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Security through Democratization - Reflections on a Strategy and Its Adaptation

A Tajik Perspective

In the OSCE, but also in the field of political science it is assumed that there is a strong connection between the consolidation of democratic values in a society and the security of a country. Therefore, also from a Tajik perspective, every effort to transform Tajikistan into a totalitarian state must be seen as a threat to its security. Impeding basic democratic values would be a direct threat to the Tajik national security.

The task of security policy is to avert threats to the long-lasting existence of a state and its society. The political security of Tajikistan is dependent on certain factors, which at the same time also affect the inner stability of the Republic. Moreover, the balance in a political system, which even during modernization is always characterized by a certain capacity towards self-preservation, determines the degree of its political stability. If this balance is disturbed, the political system will become inequitable and the society instable. In view of this, it is important to structure the process of democratizing Tajik society in such a way that the political security of the state and the freedom of its citizens are not endangered.

Tajikistan is currently in a decisive phase of state-forming and rebirth. One of the most important issues related to this is to what extent the Tajiks would be capable of constructing a democratic society. Some people may question whether there will ever be a democracy in Tajikistan. Whatever your stance is: Tajikistan is making efforts to develop an optimal model to democratize its societal relationships, in which both the individual and society as a whole are the most important values. Universal basic democratic values can certainly be applied to Tajik society. However there are also certain specific features, which should be taken into account.

I find it entirely acceptable that international organizations measure the degree to which democratic transformation has occurred in Tajik society according to Western criteria. However, Western academicians and politicians should take into consideration that the Tajik Republic in its present condition is not yet in a position to fulfil all these criteria. Accordingly it has been an immense challenge for Tajik academicians and politicians to design a model of society, which on the one hand preserves the unique forms of societal relationships and ways of life, which have grown traditionally among the Tajik people, and on the other, links them with the fundamental principles of democracy. For example, the West considers human rights a natural priority, which has precedence over societal rights. In today's Tajikistan this can be

found at best in the wording of a law. However in our daily lives we must not classify the interests of society as being inferior to human rights - especially in view of maintaining the interests of the individual. The most probable way to comply with the priority of individual interests would be through a change in the distribution of property. Private property and the development of market-economy relations are those two factors, which could also change societal consciousness to a certain extent.

An Attempt at Balancing the Accounts

There are already features of political democracy - in differing shapes and forms - in effect in Tajikistan today. Although there is still much to be done to be able to fully meet the requirements of democracy in the political system of the country, an attempt will be made to evaluate the effectiveness of democratic fundamental principles in the present Tajik situation.

First the problem of societal control on those in high public-service posts and/or the manner in which these people are appointed, the so-called "cadre policy", must be considered: The government-run "cadre policy" is not limited by any societal control. This is due to several factors:

- First of all, there is no legal basis for such control. The new Parliament has just been elected. Moreover its capacity to influence the formation of the government is limited. According to the constitution, the President, who is the head of state and of government simultaneously holds this authority.
- Second, clan and regional interest groups still exercise a great deal of influence in Tajikistan. Especially this fact must be taken into consideration for certain governmental appointments so that a balance of power is guaranteed and destabilizing tendencies are prevented. For this reason, dealing with the regional factor demands a great deal of tact. However, it is possible the regional factor will fade into the background as the party system in Tajikistan becomes more highly developed.
- Third, the political elite of Tajikistan is not a particularly large group. Thus the opportunities to select new candidates for governmental positions are relatively limited.

For all these reasons, a radical change in present practices would risk destabilizing the political situation. On the other hand: As long as the old cadre policy is not changed, society will have no control over this area. One can only hope that things will occur in an honest and predictable manner. However cadres are still appointed in the shadow of "wheeling and dealing" behind the scenes.

As to the role and the position of political minorities: Political minorities are more or less ignored in Tajikistan. In practice, they are only able to make themselves heard or gain due attention by appealing to influential international organizations or the international media. The fact that political minorities in Tajikistan are subject to restrictions cannot be denied and it is no less true that these restrictions are even deliberately instituted policies. Even the parliamentary majority in Tajikistan, the supporters of presidential policies and the faction of the People's Democratic Party in the Majlis Oli,¹ completely ignore political minorities. Occasionally they support minorities on trivial matters, but only to create the image that they are a democratic party. The supporters and members of this party make up the governmental majority. However, also representatives of the political opposition as well as ethnic minorities are part of the government. The endeavour to maintain a line that is directed towards the maintenance of the political balance and also shows a positive tendency towards using democratic methods in cadre policy is thus clearly evident.

The weakest link in the chain of democratic transformation is the media: Alternative information services are lacking and/or have only a low profile. Although all parties have the right to their own press and they do make use of this right, the present situation on the media scene gives cause for concern, especially in view of the fact that social pluralism demands the media be independent of the government. This important point is an indicator of the degree to which democratic transformation is occurring in Tajikistan. Nevertheless, we can count on the fact that also in this area, things will develop in the right direction. Even so, a lot is dependent on the material and financial potential of the society.

Political democracy is based on a system of free elections. The relevant laws presently valid in Tajikistan are in no way inferior in content or quality to similar laws in countries where there are developed democracies. We are referring to the laws "On the Election of the President of the Republic of Tajikistan" and "On the Elections to the Majlis Oli". It can be said that with respect to electoral law, all legal guarantees for the participation of the total adult population have been created. Every citizen who has reached the age of 18, independent of race, nationality, religion, sex or political conviction is entitled through constitutional law to take part in all elections.

But this alone is not enough. Above all, it is important that the political system acts in accordance with the principles of democracy. Tajikistan will certainly require a longer period of development to achieve this. However, what is most important first is that the democratic norms that have already been achieved are anchored in the Constitution. This guarantees their gradual realization to the same extent that young politicians who think democratically grow more mature, step into the political limelight and determine the destiny of the country. However, even today the foundation must be laid for societal

1 The lower house of the Tajik Parliament.

relationships, which will make it possible for Tajik society to develop an appropriate model for political democracy on its own.

From this perspective, directed towards the future, one can certainly say that Tajikistan has started on the path towards the construction of a democratic free state under the rule of law. There are still many deficiencies and omissions in current politics and policy-making, however political reforms have already had a positive effect on the development of societal relationships. Political pluralism, a multi-party system as well as a developing new political elite speak for the existence of factors promoting democracy. They have found expression in additions and alterations to the constitution, which were adopted in a referendum, in the laws mentioned above as well as in the law on "On Political Parties" and thus to a certain extent became more firmly established. One should not overlook the fact that Tajikistan is the only country in Central Asia in which the Islamic opposition can take action legally. These circumstances have all been reached during a relatively short period and prove the willingness of Tajik society to create a democratic state.

After a terrible civil war, the Tajik people now have the re-establishment of harmony in their societal relationships very much at heart. This also includes a democratization of the political processes because this contributes to transforming and modernizing relationships bound by tradition. "The most important basic condition for successful democratization is political stability. However even this has its prerequisites: i.e. reforming society in a legally regulated manner and sustaining the ability of state institutions to guide the country."² Not only do many academicians take this standpoint, it is also confirmed by the experiences Tajikistan has made and the course it has taken in building a democracy. In their preliminary report on the elections to the Majlis Oli, international election observers emphasized the "importance" of "the participation of parties who had previously been enemies as well as other parties in the election process and of the fact that the multi-party elections, which had been conducted for the first time in Tajikistan, had taken place in an atmosphere without violence".³

If one summarizes the successes Tajikistan has achieved in the process of democratizing its society, one would come to the following conclusions:

1. A multi-party system is developing in Tajikistan whose fundamental contours have already been clearly outlined.
2. Up to now Tajikistan is the only country in Central Asia in which there is a party that represents political Islam and is legal. This party plays according to the democratic rules of political competition.

2 V.P. Pugachev/A.J. Solov'ev, *Vvedenie v politologiyu*, Moscow 1997, p. 247 (this and all further quotes from foreign-language sources are own translations).

3 Kofi Annan, *Prodvizhenie k stabilnoi demokratii eshcho tolko nachalos*; cited in: *Vechny Dushanbe* of 14 April 2000.

3. For the first time in Tajik history a professional Parliament has been elected. The elections were based on a democratic alternative between several parties.
4. The most important political forces in the country have been integrated into the government.
5. The Republic is based on a constitution, which fulfils the basic democratic requirements of this kind of document.
6. The activities of parties and mass organizations have been legally protected and are regulated by the laws "On Political Parties" and "On Movements in Society". This is also true of the constitutional regulation of elections through laws which are democratic at the core: i.e. "On the Elections to the Majlis Oli" and "On the Election of the President of the Republic of Tajikistan".
7. There are several hundred NGOs in Tajikistan engaged in most diverse activities.
8. The participation of women in government has been guaranteed through a presidential decree according to which women must be represented in all state and leadership bodies. This decree is unique in the entire post-Soviet space.

Up to now our discussion has centred on political change. However, transformations on the economic front have also had a democratic quality and are being realized in co-operation with influential international financial organizations. According to an assessment by UN Secretary-General Kofi Annan "the parliamentary elections held recently have shown: The movement towards a stable democracy has just begun and the international community must continue their endeavours to further support (Tajikistan, author's insertion)".⁴

The achievements mentioned have had a direct effect on the democratization of the political process in Tajikistan. However, we are not treating this as a competitive process in which Tajikistan intends to catch up to or overtake other countries. We understand democracy much more as the most advanced form of societal relationships existing in the world today. Nevertheless, democratization in Tajikistan is still facing a series of obstacles and limitations. Some of the principles of democracy have already been introduced while others will only be able to be implemented to the extent that the objective and subjective prerequisites necessary for them have developed.

Are there Limits to Democracy and How are these Limits Structured?

It is important in the search for an adequate course in Tajikistan to decide whether limitations on freedom and democracy are permissible. There are

4 Ibid.

three levels of sources of this type of limitation: international law, scenarios of outside threats and finally the specific features of domestic policy in the development of Tajikistan.

On the first level, valid international norms as well as those international agreements and treaties that have been adopted by Tajikistan restrict possible limitations within the Tajik state. These include: the Universal Declaration of Human Rights of 1948, the CSCE Helsinki Final Act of 1975, the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE in 1990, the International Covenant on Civil and Political Rights of 1966 as well as the 1950 (European) Convention for the Protection of Human Rights and Fundamental Freedoms. Tajikistan recognizes these documents as binding for domestic as well as foreign policy actions. These documents determine the binding civil rights in democratic states. However, they also contain limitations. For example, in the Universal Declaration of Human Rights, Article 29 paragraph 2 states: "In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society."⁵ The International Covenant on Civil and Political Rights states more precisely in Article 19 paragraph 3: "The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (*ordre public*), or of public health or morals."⁶ There are similar limitations in the (European) Convention for the Protection of Human Rights and Fundamental Freedoms, the Copenhagen Document and others.

The first level of limitations permissible according to international law, which are also in harmony with Tajik commitments, contain the following: a) limitations, which are related to the rights and freedoms of citizens, and b) limitations, which are related to state security threats and the protection of public order and morals.

Those limitations, which Tajik laws currently include, do not contradict its international commitments.

The second level of limitations can be derived from outside threats arising from the international system that Tajikistan is part of, from the degree of regional conflict potential, the number of neighbouring countries as well as existing alliances. Central Asia is characterized by a high potential for conflict, which gives rise to security threats. After the decline of the USSR, numerous

5 Universal Declaration of Human Rights, in: Rudolf Bernhardt/John Anthony Jolowicz (Eds.), *International Enforcement of Human Rights*, Heidelberg 1987, pp. 163-168, see: p. 168.

6 International Covenant on Civil and Political Rights, in: *ibid.*, pp. 179-196, see: p. 186.

problems related to the territorial delimitation of states, the water supply and the exploitation of natural resources remained unsolved. After the Central Asian states had become independent, these problems became more compelling because they were intertwined with the creation of national consciousness. People consider any attempt to discuss border demarcation a hostile action and an attack on their sovereignty. Other states could influence the economic opportunities of the country positively or negatively through their policies towards Tajikistan.

The third level of limitations arises from domestic policy developments within Tajikistan. First, it is necessary to look at the limitations, contained in the Constitution as well as in relevant laws, which effect the democratization of political processes.

Article 1 of the Tajik Constitution states that the Republic of Tajikistan is a "sovereign, democratic, secular and unitary state under the rule of law".⁷ It is important that the state has committed itself in a legally binding manner to democracy because this is in accordance with international law and the goals of Tajik society. Article 100 of the Tajik Constitution states that "the democratic form of government, the territorial integrity, the democratic, secular and societal character of the state founded on the rule of law are unalterable".⁸ That means that the democratization of political processes in Tajikistan is a state objective anchored in its Constitution. Accordingly the laws guarantee citizens the usual rights under international law to economic, political and intellectual freedom. At the same time, the Constitution limits the rights and freedoms of citizens exclusively with the goal of guaranteeing other citizens their rights and freedoms, as well as maintaining public order, constitutional order and territorial integrity. It also prohibits war propaganda, racism and nationalism.⁹ The Constitution provides limitations for specific purposes on the rights and freedoms of citizens in the form of measures limited in time when a state of emergency has been declared. At the same time, Article 47 of the Constitution states that also "in a state of emergency, no limits can be placed on the rights and freedoms in Articles 16, 17, 18, 20, 22, 25, 28".¹⁰ This is not in contradiction with international legal norms.

The new law "On the Elections to the Majlis Oli" contains a series of restrictions on candidates for office to legislative bodies. Article 33 states in detail the category of citizen who does not have the right to be a candidate for Parliament:

- "citizens who do not fulfil the specific requirements set out by the Constitution and the present law;¹¹

7 Konstitutsiya Respubliki Tajikistan, Dushanbe 1994, p. 3.

8 Ibid., p. 25.

9 Cf. *ibid.*, Articles 11, 14, 23, 35 and more.

10 Ibid., p. 9.

11 The limitations mentioned here refer to the age and other personal requirements for the right to be a candidate.

- citizens who the courts have declared incapacitated to act for themselves or who because of a court decision are confined in penal institutions or medical institutions;
- citizens who are actively serving in the military, soldiers, ensigns, personnel in the armed forces, the Ministry of Security, the Ministry of the Interior, the Ministry for Extraordinary Situations as well as the Presidential Guard, who are not yet retired;
- professional officials in religious organizations and associations who are active in these offices."¹²

Of course, in one way or another these limitations are also violations of human rights. However, the specific features of the developments in Tajikistan, guaranteeing the security of all candidates and creating an equal opportunity for them all make these necessary. The reason for this is first of all that during the course of the civil war, military commanders gained a significant amount of influence and are now striving to have a greater say in the political developments of the country. If the laws were to allow this, the civilian population, the intellectual elite and others would run the risk of being restricted in their ability to take advantage of their constitutionally anchored right to become candidates for election. However, with the help of the limitations mentioned, the *civilian* political leadership in the country has been able to maintain control of the armed forces as well as law-enforcement bodies and security services. Thus these limitations have proved important for the development of the democratization process in Tajikistan.

The Dialectic of Democratization, Societal Stability and Security

The limitations at the third level are related causally to the construction of the state, the party system and the conflict level, which predominate in a society. However, objective factors are not the only elements determining the strength of a state. If one is to examine the factors determining the development of the political system in Tajikistan, subjective factors must also be considered. The problem of the differing interests at the various levels of society must be examined: i.e. the interests of society as a whole, state interests, governmental interests, as well as regional, group and individual interests.

The interests of Tajik society as a whole are reflected in the desire of all Tajiks to strengthen stability, prevent new armed conflicts, overcome poverty, achieve economic prosperity and realize the principles of social justice. The interests of society as a whole therefore are a reflection of the all-embracing needs of all societal strata.

State interests are a part of the interests of society as a whole, which are reflected in principles like the maintenance of the integrity and unity of the

12 Law "On the Elections to the Majlis Oli", Dushanbe 1999, pp. 72-73.

country, political and economic stability, sustaining geopolitical interests, as well as preserving the culture and the interests of the Tajik minorities living in other countries. In spite of this, one should consider that in societies with a high conflict potential, the legitimacy of a state to "represent the interests of society as a whole on the international level does not mean that the state also really represents the domestic interests of the whole society".¹³ Political pluralism in Tajik society today is made up of the actions of political parties, who have totally different values: i.e. Democratic, Communist and Islamic. These parties do not always see the state as the defender of their interests. This affects state domestic and foreign policy and confirms that there can be a huge gap in the interests of parties and the state, and that the interests of society as a whole can be different from state interests.

Government interests are in the realization of socio-economic programmes and reforms, in raising the standard of living of the population as well as protecting their own corporate interests. In Tajikistan, government interests do not always reflect state interests and not to the full extent. Government actions are generally dependent on subjective factors.

As an institution of the state, the government endeavours to act in the state's interests. If it is successful, the state is strengthened. If not, it is weakened.

Regional interests become effective when *a particular* region defends its socio-economic interests. They are expressed in the endeavour to recruit regional elites and to steer one's "own" people as "lobbyists" for local interests into the central state bodies. In a federal state structure, this can go as far as antagonistic contradictions between the political centre of the country and its regions, which could then cause violent clashes or resistance to the central power. As an example, one need only consider the relationship between Russia and Chechnya or between Russia and Tatarstan and other subjects of the Russian Federation.

Although it is a unified state, the search for a balance between the centre and the regions is a highly relevant current topic for Tajikistan. Regional interests must therefore be considered when forming governments and in other state institutions. During the civil war in 1993/1994, for example, critical situations developed because regional elite leaders in Gorno-Badakhshan and Leninabad pursued separatist goals and attempted to break away from the unified Tajik state, thus threatening the existence of the state itself. Some of the causes of these tendencies are certainly to be found in the low level of consciousness for political responsibility and political culture.

In the relationship between the centre and the regions, group interests directed towards satisfying the interests of individual clans as well as economic and financial group interests play a role. To be able to influence government power, certain groups have made claims to represent all-encompassing societal, state and regional interests. Although, on the one hand, this can be a

13 A.D. Voskresenski, *Rossiya i Kitai: teoriya i istoriya mezghosudarstvennykh otnoshenii*, Moscow 1999, p. 133.

positive development, group interests of this kind could also become so highly mobilized that they destroy the political system. As during the parliamentary elections at the beginning of the year 2000, candidates who represented the interests of certain groups of military leaders began to threaten, blackmail and murder their rivals, this was a clear step against state interests and the Central Election Commission felt obliged to suspend their candidacies.

Individual interests are changeable economic features that characterize the political, economic and intellectual elite in Tajikistan. The elite makes important decisions, which regulate the development of a country. State leaders determine the foreign and domestic policies of a country and act in the name of their people. Thus the personal characteristics, the convictions, the values and experiences of those belonging to the elite are particularly important.

After having demonstrated the variety of interests on these different levels, which must be considered for maintaining a balance in Tajik society, criteria can be derived, which indicate a threat to the democratization of the political process and thus the stability of the Republic, as well as the political security of Tajikistan. The following could be considered threats to national security: the re-establishment of a political one-party system and the invalidation of more than two parties, the obstruction or prohibition of free democratic elections, the emergence of political separatism directed towards the elimination of territorial integrity and unity of the state, the refusal to allow access to alternative sources of information as well as the failure to subordinate the armed forces, the units of the ministry of the interior, security services and other military structures to civilian leadership.

If politicians understand these criteria and incorporate them into their political calculations, it will help them find a realistic course towards balancing interests within society thus leading to inner stability and political security.

In this light, certain limitations on democracy and freedoms appear to be necessary for the maintenance of the level of freedom that has already been achieved in Tajik society today. Thus, maintaining the capacity of the state to guarantee those democratic rights and freedoms already existing in the current stage of the development of political processes in Tajikistan turns out to be the most important aspect of the restriction issue. The fact that it is in turn necessary to limit rights and freedoms for this purpose is a clear indication that there are real, genuine deficiencies in the political order and the legal system. Nonetheless, the fact that we have drawn attention to these deficiencies and are striving to overcome them proves how serious the Tajik people are about creating a democratic state under the rule of law.

The world today is facing the challenges of new interdependent relationships. This is occurring through the prism of globalization concepts. However, globalization also creates certain problems and dangers, particularly for those states that have just become independent and sovereign. This was what UN Secretary-General, Kofi Annan, was referring to when he stated that "crimi-

nality, drugs, terrorism, environmental pollution, disease, weapons, refugees and migrants are moving in currents faster and on a larger scale than before".¹⁴ President Rakhmonov has also devoted much attention to these new threats. He has indicated that they not only have regional character, but have implications for states outside the region as well. Also in dealing with these problems, strengthening the state leads to reinforcing its capability to take the necessary countermeasures.

In the current developmental stage of the Tajik state, one of the tasks to be fulfilled is to make the positive aspects of democratic development clearer to the Tajik people and to create consciousness for democratic values. How far and fast democratic values can be socially and psychologically internalized in the Republic depends to a large degree on the political culture of Tajik politicians and the intellectual elite. If democratic transformation proves its value and leads to positive results, its chances of being accepted by the *entire* population improve. Of course, domestic policy factors, which promote the democratization of political processes, play a crucial role. On the other hand, outside factors can also stimulate this process. How effective they will be will depend to a large extent on the openness of Tajik society towards the international community. The more Tajikistan is integrated into their democratic structures, the less the country will have the opportunity to give up the democratic principles for the political welfare of society. However there is also an inverse logic to this concept: The openness of Tajik society is also dependent on the influence and the authority of international organizations as well as the degree of willingness that Tajik authorities have towards civilized methods structuring societal order. Thus domestic as well as outside factors are crucial to the perspectives for the democratization of Tajik society.

Ultimately however, the democratization of Tajikistan will be decided by the development of economic reforms and the successes of the country. A state that succeeds within a calculable time period in decreasing unemployment, implementing a just policy for privatization of property and increasing the level of material security in society, can reckon that the population will have a positive attitude towards it. If the present state does not achieve this, a reversion to Communist or Islamic order will occur. The success of economic reforms and the conduct of the current political elite of the country will determine the direction Tajikistan will ultimately take.

14 Annan, cited above (Note 3).