secular stance, it no longer managed to satisfy the aspirations of the radical and disenfranchised parts of the population, especially youth in urban parts of the country who lean towards neo-fundamentalist Islamic groups, such as Jamaat-ut Tabligh and Hizb-ut Tahrir.

The current state–religion relations should be seen as not only the continuity with the Soviet era or as a result of the dangerous proximity to Afghanistan or Pakistan but also as a legacy of the civil war. Street demonstrations in Dushanbe in 1991-2 that brought down Nabiev's pro-communist government were largely rallied under the banners of the IRP, being a part of wider civil society demanding democratic change. This phenomenon was unique for Central Asia since Tajikistan was the only Central Asian state where Islamic opposition was so popular from the very beginning: only days after the official registration of IRP more than twenty thousand members joined it¹³⁸. In addition, the figure of the grand mufti (qasi) of Tajikistan's Muslims as well as leaders of IRP, Nuri and Himmatzoda were immensely popular among the people in the early 90s.

Whereas the popular media depicted the civil war in Tajikistan as the battle against radical Islam with IRP being its proponent, that was not the case. IRP was neither radical, nor anti-western. On the contrary, it supported the Democratic Party which called for liberal reforms and democratisation. Qazi Turajonzoda also supported reforms and did not reject the idea of a secular state, saying that an Islamic state could be build only in the distant future. The end of the civil war led to a normalisation of the Islamic opposition and its inclusion in the government. However, IRP experienced increasing pressure from the regime and as a consequence could not freely express its views on the political process in the country because of the fear of total suppression. Thus, in contrast to the Democratic Party, IRP did

¹³⁴ (Tett 1994)

¹³⁵ (ibid:147)

¹³⁶ (Rashid 2002:112)

¹³⁷ (Jonson 2006:159)

¹³⁸ (Rashid 2002:100)

not condemn the 2003 referendum, citing that this could lead to a destabilisation of Tajikistan. By 2009 IRP has lost most of its political leverage and a much support within the population.

There is increasing evidence of other forms of religious groups filling in the vacuum left by the IRP and moderate Islamic forces that are loyal to the regime and to the idea of Tajikistan as a secular state. In addition to the Islamic Movement of Uzbekistan (IMU) that has been active in Tajikistan for a long time, new types of Islamic organisations that call for a peaceful installation of an Islamic state or non-violent establishment of Chalifate¹³⁹, such as Hizb-ut Tahrir¹⁴⁰ and Jamaat-ut Tabligh, are becoming increasingly visible¹⁴¹. The Rakhmon government, in common with other leaders in Central Asia, approaches Islamic forces as a threat to internal security; consequently repressing them without making a distinction between radical and moderate Islamic movements. It is not surprising therefore that the government has banned these organisations and imprisoned some of its members¹⁴². Such a policy of repression towards Islamic forces exacerbates the already evident signs of re-traditionalisation of society, and popularity of Islamic neo-fundamentalist movements that go underground and thus create a potential threat to internal stability.¹⁴³

In 2002, a campaign of re-registering mosques which resulted in the closure of 10 grand and 164 smaller mosques was launched by the government, allegedly leading to further radicalisation of a faction of Islamic constituency¹⁴⁴. Another attempt at controlling religious life was made in 2007-8 when “many unregistered mosques were closed and some even demolished”, with only 3,000 mosques “of which just 259 are juma (Friday) mosques and 18 madrasas remain in a country of 7.2 million”¹⁴⁵. Furthermore, in 2009 a new law on “Freedom of Consciousness and Religious Associations” was adopted without consultation with the population and without taking into consideration the suggestions of the IRP¹⁴⁶. The government also forbade wearing headscarfs at school but announced 2009 as the year of Imam Azam, which shows that whilst trying to tackle the radicalisation of the population the current regime does not want to alienate the religious constituency in the country. It appears that closer engagement with mosques, *madrasas* and religious authorities at different levels could become a counterweight to the proselytizing efforts of such radical organisations as Hizb ut-Tahrir al-Islami that spread rapidly in the region and allegedly pose a threat to internal stability of the state.

Recent actions of the government towards religious associations seem to have spurred the re-emergence of clandestine forms of civil society similar to those of the Soviet era. Furthermore, there are signs that certain regions of the country such as Fergana Valley, which was the stronghold of Basmachi movement fighting against the Bolsheviks in the 1920s

¹³⁹ (Rashid 2002:112)

¹⁴⁰ Jonson (2006:164-166) contends that Hizb-ut-Tahir is the fastest-growing organisation in Central Asia which gains its popularity through critique of corruption, inequalities and injustice and call for the establishment of a just order. She notes that several schools run by this organization were disclosed in Tajikistan. In the situation where in some villages (Chorku of Sughd region) there are more mosques than schools, engagement with local communities through religious institutions or traditional authorities such as mullahs seems vital to foster civil society rather than ‘uncivil civil society’.

¹⁴¹ (Matveeva 2009c)

¹⁴² *ibid*

¹⁴³ (Malashenko 2001:53) and (Schofield 2009)

¹⁴⁴ (Jonson 2006:133,164)

¹⁴⁵ (Matveeva 2009c:3)

¹⁴⁶ (Schofield 2009)

and headed by Islamic opposition, remain the areas highly susceptible to Islamist forces, such as the Islamic Movement of Uzbekistan (IMU), serving as a haven for them.

Resurgence of Islamist forces over the past decade does not come as a surprise: unofficial Islam in Tajikistan lived a rich associational life even during the anti-religious era of the Soviet state¹⁴⁷. The institutions of unofficial Islam ranged from underground mosques to clandestine radical organisations. It appears that some of these associations, *madrasas* and mosques with the institution of *zaka* – charitable giving, wield a substantial potential for social welfare provision in contemporary Tajikistan¹⁴⁸. Whereas the role of traditional Islamic institutions as a social provider and charity has been widely acknowledged, in the context of Tajikistan traditional Islamic institutions could serve as a counterweight to the spread of radical and neo-fundamentalist Islamist movements. More research is needed on the ground to determine regions in which Islamist organisations took root. Similarly, it is important to keep in mind that many Islamic organisations, such as World Muslim League, International Relief Organization, World Assembly of Muslim Youth, have already started development work in communities by financing the building of mosques and madrasas¹⁴⁹.

There is lack of trust not only between the religious constituency and the state, but also between religious and secular forms of civil society that work separately in increasing their influence vis-à-vis the government. There is evidence that religious leaders are active at the village level but they are less influential regarding government bureaucracy at district and regional levels, while they clearly have a position at the national level. There are clear indications that the state is willing to work with moderate religious forces, but there is lack of clarity whether secular and religious groups of civil society are likely to overcome their divisions and start cooperating at different levels.

4. Civil society in Tajikistan: From service delivery to political accountability

4.1. Modes of state–civil society interaction

One of the paradoxes of civil society is that it tends to be strongest in democratic states, with a good system of division of power and accountability in place. However, a democratic state and a strong civil society grow together: civil society is a result of state-building and development as it needs legal provisions from the state to ensure its existence¹⁵⁰. Interestingly, the president of Tajikistan E. Rakhmon expresses a similar position to academic scholars¹⁵¹:

If we speak of a civil society, in the first place, we need to remember the following: a legal society and a legal state are formed at one and the same time: their essence and content complement and enrich one another...The civil society can be strong only within a strong democratic state. This implies that

¹⁴⁷ See Annex 3 for details on institutions of unofficial Islam during the Soviet era

¹⁴⁸ (Waite 1997).

¹⁴⁹ (Malashenko 2001:64)

¹⁵⁰ (OECD 2010:45).

¹⁵¹ (UNDP n.d.:20)

when we are speaking of a developing civil society, we are speaking of the development of a democratic state.

Interdependence between civil society and the state is especially important in fragile states where civil society has the potential both for bringing about positive change and where its actions can be fraught with further deterioration of the situation. One of the major dilemmas for working with civil society in fragile states is to ensure that providing aid to potential recipients does not result in further weakening of the state–society relationships, undermining its legitimacy or raising the expectations of the citizens that can not be met¹⁵². In situations of fragility interaction between civil society and the state this is often problematic due to the lack of formal or informal channels of communication, functioning system of law or mechanisms of accountability.

This is illustrated by Tajikistan, where the nascent forms of local civil society suffered during the civil war. New forms that came to the fore of public life, such as NGOs and CSOs, came to represent a new phenomenon for the public life of Tajikistan and government officials in particular. The fact that the bulk of the work performed by CSOs at that time was confined to humanitarian assistance and post-conflict reconstruction gave credit to these organisations. However, the fact that INGOs, as well as local NGOs set up with the help of donor funding, came to be equated with civil society demonstrated that this type of civil society did not emerge as a result of internal developments and therefore was not indicative of the existence of the local initiative or quest for participation in the social life of the country. Therefore the initial relationship between the state and civil society was characterised by suspicion and lack of trust. The Director of the “Centre for the Training of Municipal Workers” noted that at the initial stage of cooperation with authorities, representatives of the NGO sector were viewed as agents of the West. According to several respondents, the climate changed after the meeting of the President with leaders of NGOs in 2002, when the President acknowledged that NGOs can play an important role in society.

Sh. Karimov from the Development Fund Tajikistan noted that the first National Forum of Tajik NGOs, held in summer 2008, marked a big step forward for NGO–state relations. While convening the first NGO forum, the organising committee contacted the President’s administration and Parliament in order to create a national commission, including international organisations, to guide this process. Sh. Karimov pointed out that they plan to hold a national conference on social development in autumn 2010, and intend to invite the president. One of the important areas of work for civil society, according to Karimov, is the analysis of all the legislation pertaining to CSOs, which lacks clarity at the moment. For example, a recent law on social order is not clear about the role of NGOs, which are not mentioned at all in the document.

The previous example shows that the NGO sector in Tajikistan tries to go beyond work in social or humanitarian sector and tries to impact the legal framework of the state, which is referred to as key to building the system of accountability¹⁵³. Whether the legal and political environment is favourable for the development of civil society is subject to interpretation. AKF¹⁵⁴ describes it as conducive to the development of CSOs, others criticise the government for the process of re-registration of NGOs undertaken in 2008 which decreased the number of NGOs from 3,700 to 1,400, with only recently the figure reaching 2,100.

¹⁵² (OECD 2010:10-16).

¹⁵³ (OECD 2010)

¹⁵⁴ (Yusufbekov et al. 2007)

However, if one takes into account the reports on civil society in Tajikistan¹⁵⁵ showing that almost 20% of organisations registered exist only on paper, it shows that the process of re-registration could be interpreted as an effort by the state to make the NGO sector more ordered and accountable rather than hamper its development. In addition, the fact that the government of Tajikistan invited AKDN to develop a CSO certification process under the aegis of the Presidential Administration and the Ministry of Justice shows that state institutions acknowledge the importance of the civil society sector and seek its assistance.

Some of the respondents noted that local CSOs and public associations are more critical of the state than big donor organisations or INGOs. In contrast to the situation in a range of fragile states where donors are critical of one-party and non-democratic regimes (Rwanda), in Tajikistan international donors are in general noted as more loyal to the regime than local NGOs (the opinion voiced by Director of National Association of Independent Media (NANSMIT), N. Karshiboev). Moreover, donors seem to wield a significant influence over the state institutions. According to the respondent from the Young Lawyers Association 'Amparo', to get information from authorities or permission for certain type of activities, they had to address the donors, after which their requests were satisfied by regional authorities.

It would be premature to suggest that civil society and state institutions in Tajikistan form a partnership where the former can participate in discussion or policy formulation process. Participation of local CSOs in the implementation and monitoring of the Poverty Reduction Strategy (PRS) for Tajikistan revealed challenges faced by a still immature and young sector, including lack of knowledge, expertise and organisations skills. Having said that, the history of the PRS liaison group shows that NGOs involved in both service delivery and human rights can get together in a major political accountability project. Taking a low-key approach to the problems set out in the document, the PRS liaison group was able to make a number of concrete suggestions in areas ranging from education to health and the environment. Some of these were adopted by the government: thus in the health sector 63% of proposals suggested by the NGO liaison group were accepted by the government, and 58% on the indicators.

Overall, the state–civil society relationship in Tajikistan can be characterised by slow but steady progress: whereas in the early years of the Rakhmon regime CSOs were not seen as partners to the state but rather performers of services in the areas where the state could not deliver, recent developments show increasing recognition of the potential role of civil society not only in humanitarian areas but also in the process of policy formulation, institution building and improving the system of law.

4.2. Civil society transforming the legal framework of the state

Recent thinking on fragile states showed that legal reforms and rule of law (reform of judiciary) is crucial for building a system of accountability¹⁵⁶. However, these reforms are difficult to accomplish just through enacting proper legislation or writing a democratic constitution. The case of Congo shows that the most democratic constitution with detailed provisions of the division of power can not guarantee implementation of such a programme, whereas Rwanda demonstrates that a constitution which limits multiparty democracy and

¹⁵⁵ (UNDP n.d.; Yusufbekov et al. 2007)

¹⁵⁶ (OECD 2010)

secures one party rule for a limited amount of time might be more conducive for the revival of the state from the situation of fragility in the long run.

One notable dimension of work aimed at increasing the political accountability of the Tajikistan state is concentrated on improving existing legislation and its implementation in practice. This work is done by professional associations of lawyers, businessmen and youth organisations. Most organisations interviewed for this study are moderately optimistic about the capacity of civil society to influence political accountability: thus the Union of Businessmen has pushed for adoption of some normative acts and legislation, Amparo has changed the situation in the area of the fulfilment of the rights of conscripts, the Bureau for Human Rights has learnt to use the mechanism of appeal-complaint and has been acknowledged as successfully defending human rights within the legal framework provided by the state. CSOs that were successful worked within the norms provided in the current legislation, thoroughly examined them and tried to ensure that it is observed as well as sought to influence the practices in the state institutions. This is exemplified by the project of NGO 'Youth and Civilisation', which used the state legal framework and rights inscribed in the current legislation in order to make them work and challenge the abuse of power.

Case study 1: Organisation "Youth and Civilisation"

Project: "Participation of people in the prevention of torture"

This project aims to influence the judicial system of the country, and focuses on the courts that include people's representatives along with judges. The former often do not have knowledge of their rights and legislation and therefore experience the abuse of their rights by judges. As part of the project people's representatives are being educated about their rights, and courts are being monitored. During the monitoring process, many breaches of law from judges were detected. For instance, because of the lack of knowledge people's representatives did not know that during the process of deliberation on a verdict they have the same rights and voice as the judge. The judges knew this and often manipulated the decision taken by the people's representatives. As a result of the project, during one of the hearings when the people's representative was delivering his speech, the judge interrupted the speaker but got a reply from the latter stating that he had a right to speak, and stated the appropriate provision of the law.

Our research shows that professional associations are particularly involved in the process of making suggestions on the future legislation and in observing the implementation of existing laws. This type of work is done in close cooperation with state institutions, thus possibly transforming the latter rather than merely passing new laws. One of the examples of such work is the initiative of the Association of Businessmen of Sughd region who tried to influence the process of determining the rate of taxes for installing advertisement billboards on city streets. There was no public mechanism of designating a tax which was entirely a responsibility of local authorities (hokomat). The Association addressed hokomat asking for a permission to participate in the process of determining this tax rate. Hokomat agreed to organise a working group including members of the association. This was the first step in ensuring transparency of the process of billboard installation taxation.

Another project which illustrates the plausibility of influencing the legal system of the state touched upon very important issues in Tajikistan society: compulsory conscription in the army and "voluntary participation" in cotton harvesting campaigns.

Case study 2: Association of Young Lawyers, 'Amparo'

Project: Monitoring human rights during the process of conscription to the regular military service

The project was implemented with the view of promoting human rights in the area of conscription to the regular military service. As part of the monitoring process interviews with people who fall within the conscription age, personnel of *voenkomat*¹⁵⁷, lawyers and parents of those to be conscripted were carried out. The monitoring was held in four towns and districts of Sughd region: Khujand, Istaravshan, Babadzan of Gafur district and Dzabbor of Rasul district. This monitoring led to organising a project "Rights of Conscripts", aimed at protecting and promoting the rights of conscripts. As part of the project, people can get free law consultation, as well as use of a website which has information about the rights of future conscripts, legislation in this area and the list of diseases which provide exemption from military service.

Another notable success of Amparo is the monitoring the fulfilment of students' human rights during the cotton picking campaigns¹⁵⁸. At the end of the project, a report was written containing detailed information about the human rights situation in this area. This was distributed among organisations and state institutions interested in human rights. In 2009, the law prohibiting the use of children during cotton harvest¹⁵⁹ was adopted. While it is difficult to assess whether the adoption of the law was influenced by the campaigns of Amparo and other human rights organisations, civil society groups do have the capacity to influence the existing legal framework and legal culture of authorities. For example, the regional *voenkomat* addressed Amparo, seeking consultation on whether its actions were legal regarding the students who had been excluded from the university for not participating in the cotton harvest. These students had been subject to compulsory participation. Amparo considers such action to be not legal since officially participation is voluntary. However, unofficially it was compulsory and those students who did not participate would sometimes be excluded from the university. While the arguments of Amparo had been ignored earlier, recently the position of *voenkomat* changed and representatives of Amparo were invited to look into this issue with *voenkomat*.

An example of organisation working to ensure the fulfilment of citizens rights is the Consumer's Union. As part of its work, Consumer's Union touches upon areas such as energy and water supply to the population, which remain critical areas of fragility in Tajikistan. While not directly providing services to the population, Consumer's Union carries out a crucial task of ensuring the accountability and quality of services and fulfilment of the social rights of citizens. The true solution to energy and water supply problems can only be found at the national level through carrying out structural reforms; but the day-to-day work of CSOs can create a culture of accountability, important for the future implementation of reforms in the energy sector and for ensuring that these will benefit the population at large rather those who own them.

Case study 3: Consumer's Union in the area of protecting citizen's rights to

¹⁵⁷ *Voenkomat (voennyj komitet)*, literary, a military committee responsible for deciding who meets the requirements for the military service

¹⁵⁸ Tajikistan is one of the major cotton producing republics of Central Asia. Students from schools and universities are obliged under the disguise of "voluntary work" to participate in these very difficult and labour intensive campaigns.

¹⁵⁹ (Matveeva 2009c:4)

communal services

Consumer's Union (CU) analyses the work of the structures that provide electricity, gas and communal services to the population and determines whether the rights of consumers are observed. After the analysis of the problem, it undertakes work to address these violations. CU assists consumers in filing complaints, letter-requests, and, when necessary, applications to court. This work involves continuous interaction with the local authorities. One of the methods used by the CU in advocating the rights of consumers is articles in mass media. Recently, CU has started to be regarded as an expert in consumer rights and the problems caused by state monopolists in communal service provision. There has been evidence that some of the published articles have influenced the local administration and its mayor has undertaken measures to improve the work of the local officials.

The work of the Consumer's Union shows how an organisation defending the rights of consumers, which is an apolitical task, can touch upon vital political issues: functioning of the structures that supply gas, electricity and communal services – by making complaints, applying to court, publicising articles in the newspaper.

The complaints mechanism¹⁶⁰ is one of the mechanisms most frequently used by vulnerable groups to seek justice in Tajikistan. The most common complaints received by government officials were regarding land, water, energy supply and privatisation, the areas addressed by the Consumer's Union. In 2008-9, NGO Rights and Prosperity carried out research aimed at increasing accountability and transparency of public administration in Tajikistan, focused on the use of complaints (appeals) mechanisms by citizens from vulnerable groups. While improvement in the quality and availability of public services is an important part of the Poverty Reduction Strategy (PRS) for 2007-9, "poor and vulnerable groups of population are not empowered and are not able to impact administrative decisions. Information and mechanisms for protecting their rights, claims for reimbursement (compensation) and accountability requirement from the state bodies are weak or created in favour of those who are stronger."¹⁶¹

Case study 4: Research on complaints mechanism by Rights and Prosperity

Rights and Prosperity has been working in the legal rights field in Tajikistan for over 10 years. Based in Dushanbe, it has carried out extensive fieldwork informing and training rural communities across the country and in particular in Khatlon oblast. The aim of the research project was to promote citizens' participation in decision making and improvement of public administration systems. An analysis of existing mechanisms and their use through a public survey, linked to a study of the regulatory basis, led to the drawing up of recommendations for increased citizens' participation and access to decision making.

The survey covered poor rural communities in the south and north of Tajikistan, plus representatives of civil society, mosques and local mass media, as well as local government officials working at grassroots level and dealing with citizens' complaints and information dissemination. A total of 168 people were interviewed: 54 civil servants and 114 citizens.

The results showed that civil servants and citizens see the complaints/appeal mechanism as a key way for citizens to restore rights which have been violated. Appeals came in three

¹⁶⁰ A formal channel of communication between the state and society

¹⁶¹ (Право и благоденствие 2009)

categories – proposals, statements and complaints, of which the latter was the most common. Two-thirds of citizens had used the appeals mechanism – and three quarters of these had used the mechanism more than once. Civil servants reported that they review appeals on a quarterly basis so as to make summaries of issues raised for higher bodies. Just over half the citizens stated that they had been able to resolve their problem, at least partially. Almost nobody had heard of officials being punished after the successful submission of a complaint. About half thought the system for appeals should be improved. Over 70% thought that local elected deputies in the majlisi should play a role in responding to citizens' appeals. Almost nobody had heard of the new code for dealing with appeals adopted by the Tajikistan government in March 2007; a similar picture of almost complete ignorance emerged with regard to the arbitrage courts set up with funding from DFID in 11 districts of the country. Over 60% knew the surgery days in their local jamoat or district. A similar amount could name their local elected deputy.

To sum up, CSO in Tajikistan have broadened the scope of their work and overcome the narrow focus on service delivery or poverty alleviation that was the main mission of the sector in the aftermath of the civil war. At the moment civil society increasingly engages in the dialogue with authorities and state institutions at different levels, trying to influence the norms and practices of the legal system, as well as to monitor and improve the delivery of social services by the state. In doing so, CSOs create a system of accountability that pertains not only to the political realm but also to the area of social service provision, which suffers from corruption and abuse of the existing legislation. One sign of the maturing of civil society in Tajikistan is that many of the organisations working in the field of advocacy, human rights and legal rights constitute professional associations, such as the Lawyers Union and Businessmen Union, as well as Consumers Union, which signifies that civil society goes beyond the narrow sector of professionalised NGOs and INGOs.

Finally, the most fruitful strategy used by CSOs involved in political accountability work, was voiced by Amparo:

We are basing ourselves on the existing law: first, we thoroughly learn the existing legislation and documents and only then we go and make our proposals to authorities. In addition to that, we always knock on the doors of government institutions; ask for information and for permission to work on different projects.

4.3. Does building accountability from below work in Tajikistan?

Some of the thinking on fragile states¹⁶² purports that working at the local level with communities or local governments constitutes a good practice since the latter are more likely to conform to the norms of accountability and are easier to monitor. This should produce a spill-over effect from the local to the regional and national levels. Thus, the most recent report of the ICG on Tajikistan¹⁶³ recommends to “channel more money to local authorities” since the latter are “more accountable, accessible and less prone to the predations of an increasingly centralised state”. Whilst it might be easier for NGOs to implement social service delivery and infrastructure projects at the local level or in conjunction with local authorities as it is easier to control the funds in this way, it does not necessarily mean increasing the political or financial accountability of the state.

¹⁶² (World Bank 2006)

¹⁶³ (International Crisis Group 2009:20)

The unanimous opinion of respondents within our study is that while it is easier to work with lower level officials, they have very limited authority or budgets. This is explained by specificity of the decision making process and the level of jurisdiction of local officials, the majority of whom are appointed from above and therefore lack power to act and have to consult higher authorities. Thus, according to one respondent, it is easier to receive permission at the district level rather than jamoat because the chairman of jamoat should at first confirm his position with that of the district. The Union of Businessmen respondent noted that, whereas the bulk of the work at the moment is concentrated at the local or district levels, the major impact can be achieved if one works at the national level. Similarly, Director of "Ekhe", M. Safarova, noted that access to authorities at the local level is very limited:

Here in Sughd, it is very difficult to meet an official but at the republican level it is much easier. I can visit the Parliament; meet the deputies, advisor to the President...

It is clear that for organisations working to increase political accountability and improve the legal framework, the national or regional level gives more opportunities to influence the nature of the state institution and the process of state-building. Impressive results in cooperation between local authorities and civil society in GBAO during implementing social service delivery projects barely impacted on the character of the institutions to produce a spill-over effect in a heavily centralised state where most of politics and control over resources is wielded at the national level.

One of the important ideas that guided development interventions recently and humanitarian work in Tajikistan in the aftermath of the civil war is that decentralisation is the most efficient way of implementing development projects. In Tajikistan, this is reflected in the sustained efforts of INGOs to reinvigorate traditional institutions of civil society that would become local self-governing bodies. Some of these projects were successful, especially the AKDN VO project which was based on the specifics of the GBAO region, its traditional jamoats¹⁶⁴.

Case Study 5: Jamoats in Tajikistan¹⁶⁵

A Jamoat as a new body appeared in the hierarchy of executive authority of Tajikistan as a result of renaming and other insignificant changes. The term "Jamoat" in Tajik language means "society". There is also another meaning of this word, though old fashioned – a privileged layer of society, or a circle of people possessing large authority or a high level of education. In the traditional historical interpretation, this word would mean a council/meeting of authoritative people of a village (elderly persons "aksakals" etc) aimed at making decisions about general issues in their village.

Similarly to other post-Soviet Republics, Tajikistan also renamed its existing authorities at different levels. Jamoat was the result of renaming the previous settlement and village councils (previously called - "Possovet" (Settlement Council) and "Selsovet" (Village Council)). Renaming councils as Jamoats has been shown as a transition to the historical traditional form of governing. It is assumed that this form of governing, on the basis of which (according to the law) Jamoats should operate, will assist the involvement of inhabitants of local villages and

¹⁶⁴ (Yusufbekov et al. 2007)

¹⁶⁵ INTRAC internal reports to ACTED, 2008-2009

settlements through their representatives in local governance processes. In spite of the fact that some bodies (including NGOs) view the activity of Jamoats as a traditional form of self-governance, undertaken with community participation, in reality Jamoats are a part of the hierarchy of executive power and are directly subordinate to it.

From its very beginning (as well as during the Soviet time) the Jamoat has proved its use in the community as a body with a certain bureaucratic and symbolic role. Most often people apply to it to obtain an official paper to certify or register something, or for other necessary documents. The change of the title did not give any deep changes, besides which the majority of people still associate this body in the bodies that used to exist in Soviet time. Many people still call the Jamoat the "Possovet" (*Settlement Council*) or «Selsovet" (*Village Council*). They have not got used the new name yet and some of them don't even know it has been renamed.

The first picture of the Jamoat:

The Jamoat plays a symbolic role, has bureaucratic functions and a low profile in the community. People do take it as an organ of self-governance and do not turn to it to resolve their problems. People do not even know the name of the chairperson. When asked a question about the Jamoat, they often ask, "Ah, do you mean the Selsovet?" Assessment shows that in Jamoats like this, people do not trust the Jamoat or the Mahallya Committee¹⁶⁶; they regard these bodies as too weak to be able to solve their problems. The Jamoat itself is also rather negative in such cases, and often admits that it has limited powers or possibilities.

The second picture of the Jamoat:

This picture reflects a situation opposite to the first one. There are Jamoats actively participating in the life of their community, who are able to resolve existing problems. They use their authority related to land distribution, they have an active chairperson; and the local farms and population supports the Jamoats, its chair and the chair of their Mahallya committee. The Mahallya committees help increase the role and effectiveness of the Jamoat by filling many gaps in its work. They have the skills to analyse a problem, to influence people and mobilise them, to attract funds to solve village problems.

Reinvigoration of Jamoats was given much attention by international donors and the Tajikistan government, which has carried out an administrative reform, criticised for the absence of true devolution of power to Jamoats. However, donor themselves do not provide direct budgetary support to local authorities, preferring instead to work with the latter as executives of donor projects. This mode of support to Jamoats can be problematic because it implies taking over some of the functions of the state, which can not be achieved once financial support from the donors is withdrawn. While lack of willingness to provide direct budgetary support to Tajikistan is understandable due to a very high index of corruption¹⁶⁷, it would be also naïve to assume that accountability and transparency in Tajikistan can be built only from the bottom-up. However, targeting the problem of corruption only at the national level, using a top-down approach, can hardly be successful either. The problem is explained by A. Davlatov, from the Centre Development:

¹⁶⁶ Traditional historical institute of Tajik society, usually territorially defined, one street or a block, several streets if these are small. Mahallya committees are usually organised for self-governance purposes.

¹⁶⁷ Tajikistan takes 158 place out of 180 countries in the Corruptions Perception Index 2009 of Transparency International.

While the donors are interested in the Jamoat development, you never see the Jamoats coming to the community and doing a needs analysis so that they can make a case about something to the higher authorities. In the situation where the lower levels do not have control over funds, budget transparency is meaningless.

Whilst becoming centres of the local self-governance, Jamoats have also become part of the vertical structure of power that ensures a stable position of the incumbent regime at the local level. Whereas this is criticised as too harsh a centralisation¹⁶⁸, in situations of fragility and the legacy of the civil war waged along the regional divides, this policy can ensure internal stability and prevent the re-emergence of warlord groups in the far off mountainous areas. Research done on the Congo has shown that decentralisation without a simultaneous strengthening the capacity of the central authority can lead to the dissolution of the state¹⁶⁹. Therefore, in case of Tajikistan where much of the civil war was confined to different geographical allegiances and clans, maintenance of the existing hierarchy of power could help to prevent the eruption of the conflict in future.

Despite the fact that there is evidence of successful cooperation between Jamoats and CSOs, as has been noted earlier these partnerships rarely works towards creating a system of accountability but rather raising awareness of the population on health issues, mobilising villages to participate in CSO projects which are still largely concentrated on poverty alleviation and income generation¹⁷⁰.

Having said this, the case of Tajikistan shows that CSOs are likely to have a durable and sustainable contribution to the social life of the country once their initiatives are implemented in coordination with the local authorities, or once they are aimed at dialogue with the existing legal system rather than confrontation. One example of this is the work of the Crisis Centre “Gulkhutor” which works in the field of violence against women.

Case study 6: Crisis Centre ‘Gulkhutor’ tackling violence against women

The main strategy used by Gulkhutor in its work to combat violence against women is engagement of a wide range of state institutions in solving this problem: Committee for Women’s Affairs at the level of hukumat, police departments and personnel as well as local authorities. Coming from the conviction that the problem they are tackling is usually dealt by local authorities and police officers, Gulkhutor concentrated on changing the approaches and norms underlying the work of state institutions in this area. Since these are local authorities and police officers who have jurisdiction to address specific cases of gender-based violence, Gulkhutor chose not to substitute or complement state institutions while providing assistance to the victims of violence, but rather attempt to substantively transform the methods and norms within the law-enforcing and executive structures. As a result of the project, police officers started to devote more attention to the victims of abuse; the cases of gender-based violence are no longer silenced as individual cases but viewed as a problem of the whole society. One of the side effects of the project has been increased cooperation between CSOs and local authorities.

¹⁶⁸ (International Crisis Group 2009)

¹⁶⁹ (Putzel, Lindemann, and Schoute 2008).

¹⁷⁰ Internal INTRAC report prepared for ACTED 2008-2009

While this case study does not directly relate to the dilemmas faced by fragile states, it shows that the most tangible effect can be reached through engaging state institutions in transforming the normative and legal base of the state and thus have an impact on the institution and state-building process.

To conclude, in order to work in a particular society there is a need for nuanced understanding of how it works. In Tajikistan, with a long tradition of a centralised state dating back to the Soviet era, where traditional culture is quite hierarchical and where a number of clans hold the bulk of economic and political power, carrying out political accountability or reformist work at the local level would have only a limited impact on the nature of state institutions and the state-building process. As noted by many NGOs, it is not just the long process of cooperation with the local authorities that have changed their stance vis-à-vis state institutions, but rather meeting with the President and his approval of a sector as a whole made a difference to their existence.

5. Challenges faced by civil society in Tajikistan

5.1. Accountability of NGOs

While this report raises the issue of political accountability of the state and the role civil society can play in improving it, the question of accountability and transparency of CSOs similarly represents a dilemma, especially in many developing countries where the civil society sector is dominated by INGOs or local NGOs without a local constituency and where CSOs are dependent on foreign donors for funding. Interestingly, respondents from our study raised the problem of the lack of accountability of the NGO sector and pointed out some problems associated with dependence on donor organisations (respondent from NANSMIT). What is even more interesting, some part of the population of Tajikistan is aware about the lack of transparency in the NGO sector and problems associated with dependence on one source of funding from abroad¹⁷¹.

The problem of accountability of CSOs in Tajikistan acquires several dimensions:

Firstly, the sector, as it exists now, was conceived after the civil war largely due to the inflow of international humanitarian organisations and availability of donor funding. The mushrooming of local NGOs can be explained by the opportunity to gain decent employment and salaries, not only humanitarian considerations¹⁷². The fact that many registered NGOs in Tajikistan exist just on paper could mean that some organisations were set up to attract funds rather than do substantive work¹⁷³.

Secondly, the majority of organisations are not membership based¹⁷⁴ and therefore do not have defined constituencies. Thus, the accountability of many Tajik NGOs is not to the people but rather to donors who fund their projects. According to the survey done by AKF, some respondents expressed an opinion that it would be good if CSOs received money not only

¹⁷¹ (AKDN 2007:10)

¹⁷² (Abramson 2009)

¹⁷³ (UNDP n.d.; Yusufbekov et al. 2007)

¹⁷⁴ Quite a few organisations in Tajikistan are registered as “*objedinenie*” and therefore are membership based.

from donors but also from the government, which is believed to be a standard practice in the donor countries¹⁷⁵. The problems with the donor funding in Tajikistan was explained by the respondent from NANSMIT:

We had a case when a donor¹⁷⁶ tried to force NANSMIT to accept certain practices which we did not agree with and in the end we had to forgo their funding. We listen to the view of all donors and parties and then take our own decisions.

In addition, despite the widespread rhetoric of participation and involvement of local communities in development projects, the reality on the ground shows lack of real participation of vulnerable groups since major decisions are made by NGO staff before the consultation with the villagers starts¹⁷⁷. What is also problematic is the claim that “traditional structures” recreated by NGOs always represent the voices of the vulnerable groups of the population. According to Bliss and Neumann, participation is understood as “users self-help for the sustainable operation of social infrastructure created by development cooperation” which de facto “does not involve a partnership in decision-making but solely covering the costs.” This does not lead to a higher benefit for the population or even its empowerment “but accompanies a process of further impoverishment as the poor can barely afford basic education and health.”¹⁷⁸

Thirdly, the problems with accountability in Tajikistan are tied not only with lack of legitimacy of CSOs but rather with the social norms and structure that largely determine the way society and its institutions function: CSOs can hardly be totally immune from some of the flaws, such as corruption, to be found in the government institutions. This view is supported by research carried out by Sh. Mirozoev in Tajikistan¹⁷⁹. The research showed that the process of grant awarding in Tajikistan is not transparent in the civil society sector, similar to the process of allocating state tenders: informal mechanisms (corruption) are used to influence the results of grant applications. As this situation is not uncommon in the power structures of the state, it would be optimistic to assume that these practices are totally extinct from the civil society sector. Even projects implemented at the local level with a community driven approach often turn out to be far from being transparent: thus a water system constructed in the village might be designed in a way that would benefit members of one particular clan.

Fourthly, it is important to remember that Tajikistan’s society is based on a quite hierarchical culture where decisions are often taken due to the position of individuals within the institutions and inclination of personalities, rather than a legal provision. This happens not only due to the centralised system of power, where officials at the lower level feel obliged to consult those at the higher level before taking a decision, but also due to the worldview and attitudes of people in the government bodies:

The fact that we have good interaction with the regional department of education depends to a large extent on the chairman of that department. Since this person has himself worked in an NGO sector, he is enthusiastic about positive changes and wants to take initiatives in implementing new projects. Due to this personality we have achieved many positive results

¹⁷⁵ (AKDN 2007:10)

¹⁷⁶ The report leaves the name of the donor anonymous.

¹⁷⁷ (Bliss and Neumann 2008:56)

¹⁷⁸ (Ibid: 56)

¹⁷⁹ (UNDP n.d.:10)

in...ensuring access of disabled children to education. Therefore we recommend all NGOs to find key people within local authorities, i.e. those who are interested in cooperation. (Association of Young Lawyers “Amparo”).

A similar view was expressed by our respondent from “ANTI”: he noted that one of the challenges they encounter is the frequent change of personnel in the state institutions which requires establishing links, introducing previous work and gaining credibility each time anew. In a highly personalistic state as Tajikistan, it appears that personalities rather than institutions play a more important role at all levels of governance.

Finally, while there are a number of problems concerning accountability and transparency of the civil society sector in Tajikistan, recently there have been positive signs in this area. One of them is the preparation of the joint donor assistance strategy in line with the Paris Declaration on Aid Effectiveness which is supported by President’s Rakhmon team¹⁸⁰. The Joint Country Partnership Strategy (JCPS) for 2010-2, involving twelve major development donors, should increase accountability of the disbursed aid, increase its effectiveness by avoiding duplication of the donor projects and lowering transaction costs¹⁸¹. This is a timely effort since almost five years ago the report of Tajikistan government on the implementation of the PRS strategy noted a lack of transparency within the NGO sector, lack of coordination with local authorities which often created the situation of duplication of projects¹⁸². In the 2003-4 report, the Tajikistan government suggested the creation of the common database of the donor projects in order to increase the returns from their implementation and achieve a more effective implementation of the PRS. This process should hopefully be boosted by the adoption of the joint donor assistance strategy.

5.2. Low level of capacity and lack of knowledge

In order for civil society to make an input in the state-building process, it should possess a great degree of knowledge, skills and understanding of the complex societal processes. Insufficient knowledge and low level of NGO capacity was cited by respondents as one major obstacle for performing quality work in the area of political accountability. The representative from the Young Lawyers Association noted that organisational development, and learning new methods of monitoring and evaluation remains one of the areas where they need assistance. One of the most vivid examples that showed the urgent need for civil society capacity building in Tajikistan is CSOs’ participation in the monitoring and implementation of the Poverty Reduction Strategy Paper.

Case study 7: NGO participation in the implementation of the PRS

Since 2006, NGO ANTI, supported by a number of donors, has been implementing a project on creating a network of CSOs that would participate in the monitoring of the implementation of the PRS in Tajikistan. Despite the fact that participation of CSOs in the realisation of the PRS was a specific requirement, the process of finding NGOs ready to participate in such an initiative was a difficult task: only one organisation responded to the government’s call to participate. ANTI became a key organisation that started to create a network of organisations that will participate in the process of realisation of government programmes and improvement of their effectiveness. In 2005-6 ANTI organised two groups, in the north and

¹⁸⁰ (Linn 2008)

¹⁸¹ (<http://www.adb.org/Documents/Speeches/2009/sp2009053.asp> Statement by Makoro Ojiro)

¹⁸² (Правительство РТ 2004)

south of the country, to support the process of drafting, realisation and monitoring of Tajikistan PRS. In 2007 these groups were united in order to proceed to a new level.

This case study highlights several important problems that characterise the state of civil society in Tajikistan. Firstly, a lack of capacity and expertise on the part of CSOs to effectively engage in the policy formulation process, as well as make contributions to the development of the country in strategic areas. Secondly, the passivity of NGOs in initiatives that go beyond small scale development and require sustained participation in an undertaking that does not directly benefit their interest. According to ANTI, in the beginning there were 30 organisations in the working group created by ANTI, whereas at the moment there are only 12 left.

However, one should stress that even limited participation of CSOs in the PRS mechanism signifies a significant step forward for civil society's role in Tajikistan. In a post-conflict state with no prior culture of state–civil society dialogue, the fact of setting up a monitoring group from scratch for such an ambitious undertaking as PRS can be seen as a success in itself. It started a dialogue on issues at the highest level, and laid the groundwork for future interaction between civil society and the state. While the contribution of civil society to the PRS has been limited so far, and its recommendations have been accepted only in the healthcare sector, CSOs' participation in the PRS mechanism can be viewed as a positive sign in augmenting the capacity of civil society to hold the state to account, transcending its narrow role of project implementation or service delivery, and making a constructive contribution to the development process in Tajikistan.

The problem with human resources pertains both to the NGO and government sectors: some officials do not know the legislative base of their own work and lack awareness about their rights. The “Centre for the Training of Municipal Workers”, who aim to elevate the level of competence and professionalism of municipal workers at the level of the towns, districts and villages, gave an example when officials of one of the districts did not know the taxation legislation and therefore forwarded to the central government treasury the taxes that should have stayed in the local budget. As seen in previous case studies, much of the work of CSOs in Tajikistan pertains not to the transformation of laws or state institutions but rather making the laws work in practice and changing the approaches and norms that determine the work of the state structures. While these are small steps, they lead in the direction of building a more accountable state and a more active society.

5.3. Passivity and low levels of public awareness

Whilst lack of legal awareness and realisation of one's rights is one of the areas which CSOs try to address in their work, the passivity of CSOs themselves was cited as a problem by ANTI. A lack of information is a constraint not only among the population of Tajikistan but also within the state structures, with many state officials unaware of the existence of the PRS paper.

In contrast to some situations of fragility where there is lack of interaction between the state and civil society, in Tajikistan the problem faced by public associations is different: passivity of the population. One interesting remark from the Union of Consumers and the Union of Businessmen was that one of the major problems was not the relations with authorities but rather with the target group.

Case study 8: Consumer's Union work with the target groups

Consumer's Union have looked into the complaint of citizens who have been requested to make a premature payment for communal services, which was thought to be in the breach of law. Consumer's Union explained to the people that this action of local authorities was illegal and recommended that the citizens write a complaint about the energy company to the court. However, from 30 people who initially asked for assistance, only six signed the petition – which shows not so much the passivity of the people but rather the fear to address state bureaucracy.

Lack of public initiative in Tajikistan or passivity of the population can be explained by the memory of the harsh years of the Soviet regime and the atmosphere of fear of the authorities (an ingrained tendency to accept government decisions and poverty). Therefore increasing political accountability in Tajikistan implies not only cooperating with authorities and transforming the nature of the state institutions, but also changing the relationship between society and bureaucracy, raising the level of public awareness, informing the citizens about their rights and possibilities of addressing authorities.

5.4. Access to information as one of the challenges for civil society

Building a system of accountability and transparency is impossible without public associations having access to basic government information, ranging from the allocation of the local budget to discussions that are held within government. However, access to information is cited by CSOs as a major area of concern. In 2005, President Rakhmon adopted an official decree about the provision of information requested by the public. But, according to N. Karshiboev from NANSMIT, recently a new law on the provision of public information was passed which does not consider the needs of the press for getting information in a short period of time. The new law stipulates a 30-day period for the provision of information in response to requests, which means it is of almost no use to the daily press, though it can be used by analysts. Similarly, while there is a decree of the President that obliges directors of government bodies to react to critical reviews and articles, this is not being implemented. Thus, the "Youth and Civilisation" noted that one of the major obstacles in its work is that local authorities are slow to answer inquiries: within their current project, for instance, they have not yet received an answer to any of their enquiries, even though the time allocated by law for such inquiries has expired.

One of the initiatives undertaken in order to improve access to information was the organisation of a Consultative Council by the Association of Businessmen, which includes representatives from NGOs, business sector and local authorities. Representatives of the local authorities are invited to the Consultative Council to answer participants' questions and to provide information about recent laws and changes to the regulation of the business sphere. Another example of a project that aims to elevate the level of accountability of local authorities is implemented by the Centre for the Training of Municipal Workers. The Centre publishes a newsletter on towns and Jamoats where it implements projects. By including the information about the allocation of the local budget the Centre provides information otherwise not accessible to the public.

Insufficient level of public awareness among the population and lack of competence among the professionals working both in the government and NGOs makes it premature to talk about civil society as a mediator between the state and society. While it is evident that civil society

assumes a more important role vis-à-vis the state and in the societal life, this is happening slower than might be expected by the international community. Lack of knowledge of the legislation is one theme consistently highlighted by the findings of research: from people's representatives who did not know their rights to participate in court procedures to bureaucracy at the local level unaware about taxation regulations. One should acknowledge, however, that monitoring of the public sector, raising people's awareness about existing legislation has become a more widespread practice within Tajik civil society, which allows one to talk about the nascent culture of political accountability. However, the capacity of CSOs in Tajikistan is still limited and requires substantial technical assistance and support.

5.5. Competition within the NGO sector

A further obstacle in the work of CSOs is lack of coordination within the sector itself and strong competition for funding. Respondents unanimously replied that the role played by NGO networks in increasing political accountability could be more significant than it is at the moment. Respondents noted that networks are not always the best way to engage in long-term projects since their work is determined by the availability of funding rather than substantive needs of society or a particular project. Furthermore, some of the respondents pointed out that networks that have been created in Tajikistan so far have at times benefited the interests of one particular organisation and have been dominated by the agenda set by one organisation rather than collective decision-making.

6. Conclusions

1. Tajikistan: a politically stable state in a dangerous neighbourhood and with a history of a recent civil war

Tajikistan is one of the few states that has experienced a successful post-conflict transition. Despite a dangerous region, the legacy of a recent civil war and increasing difficulties in the economic sphere, Tajikistan can hardly be defined as a fragile state. This can be partially explained by the fact that contemporary Tajik state retained developed elements of the Soviet administrative system, which assists in preserving cohesiveness and internal stability. The ability of the Tajikistan state to provide security, ensure a minimum standard of social service provision and, most importantly, maintain the legitimacy of the current regime make it a politically stable state that has been so far proved capable of coping with crisis¹⁸³. Furthermore, the results of our study show that, despite having a personalistic authoritarian regime, Tajikistan has witnessed a gradual strengthening of civil society, improvement of its position vis-à-vis the state and increasing levels of trust and cooperation between state institutions and CSOs.

However, there are a number of factors that make Tajikistan susceptible to crisis and therefore potentially fragile: energy insecurity, which threatens the proper functioning of the economic system and especially the social service delivery sector; and proximity to Afghanistan and Pakistan which imperils the internal stability and peace in the country, through the potential intensification of the activities of Islamist movements and criminal groups (drug-trafficking). Therefore, it appears important for donors to devote sufficient

attention to Tajikistan, in particular, and Central Asian region in general in order to bolster the achievements accomplished so far and to prevent the region from sliding into fragility.

2. History and context matter: Sources of legitimacy of the current regime

Security as the main source of legitimacy

The peace that has reigned in Tajikistan since the end of the civil war in 1997 remains the main source of legitimacy, which proves that in countries with a legacy of violent conflict, provision of security is fundamentally important¹⁸⁴. The incumbent regime enjoys popularity in the eyes of many Tajik people because the President, E. Rakhmon, is seen as a peacemaker who has managed to maintain peace in the wake of the civil war, keep the country together and prevent deterioration of the security situation in an increasingly insecure environment. In addition, the President has managed to preserve continuity with the Soviet era which is by and large remembered by the population as being relatively stable¹⁸⁵. Our findings show that, in contrast to many authoritarian states where civil society adopts a confrontational attitude to the state, civil society in Tajikistan adopts a more positive or neutral approach to the current regime, than is suggested, for instance, in the recent report of the ICG¹⁸⁶ – preferring to cooperate with authorities rather than oppose them.

Legacy of the Soviet state: demand for social security and economic well-being rather than democracy and civil liberties

The legitimacy of the political regime in Tajikistan should be understood against the legacy of the Soviet era and the popular expectations of the state it had formed: the state is seen first and foremost as a supplier of services, guarantor of social and economic rights rather than civil liberties and democratic procedures. Thus, it is evident that for a large amount of the population the Soviet state epitomises a state machine that had proved it could provide services and economic well-being. For Tajik people, the demise of Moscow-led socialism meant a considerable lowering of the standard of life. However, in contrast to the other former Soviet republics where European “neighbourhood” status was offered, in Tajikistan, the absence of prospects for EU (or US) integration invoked fears of a gradual slide into the economic, political and security situation of adjacent Afghanistan and Pakistan. These factors explain not only the legitimacy of the current regime, but also a low demand for democracy in Tajik society¹⁸⁷ – since a short period of democracy 1990-2 unleashed the forces that propelled the country into the civil war.

Energy sector as a potential trigger of fragility

The failure of the current regime to cope with the energy and food crisis in the winter of 2008 demonstrates that the weakness of the energy sector is an area which can increase fragility of Tajikistan in the economic sphere as well as social service provision. For majority of the population in Tajikistan, service provision remains the core obligation of the state. The current government project of the government to build the Rogun hydropower station in order to become less dependent on external energy suppliers can not be achieved without substantial financial support from donor countries or foreign investment¹⁸⁸. Whether international donors could become involved in this project is a matter of further discussions within the international development community.

¹⁸⁴ (OECD 2010)

¹⁸⁵ (Matveeva 2009a; Matveeva 2009b)

¹⁸⁶ (2009)

¹⁸⁷ (Matveeva 2009c)

¹⁸⁸ For details see (Matveeva 2009c:2)

3. Feasibility of civil society development in a difficult environment?

Over the past years, there has been a steady improvement of state–civil society relationship: whilst in the early years of Rakhmon regime CSOs were not seen as partners to the state but rather performers of services in the areas where the state could not deliver, recent developments show an increasing role of civil society not only in humanitarian areas but also in the process of policy formulation, institution building and improving the system of law. Despite the scepticism about the prospects of western-style civil society in Tajikistan, our research showed that CSOs, professional and legal associations are not only able to function within the constraints of a personalistic regime but can also have an impact on the transformation of state institutions, augmenting the culture of political accountability and contributing to the law formulation process.

In the wake of the civil war, civil society in Tajikistan was an externally driven phenomenon, brought about by the arrival of humanitarian international organisations and availability of funding. However, this report shows that civil society in Tajikistan has matured from being solely an offspring of the donor projects to a sector which negotiated not only with the donors but also tries to influence the state. One of the signs of the maturation of civil society in Tajikistan is that many of the organisations working in the field of advocacy and political accountability constitute professional associations, such as the Lawyers' Union and Businessmen Union, as well as Consumers' Union. This suggests that it has transcended a minimalist definition of civil society as a mere multiplicity of NGOs and INGOs.

4. Civil society improving political accountability: working within the existing legal framework and challenging the legislation rather than the political regime

This report shows that in post-conflict situations civil society can positively contribute to the process of state-building and policy formulation rather than merely performing humanitarian work. CSOs in Tajikistan have increasingly engaged in dialogue with authorities and state institutions at different levels, trying to influence the norms and practices of the legal system, as well as to monitor and improve the delivery of the social services provided by the state. These were successful provided that civil society worked within the existing legal framework, did not overtly oppose the political system but rather tried to change existing legislation and norms within the state institutions. Tajikistan shows that CSOs are likely to have a durable and sustainable contribution to the social life of the country and improvement of political accountability once their initiatives are implemented in coordination with authorities or aimed at dialogue with the existing legal system rather than confrontation.

5. The unexplored and undervalued potential of religious forms of civil society

Signs of re-Islamification and re-traditionalisation in Tajikistan point to the need for further research on religious forms of civil society and understanding to what extent they lead public opinion in the countryside, whether they can work in alliance with secular modern institutions, what kind of values they promote and what role they can play in the state building process. At present, there is lack of trust not only between the religious constituency and the habitually secularist state, but also between religious and secular forms of civil society that work separately in increasing their influence vis-à-vis the government. There are clear indicators that the state is willing to work with the moderate religious forces, but there is lack of clarity whether secular and religious groups of civil society are likely to overcome divides and start cooperating at different levels. Similarly, international donors that currently favour secular

forms of civil society should see what kind of religious associations they are ready to work with, rather than leaving those to alternative funding from not always transparent sources.

6. Building political accountability: Hegelian or Tocquevillian civil society?

Tajikistan represents an interesting case study of a “fragile” state which is witnessing the evolution of civil society from performing merely social service and humanitarian aid delivery to that of augmenting political accountability and making piecemeal contributions to the state-building process. Whereas the significance of achievements of civil society in this area might appear to be small, this report holds that low profile work accomplished by civil society groups in Tajikistan, such as influencing the transformation of the existing legal framework, and improving the quality of the judicial system, has small but visible effects within Tajik society and nature of the state institutions. Furthermore, in the longer term, these efforts could lead to a culture of accountability, and civic participation in the policy formulation process.

Having said this, it is important to stress that civil society in Tajikistan takes on a de Tocquevillian rather than Hegelian form, i.e. civil society exists in interdependence with the state and its institutions and evolves in tandem with them rather than confrontation. Contemporary civil society in Tajikistan deliberately assumes an apolitical stance towards the incumbent regime and, instead of trying to change it, tries to transform the law system and the nature of the state institutions, practices and norms that underlie their existence.

7. The role of donors in contributing to stability in Tajikistan: little interference and covert support of the regime

One of the important factors that allowed for the development of a non-confrontational civil society in Tajikistan is the fact that international donors did not adopt a highly critical position towards a personalistic and authoritarian regime in Tajikistan: stability and security considerations in this troubled region of the world outweigh human rights and democracy concerns. Therefore, even though there has been lack of direct budgetary support to the incumbent government from donors, donors did not attach a confrontational agenda to grants when channelling funds to local NGOs. On the contrary, INGOs and international donors in Tajikistan are more “loyal” towards Rakhmon regime than local organisations. This indicates that the strategy and policy that international donors adopt towards a particular regime can be vital in determining not only development of a particular type of civil society, but also a distinct type of state—civil society interaction and direction of socio-political developments..

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Annex 1: List of organisations interviewed

In Sughd region (Khujand):

| | Name of organisation | Interviewee | Date |
|----|--|--|-------------|
| 1. | Association of Businessmen of Sughd Region | Executive Director A. Khusejnov | 24.10.2009 |
| 2. | Association of Young Lawyers "Amparo" | Director and Coordinator of the Programme T. Bobodzanova | 27.10.2009 |
| 3. | Open Society ANTI | Manager for Research and advocacy G. Sharipova Coordinator of the PRS monitoring group, I. Bobodzanova Manager of the civil society development programme M. Bojmuradova | 30.10.2009 |
| 4. | Centre for the Training of Municipal Workers | Director, A. Nazarov | 15.12. 2009 |
| 5. | Youth and Civilisation | Programme Manager, Kh. Khamidova | 15.12.2009 |
| 6. | "Ekho – Farfang va Tarrakijet" | Executive Director, M. Safarova | 15.12.2009 |

In Dushanbe:

| | Name of organisation | Interviewee | Date |
|----|--|---------------------------------------|----------|
| 1. | Fund for the Development of Tajikistan | Director Sh. Karimov | 2.11.09. |
| 2. | NANSMIT | Director N. Karshibojev | 3.11.09 |
| 3. | | Executive Director B. Khabibov | 3.11.09 |
| 4. | Centre Development | K. Davlatov | 3.11.09 |
| 5. | Bureau for the Rights of People | Executive Director, D. Khudobakhshova | 4.11.09. |
| 6. | Ministry of Economy and Development | M. Abdullajev | 5.11.09 |
| 7. | Committee for Women's Affairs | Representative of the committee | 5.11.09. |

Annex 2: Traditional forms of civil society in Tajikistan and their role in development

Avlod, “an extended family or a kinship/patronymic group”¹⁸⁹, is one of the main organising structures in Tajik society, and enjoys a degree of trust second only to the President¹⁹⁰. Hence *avlod* is an institution that generates social capital and which seeks to solve the problems of economic and social life as well as disputes within the community. However, *avlod* “is a form of vertical organisation of society”¹⁹¹ on which the Soviet state drew to create a centralised state, and which the current regime uses to maintain the vertical hierarchy of power.

Another institution central for community life in Tajikistan is *mahalla*, a territorial unit similar to that of neighbourhood or parish in Europe.¹⁹² As shown by Matveeva, *mahallas* perform the function of building trust and solving problems informally. In addition, they might become central in mobilising for a particular cause in society through appealing to authorities. Freizer illustrates the importance of *mahalla* in the life of Tajiks by the fact that in the hierarchy of trust first come *mahalla*, then *jamoat* (official smallest administrative units) and only then courts¹⁹³.

Shura Aksakal, the council of elders, is another institution that has the potential to serve as a link with respective communities. Involving the council of elders in project implementation has increased the level of trust towards development organisations and raised the commitment of villagers to the projects¹⁹⁴.

In addition, Tajikistan has enjoyed a long tradition of voluntary action, namely *hasher* – traditions of communal work performed for a particular cause by members of the village, and *sadaqa*¹⁹⁵ – community giving to those in need. These two institutions seem to be in decline partly because of their neglect during Soviet times when Soviet types of voluntary action were promoted at the expense of traditional ones. However, as noted by Earle, *hashar* has been used by NGOs in their work with communities in order for the latter to prove their commitment to the projects they benefit from¹⁹⁶. Thus, indigenous institutions of civil society in Tajikistan can be viewed as a source of generating trust, increasing dialogue and mutual help within the communities.

¹⁸⁹ (Matveeva 2009d:10)

¹⁹⁰ (Matveeva 2009d:11)

¹⁹¹ *ibid*

¹⁹² *ibid*

¹⁹³ (Freizer n.d.)

¹⁹⁴ (Earle 2005:252)

¹⁹⁵ Islamic category, from Arabic language

¹⁹⁶ (Earle 2005:252)

Annex 3: Institutions of unofficial Islam during the Soviet era

The most notable forms of invisible civil society during the Soviet era were those connected with unofficial Islam or parallel Islam. Atkin¹⁹⁷ describes that the so-called unofficial mullahs could be members of kolkhoz who would organise a mosque in the local *chaihana* (teahouse), perform lifecycle rituals and even extend the Sufi brotherhoods through taking new *murids* (pupils). According to Niyazi¹⁹⁸, there were more than 1,500 unofficial mullahs in 1980 who were not involved in politics. Thus, despite the anti-religious campaign of the Soviet authorities, unofficial Islam remained deeply rooted in Tajikistan social life.

A wide network of clandestine mosques existed throughout the country, as seen by the religious renaissance of the 1990s when so many of the underground mosques came to the fore of social life: the number of official mosques rocketed from 17 in 1988 to 130 in 1991 and 2,800 small mosques¹⁹⁹. The importance and vitality of Islam in Tajikistan is highlighted by the fact that in 1982, 22 illegal *madrasas*²⁰⁰, and an Islamic reading group existed in Dushanbe. These groups raised the future leaders of the Islamic Renaissance Party – one of the major pro-democratic forces during the 1990s. In 1986 there was a trial of more than a dozen of unofficial mullahs who were preaching anti-Soviet jihad – crime against the state at a time of the Soviet war in Afghanistan against the mujahideen movement.

¹⁹⁷ (Atkin 1989)

¹⁹⁸ (Niyazi n.d.:185)

¹⁹⁹ (Atkin 1989)

²⁰⁰ (Rashid 2002:97).