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The OSCE Long-Term Mission to Tajikistan¹

New Priorities and Tasks for the OSCE Mission

The year 2000 marked an important watershed for the OSCE Mission to Tajikistan. After the three-year transition period defined in the General Peace Agreement of 27 June 1997, the peace process had formally come to an end. The ban on political parties, lifted in June 1999, and the September referendum on amendments to the Constitution paved the way for presidential elections in November 1999. They were followed by parliamentary elections in February/March 2000.² In March, the Commission for National Reconciliation (CNR) finished its work and was dissolved. In May 2000, the United Nations Mission of Observers in Tajikistan (UNMOT) was replaced by the smaller United Nations Tajikistan Office of Peace-Building (UNTOP). In June 2000, the CIS mandate for Russian peacekeeping troops ended, and the work began to transform the Russian military presence into a military base as agreed between the two states in April 1999.

The OSCE Mission had to adapt, within the framework of its mandate, to a new role in the post-peace-process situation characterizing Tajikistan. This was achieved by stepping up the activities and broadening the scope of projects in areas most relevant to the new situation, namely, support for civil society and democratic institutions, the rule of law, monitoring of human rights, and local capacity-building.

With the transition period of the Peace Agreement formally completed, Tajikistan was perceived by many as a "model" for conflict resolution based on political compromise between former warring sides and political integration of the opposition. Although the conflict in Tajikistan has so far not been solved, it has been successfully directed onto a peaceful track.

The Peace Agreement of June 1997 provided for the integration of the United Tajik Opposition (UTO) into the political life of the country based on a quota arrangement according to which the UTO was given a minor role until a new Constitution was adopted, and presidential and parliamentary elections had taken place. The UTO was promised 30 per cent of the posts in executive bodies on all administrative levels, but only achieved this percentage on the national level. When the ban on political parties was lifted, the Party of Islamic Rebirth (PIR), the backbone of the UTO, became the first, and is so far,

1 This article reflects the personal views of the author and not the official views of the OSCE Mission to Tajikistan. The author thanks Abdulaziz Abdulaziz, Bjorn Hagelin and Arne Seifert for their valuable comments.

2 Cf. Kamoludin Abdullaev/Catherine Barnes (Eds.), *Politics of Compromise. The Tajikistan Peace Process, Accord*, Vol. 10, London 2001.

the only legal Islamic party in all of Central Asia. During the presidential elections and the parliamentary elections, according to the OSCE/UN Joint Election Observation Mission (JEOMT) monitoring the elections, irregularities took place but the outcome of the elections was accepted by both organizations.

Peace in Tajikistan has been maintained due to several factors. One major factor has been the determination of the previously warring sides, the government and the UTO. The efforts to maintain peace by the leader of the former UTO, Said Abdullo Nuri, must be given special emphasis since he supported the peace process also while the conditions of the Peace Agreement were not entirely fulfilled, and even when the UTO, after the transition period had formally come to an end, lost the positions and influence it had been entitled to by the Peace Agreement.

Nevertheless, the stability brought by the peace process remained threatened during 2000 due to the presence of splinter groups of the former UTO and fighters of the Islamic Movement of Uzbekistan (IMU) in Tavildara to the east of Dushanbe as well as rumours that the rebellious Colonel Makhmud Khudoberdiev was preparing for another offensive, this time in the Sughd Region (formerly: the Leninabad Region). In April 2001, the First Deputy Minister of the Interior was murdered, Khabib Sanginov. Sanginov had been a prominent personality in the former UTO. After this, a series of hostage-takings and additional murders followed. The authorities immediately initiated operations against the influential field commander Rakhmon Sanginov, nicknamed "Hitler", who had not accepted the Peace Agreement and therefore refused to disarm and hand over weapons. These events did not occur according to a particular rationale but when in August the Ministry of Interior announced that operations had been successfully ended, "Hitler" and his close associate, Mansur Muaqqalov, were dead together with 26 of their supporters. With rumours of the death of Khudoberdiev confirmed towards the end of the year, and the death of Juma Namangani, one of the leaders of the IMU, during the US-led "war on terrorism" in Afghanistan in November 2001, the position of President Rakhmonov was further strengthened.

The events following the September 11 terrorist attacks in New York and Washington contributed to further stabilizing the situation within Tajikistan as the US-led military operations in Afghanistan radically changed the security environment around Tajikistan. The new situation again strengthened the position of President Rakhmonov. While the completion of the peace process in Tajikistan since 2000 had already caused the OSCE Mission to shift its priorities into post-conflict peace-building rather than conflict resolution, the post-September 11 events added new tasks to the work of the Mission.

Before presenting the new priorities and tasks of the OSCE Mission, we will discuss whether the Peace Agreement has properly addressed the roots of the Tajik civil war and thereby provided the necessary conditions for sustainable peace.

The Peace Agreement and the Roots to the Civil War

In the OSCE Yearbook 1999, Arne Seifert has analysed the strategy for conflict resolution in Tajikistan and emphasized the early awareness of both the OSCE and the UN that national reconciliation had to include the “broadest possible participation of all political groups and all regions of the country”.³ The first Head of the OSCE Mission, Olivier Roy, had already in 1993 stressed the need for agreement not only between the government and the leadership of the opposition, at that time in exile outside Tajikistan, but also between forces within Tajikistan.⁴ Roy stressed that above all else the Tajik civil war had regional roots.

The background of the Tajik civil war constitutes a complicated web of factors.⁵ Among these, regional differences as well as strong regional identification are the key factors for the tension that has developed between groups in society.⁶ Tajikistan has always been characterized by strong regional differences since often high mountains separate the villages.

During the last years of Soviet rule, the people of the Karategin Region increased their economic strength in the republic by marketing their local agricultural products throughout the entire Soviet Union. The people of Pamir had gained more weight in the state structures because Gorno-Badakhshan had become strategically more important to Moscow, and the region became strongly subsidized by the centre. At the same time neither Karategin nor Badakhshan had any political influence as the Leninabad Region (today: the Sughd Region) dominated the government. The people from Karategin and also Badakhshan became the backbone of the opposition as, at the peak of perestroika at the end of the 1980s, it began to crystallize and articulate its demands. Moreover, the large population transfers that followed as a result of Soviet labour policy and went on into the 1960s, led to strong inter-group antagonism. Large groups of people had been moved from the Karategin Valley (from Garm and Tavildara) to the east of Dushanbe. The Vakhsh Valley of Kurghon-Teppa constitutes an example as tension grew between the Garm and Pamir people relocated to the area, on the one hand, and indigenous Kulyab and Uzbek settlements, on the other. The most serious clashes during the civil war took place in the south of Tajikistan where the Kulyabs mobilized the Popular Front against the people from Karategin living there.

The Peace Agreement dealt with the issue of how to concur on an end to the war, but did not specify what was implied by “national reconciliation” or

3 Arne C. Seifert, *The OSCE Long-Term Mission to Tajikistan*, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (Ed.), *OSCE Yearbook 1999, Baden-Baden 2000*, pp. 257-270, here: p. 261.

4 Cf. Olivier Roy, *Report on Tajikistan*, CSCE Forum for Security Co-operation, Vienna 1993, p. 6.

5 Cf. Shirin Akiner, *Tajikistan. Disintegration or Reconciliation?*, London 2001.

6 Cf. Muzzafar Olimov/Saodat Olimova, *Regiony Tajikistana: proshloe i nastoyashchee, Mejtajikskii konflikt: put k miru*, Moscow 1998.

what political forces would be included. As pointed out by Arne Seifert, the UN and the OSCE understood “national reconciliation” as the inclusion in the peace settlement process of the largest possible circle of political forces. However, the mechanisms of conflict resolution concentrated only on the warring sides, i.e. the government and the UTO, with the result that other political forces in the country were not represented. Also there were certain contradictions between the Islamist part of the UTO, whose representatives had lived mainly outside Tajikistan during the war, and those of the Democratic Party, who had remained inside the country. The Joint Commission monitoring the temporary ceasefire, the General Peace Agreement, and the CNR included the government and the opposition, the latter being understood to equate with the UTO. As Seifert has said, “(...) in the course of external conflict settlement the range of negotiating partners on the Tajik side was diminished substantially (...)”.⁷

The two parties to the conflict, however, had limited popular support since neither the government nor the opposition had a majority behind them. There was an effort by Abdumalik Abdullajanov from the Sughd Region to articulate the interests of the region and create a “Third Force”.⁸ However, Abdullajanov’s “Third Force” was never made part of the power-sharing arrangement and the Region remained without political influence.

The Outcome of the Peace Process

Peace has been maintained since the transition period of the Peace Agreement formally ended. Yet analysing political development since spring 2000, two trends become evident: a) The power-sharing arrangement became history, and power was concentrated in the hands of the President; and b) the regional imbalance created in 1992 as an outcome of the take-over of power by Emomali Rakhmonov has been reinforced.

The concentration of political power in the hands of the President was partly due to the fact that the quota arrangement was never fully implemented. As mentioned above, the UTO was only given representation at the national level with a 30 per cent quota in state executive organs as stipulated in the General Protocol. As the Chairman of the PIR, Said Abdullo Nuri, stated in April 2002, the 30 per cent quota had been fully implemented at the ministerial level.⁹ However, at the regional or district levels the 30 per cent quota was never fully implemented.¹⁰ The resistance and suspicion on the part of the authorities against the UTO is of course a crucial factor here. Another

7 Seifert, cited above (Note 3), p. 262.

8 Cf. Shahram Akbarzadeh, Abdullajanov and the „Third Force“ in: Abdullaev/Barnes (Ed.), cited above (Note 2).

9 Press conference in Asia-Plus, 5 April 2002.

10 Cf. Rahmatillo Zoir/Scott Newton, Constitutional and Legislative Reform, in: Abdullaev/Barnes (Ed.), cited above (Note 2).

factor, which has also been pointed out by representatives of the leadership of the PIR, was that the UTO lacked people with the necessary professional knowledge. In fact, as Muhiddin Kabiri, the Deputy Head of the PIR, emphasized, it was one of the most important factors, when after the parliamentary elections in early 2000, most former UTO representatives, who had previously been appointed to regional or local state executive bodies, were replaced.¹¹ The major issue, however, remained the political factor. The last district *hukumat* (government) chairman from the UTO was fired in November 2001 in Jabbor Rasulov District in the Sughd Region. In spring 2002, only two former UTO members, who had once been part of the Islamic branch of the opposition, had remained in the government. These were First Deputy Prime Minister Khoja Akhbar Turajonzoda, who had already left the PIR before the presidential elections, and the Minister of Emergency Situations, Mirzo Ziyoev.

Thus, the government side consolidated its power after the transition period was completed, and the Islamists from the UTO became politically marginalized. The official outcome of the parliamentary elections of 2000 gave the PIR only 7.8 per cent of the votes. As irregularities took place during the elections, the actual support of the PIR remains unknown. Nevertheless, the PIR has had a difficult period since the elections. Large groups in the population, especially in the south, resent the PIR and blame the Islamists for the outbreak of the civil war. Moreover, the leadership of the PIR has been criticized from within its own ranks for being too prone to compromises with the government. As a result, previous PIR supporters have abandoned the party for more radical groups such as the *Hizb ut-Tahrir*.

If we turn to the issue of the relations between the regions, the power balance between them changed radically through the civil war. Since then, this new balance has not only been maintained but also consolidated. Thus, the Kulyabs, or to be more exact the people from Dangara (the birth place of the President) took control of all state structures, first on the national level and then also in the regions. The representatives from Sughd withdrew to that Region, Pamir fell back into obscurity, and Karategin was left aside as the government had problems controlling the area. Kurgan-Tyube in the south had already been re-united with Kulyab to form one administrative region, the Khatlon Region, in 1992.

The President appoints his people as heads of the regional and district *hukumats*, and the central government, therefore, can more easily come to terms with the regional and district leadership. A few individuals in the central government are from regions outside Khatlon. Thus Prime Minister, Oqil Oqilov, is from Sughd and Deputy Prime Minister, Qozidavlat Qoimdodov, from Pamir. However, the regions as such still have little influence.

11 Cf. interview with Deputy Chairman Muhiddin Kabiri, in: Tajikistan: An Uncertain Peace, An International Crisis Group Report, 24 December 2001.

The administrative reorganization introduced by the amendments to the Constitution in 1999 created five administrative regions: the Sughd Region, the newly created Khatlon Region, districts directly under the administration of the Republic consisting of districts to the east of Dushanbe in Tavildara and Garm in the Karategin Valley, and to the west as Hissar, the city of Dushanbe, and finally Gorno-Badakhshan, which remains an Autonomous Region.

Regional differences have remained and even deepened. As a result of the breakdown of previous economic and industrial infrastructures and co-operation networks, economic and social life in the country became more locally oriented. Certain tensions exist between the regions as well as in relation to the central government. Yet, it is important to point out that there was no longer a tendency to use violence to solve inter-regional problems. The regions were not given the opportunity to develop their interests. The government fears the destructive consequences that a new wave of regional interests could bring with it. In summary, the government has been able to manage relations between the centre and the regions by first of all managing its relations with the regional leadership. There are still few opportunities for the people to articulate their demands or for these to have an impact on government policies. This issue is directly related to building democratic procedures in which the population participates.

While the issue of regions and the regional balance was not within the scope of the OSCE, the issue of building democratic procedures and democratic institutions remains at the centre of the OSCE's interests. An understanding of the need for political compromise was only attained after a bloody civil war. For the OSCE, the task of contributing to the establishment of a political dialogue between different political forces will therefore always remain important.

Encouraging Democratic Procedures and the Development of Civil Society

The Peace Agreement provided Tajikistan with an extraordinary opportunity for democratic reform of the government and state system. However, this opportunity was not fully utilized, and amendments to the Constitution were limited. Due to compromises made within the CNR and the low profile of international organizations, amendments did not properly address the democratic deficits inherited from Soviet rule. The text of the Protocol of the Peace Agreement never mentioned the issue of institutional reform but only stated "national reconciliation" as a goal.

Since the parliamentary elections of year the 2000, three parties are represented in Parliament - the ruling People's Democratic Party (PDP), the Communist Party (CP) and the Party of Islamic Rebirth (PIR). The Communist Party has a party organization inherited from the Soviet period. Never-

theless, none of the parties constitute a proper political party in the conventional sense of the word.

Parties such as the Democratic Party and the Socialist Party are not represented in the Parliament. Efforts to set up further parties have so far been unsuccessful. Thus in February 2000, the Social Democratic Party under the leadership of Rakhmatillo Zoirov was denied registration for the third time under reference to technical mistakes in preparing the registration papers.¹² At least in theory the Social Democrats could develop into an opposition party with leading members also from the Sughd Region and Gorno-Badakhshan. Although a strong opposition party may constitute a constructive and stabilizing factor, the regime has not yet come to this realization. Nevertheless, it is characteristic of Tajikistan that Zoirov himself works as a legal adviser to the President.

There is an ongoing but slow democratization process. The by-elections during spring 2002 to the Majlisi Namoyandagon, the lower chamber of the Parliament, demonstrated the country's inexperience in carrying out elections, and the reluctance of local authorities to register candidates from any other party than the ruling PDP. In the by-election in Asht in the Sughd Region a second candidate was allowed to register only after the intervention of the UN and the OSCE. Other party candidates were denied registration under reference to technical and procedural mistakes by their parties. In the Kolkhobod election a PIR candidate was registered, however, in Vose and Kulyab only the PDP candidate was registered.

The Central Commission on Elections and Referenda (CCER) as well as its regional and district counterparts had a key responsibility in monitoring this process and also in providing assistance to the political parties. There is a lack of knowledge within the CCER on the present legislation and regulations on the different stages of the election process from the nomination and registration of candidates to the monitoring of elections and the counting and tabulation of votes.

The OSCE has put a great deal of effort into increasing the knowledge of the present election legislation by offering civic education training including seminars on election procedures. The activities of the OSCE are directed towards strengthening good governance and the rule of law. Seminars with representatives of political parties and local authorities have been carried out successfully. As part of the OSCE efforts to encourage the growth of civil society and democratization, the OSCE supports a dialogue between the political parties by organizing monthly meetings of party leaders and assists non-governmental organizations. In support of media independence, the OSCE Mission has promoted regular monthly meetings between journalists and a dialogue between the press and the authorities. The Mission started a survey of existing media laws, which resulted in the presentation of a draft

12 He had previously tried to register the party under the name "Party of Justice".

law on the media for presentation before Parliament. In addition, there have been projects in support of local newspapers.

In the human dimension, the Mission has actively promoted both awareness of human rights and legal reform. The Mission advised the authorities on reform of the Criminal Code and the Code of Criminal Procedure. The issue of the abolition of the death penalty and of exit visas and prison reform remain high on the agenda of the Human Dimension Officer.

Much effort has been put into supporting gender programmes in order to activate, inform and encourage the organization of women. The Gender Officer of the Mission has supported more than 28 groups and training has been offered on a variety of topics, such as economic empowerment and business skills, leadership, and the raising of gender awareness through the media. Seminars and round tables have been carried out on violence against women and trafficking in human beings.

As economic and ecological issues came more into the foreground, a post was set up for a political officer specializing in economic and environmental issues. Within the framework of the Århus Convention, regular meetings have been taking place with representatives of the political parties. The Mission has been active in promoting the Århus Convention in Tajikistan. A series of round tables have been organized with representatives of the political parties on the national as well as regional levels.

Assisting in Government Reforms

The Constitution of Tajikistan demands a separation of power between the executive, legislative and judicial branches, but does not provide a concrete arrangement for this. Therefore the President dominates, and there are neither checks and balances in the Constitution, nor do they exist in real political life. The President is both head of state and of government and retains control over local administration. The weak legislative and judiciary branches in no way present counterweights to the Presidency. There is a lot of redundancy in the governmental system where the presidential administration duplicates many of the functions of the government. There is thus a need to reform state structures and their organization. The OSCE has tried to contribute to the process of reform and democratic institution building.

In support of the judiciary, the OSCE has encouraged preparations for the creation of training centres for judges, barristers as well as other groups within the legal profession. The presence of competent and highly professional lawyers is a precondition for an effective and independent judiciary.

The weakness of the legislative branch and the fact that elections do not yet provide the voters with a proper choice between parties and candidates undermine the legitimacy and authority of the Parliament. The Parliament has neither any real influence on the choice of Prime Minister, individual minis-

ters, nor on government policy. In addition, there are several anomalies with regard to the composition of the chambers. This holds true primarily with regard to the Majlisi Milli (the upper chamber). Of its 33 members, the President directly appoints eight. The remaining deputies are indirectly elected by the deputies of the regional Parliaments. In the present Majlisi Milli, a clear majority of those elected or appointed hold high posts in the regional *hukumats* and its administration. As state officials they report to the President. It also has to be mentioned that the President appoints all chairmen of the regional and district *hukumats*. Previous Presidents also have the right to have a seat in the chamber (but at present there is only one). Thus, employees of the local executive branch constitute over 80 per cent of the deputies of the upper chamber. As far as the Majlisi Namoyandagon (the lower chamber) is concerned, the election system is outdated, and the government has announced the need for reform.

The upper chamber has a "quasi-federal" character. It gives the administrative regions a fixed number of representatives. Yet, since most of the deputies are state officials appointed by the President and most of them do not stem from the region where they work, they cannot be regarded as proper representatives of those regions. The primary functions of the upper chamber are to elect and recall judges and to appoint and dismiss leaders of the prosecutor's office in response to proposals by the President. Reforming the upper chamber is being discussed; according to its critics, direct elections of representatives by the people would be a constructive way of channelling the demands of the regions.

Beyond September 11 - New Challenges to the OSCE

Tajikistan has become a poor country and for most of its citizens daily life is a struggle for survival for each individual and his or her family. Many of the problems of the country are closely connected to this simple fact. Tajikistan has high expectations that investment, first of all foreign investment, will create the long-awaited take-off in economic development.

The OSCE Mission is to a large extent perceived by the local population as an organization, which defends human and democratic rights, and this remains a core direction of the Organization. In the transition period in which Tajikistan has entered, during which political and economic reforms must be carried out, there is a need for an outside organization offering assistance and expertise. In December 2000, the Permanent Council of the OSCE enhanced the Mission by the addition of four international staff members bringing the total authorized strength to fifteen. The new challenges to the OSCE Mission today include an increasing number of economic and environmental issues. In the year 2000, the Mission staff was extended to include the Officer on Economic and Environmental Issues.

The terror attacks on New York and Washington in September 2001 and the creation of an international coalition in response demand that also the OSCE give more attention to security concerns. Security, however, should be understood in a broader sense. Frustration and discontent with difficult social and economic conditions, halting democratic procedures, the lack of channels to articulate political demands, and conflicts over land, water and resources can easily provide the breeding ground for extremism, whether religious, ethnic or nationalistic. The OSCE encourages an open and frank dialogue on controversial issues as part of its conflict prevention approach. Thus in April 2002, the Mission organized a conference on the issue of combating religious extremism and strengthening democratic institutions. Democratic reforms must include the security dimension. However, the international focus on combating terrorism brought new tasks to the OSCE. The Bucharest Ministerial Declaration, the Decision on and the Bucharest Plan of Action for Combating Terrorism as well as the Bishkek Action Programme on the same issue demand that in future more emphasis be placed on politico-military aspects than has earlier been the case for the OSCE Mission.

The international anti-terrorist operations in Afghanistan changed the security environment for Tajikistan and brought international attention to the country. From being unknown to most of the Western world the international interest in Tajikistan as well as its Central Asian neighbours has increased drastically. The larger US presence in the Central Asian region and in Tajikistan raised the expectations within Tajikistan that the international interest would bring economic investment. The diplomatic activity of the Tajik government has increased, and a series of co-operation agreements have been signed with Western, Asian and Eurasian countries.

The OSCE can indirectly contribute to bringing foreign investment to Tajikistan by assisting in strengthening the legal framework for investment as well as the legal system in general in the country, without which no serious foreign investors will find their way to Tajikistan. In Spring 2002, the OSCE Mission to Tajikistan organized a conference for the Central Asian region on fighting corruption and economic crime.

The priorities of the OSCE Mission have shifted somewhat since the year 2000 but its fundamental approach and direction remain the same. The assistance of the OSCE Mission in building a democratic society based on the rule of law will still be valuable for several years to come. The task to contribute to a continuation of a dialogue based on political compromise between political and regional forces of the country should, however, not be overlooked. This also remains on the agenda of the OSCE.