



Decentralisation, Civil Society Institutions and Citizens' Participation on the Level of the Commune (Jamoāt) in Tajikistan

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(The author Frank Bliss has recently joined a mission to assess and analyse Local Governance issues related to Agrarian Reform Programme of the Republic of Tajikistan.)



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Abbreviations

| | |
|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| AA | Auswärtiges Amt der Bundesrepublik Deutschland (German Federal Foreign Office) |
| ACTED | Agence d'Aide à la Coopération Technique et au Développement (French I-NGO) |
| ADB | Asian Development Bank |
| AKDN | Aga Khan Development Network |
| AKF | Aga Khan Foundation |
| BMZ | German Federal Ministry for Economic Cooperation and Development |
| CBO | Community-Based Organisation/s |
| CCT | Counterpart Consortium Tajikistan |
| CDD | community-driven development |
| CIDA | Canadian International Development Agency |
| CIS | Commonwealth of Independent States (a commonwealth of various successor states from the Soviet Union) |
| DAC | Development Assistance Committee (der OECD) |
| DED | Deutscher Entwicklungsdienst (German Development Service) |
| DEZA | Direktion für Entwicklung und Zusammenarbeit des Schweizer Außenministeriums (Department for Development and Cooperation of the Swiss Foreign Office) |
| DFID | Department for International Development (GB) |
| DGRV | Deutscher Genossenschafts- und Raiffeisen-Verband |
| DIE | Deutsches Institut für Entwicklungspolitik (German Development Institute) |
| DWHH | Deutsche Welthungerhilfe |
| EU | European Union |
| FAC | Foreign Assistance Coordination |
| FAO | Food and Agriculture Organization der UN |
| GDP | Gross Domestic Product |
| GoK | Government of the Kyrgyz Republic |
| GoT | Government of the Republic of Tajikistan |
| GIZ | Gesellschaft für Internationale Zusammenarbeit |
| HDI | Human Development Index (UNDP) |
| HDR | Human Development Report |
| HIPC | Highly Indebted Poor Countries |
| IDA | International Development Association |
| IFAD | International Fund for Agricultural Development |
| IFO | Internationale Financial Organisation (= IMF and WB) |
| ILO | International Labour Organization |
| IMF | International Monetary Fund |
| IMO | International Migration Organization |
| I-NGO | International Non-Governmental Organization/s |
| I-PRSP | Interim Poverty Reduction Strategy Paper |
| IMF | Internationale Monetary Fund |
| KfW | Kreditanstalt für Wiederaufbau |
| Kg. | Kyrgyz |
| KP | Communist Party |
| KPdSU | Communist Party of the Soviet Union |
| MDG | Millennium Development Goals |
| M+E | Monitoring and Evaluation |
| MSDSP | Mountain Societies Development and Support Programme (of the AKF) |
| MSF | Médecins Sans Frontières |

| | |
|--------|---------------------------------------------------------|
| NCO | non-commercial organisations |
| NDS | National Development Strategy |
| NGO | Non-Governmental Organization/s |
| NSIFT | National Social Investment Fund of Tajikistan |
| OECD | Organisation for Economic Cooperation and Development |
| OSCE | Organisation for Security and Cooperation in Europe |
| P. | Participation |
| pa | per annum, per year |
| pd | per day |
| PIU | Project Implementation Unit |
| pm | per month |
| PMU | Project Management Unit |
| pp | per person |
| ppp | purchasing power parity |
| PRA | Participatory Rapid (Rural) Appraisal |
| PRGF | Poverty Reduction and Growth Facility |
| PRS | Poverty Reduction Strategy |
| PRSP | Poverty Reduction Strategy Paper |
| PSIA | Poverty and Social Impact Analysis |
| PWG | Presidential Working Group |
| Russ. | Russian |
| SDC | Swiss Development Cooperation |
| SHG | Self Help Groups |
| Sida | Swedish International Development Agency |
| SSR | Socialist Soviet Republic |
| SU | Soviet Union |
| Taj. | Tajik |
| TC | Technical Cooperation |
| TJS | Tajik Somoni (100 EUR = approx. 580 TJS / January 2011) |
| UN | United Nations |
| UNDP | United Nations Development Programme |
| UNICEF | United Nations Children's Fund |
| UNIFEM | UN's women's organisation |
| USAID | U.S. Agency for International Development |
| VO | Village Organisation |
| WB | World Bank |
| WHH | Welthungerhilfe (German I-NGO) |

Local / Regional Terms¹

| | |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Aktiv</i> | The team responsible for the implementation/execution of measures, chosen by the collective or appointed by the managerial level |
| <i>aksakal</i> | “Whitebeards”, older residents with authority on the village level |
| <i>aūlūd</i> | Lineage |
| <i>Apparat</i> | Or <i>apparatschiki</i> = (paid) civil servants, often used in the derogatory sense of “bureaucrats” or “privileged workers for the state” |
| <i>bazar</i> | Market |
| <i>Brigade</i> | Working group (e.g. team in the <i>Sovkhoz</i>) |
| <i>chon</i> | Local petty prince |
| <i>hakīm</i> | President of the <i>Rayon</i> (appointed by the president) |
| <i>hashār</i> | Self-help, voluntary work |
| <i>Hukūmāt</i> | <i>Rayon</i> administration |
| <i>Jamoāt</i> | (Rural) commune, also the commune’s council (appointed by the head of the <i>Rayon</i> , sometimes elected in the time up to 2009 and always to be elected since then) |
| <i>kaūm</i> | Lineage, extended family |
| <i>kishlak</i> | Village |
| <i>Kolkhoz</i> | Originally a cooperative farm organised on a voluntary basis with individual shares in property, and later an obligatory organisation of all farmers of an area without any right to individual payments or the opportunity to opt out |
| <i>Kollektiv</i> | Working group or peer group (in working life, at the school or in a place of residence); the entirety of the individuals who elect an <i>Aktiv</i> (see above) |
| <i>Komsomol</i> | Soviet youth club (members between 15 and 28 years) |
| <i>mahalla</i> | Village, urban district, quarter; also neighbourhood and self-help group |
| <i>majlisi</i> | Council, Parliament |
| <i>maschvarat</i> | Assembly, council of the elders of different villages or hamlets |
| <i>Mikrorayon</i> | An administrative unit within the city |
| <i>Nomenklatura</i> | Leadership of the party (KPdSU) and higher state functions |
| <i>Oblast</i> | Province, region (between the level of the district (<i>Rayon</i>) and the republic) |
| <i>Pioniere</i> | Soviet children’s organisation (10 bis 14 Jahre) |
| <i>qadī</i> | (religious) judge |
| <i>raīs</i> | head, chief |
| <i>Rayon</i> | District |
| <i>sayyid</i> | literally “Lord” (Arabic), what is meant here is a descendant of the Prophet |
| <i>shoh</i> | Shah, local petty prince |
| <i>Sovkhoz</i> | A state farm with workers exclusively paid by the state, almost always the result of the definitive nationalisation of a <i>Kolkhoz</i> in the seventies |
| <i>Soviet</i> | An elected council of the people (around 50,000 organs, from village level up to the highest Soviet of the Soviet Union in Moscow) |
| <i>subbotnik</i> | voluntary work (on Saturday, hence the Russian name), and also: voluntary worker |

¹ Quotes retain the spelling of the original versions, which means that there may be discrepancies in spelling.

1 Introduction

This work is the fourth of a series of publications documenting the research project “Participation in national development and cooperation in development policy illustrated by the examples of Kyrgyzstan and Tajikistan”. This project, which was supported by grants from the Volkswagen Foundation, was carried out between 2005 and early 2011 in Germany and on site in Central Asia.

The research work involved, on the German side, Frank Bliss (Professor of Development Anthropology at the University of Hamburg) and Stefan Neumann (an ethnologist and freelance development policy consultant). In Kyrgyzstan the social scientists Zura Medikulova and Nazira Kasenova also collaborated, as well as the National Academy of Sciences of the Republic of Kyrgyzstan with its Social Sciences department. In Tajikistan Muyassar Kozieva and Anoyatschoew Mubaraksho were involved as co-workers in the research, as well as the institutional partners of the University of Khatlon (2005-2007) and the University of Khorog (from 2009 onwards).

The goal of the research project was the investigation of participatory processes within national development, and transformations, particularly the decentralisation and privatisation of tasks formerly belonging to the state, in the two Central Asian republics of Kyrgyzstan and Tajikistan.

The investigation is conceived as a contribution to international research on participation, with the focus being on the discourse of development policy – which has been strongly shaped by the West – in general, and secondly on the applicability of the concept of participation in development cooperation within the example of the reference countries. This also implies dealing with the question of the relativity of participation, i.e. the appropriateness and applicability of the concept of participation in development policy and development cooperation on general conceptual level as well as on the level of individual countries and projects.

This working paper is concerned on the one hand with the process of decentralisation, with all its contradictions, in Tajikistan.

This, despite intensive international support and a statement of commitment which was in fact issued years ago by the government, is only progressing slowly, and when this paper was finished even partial fiscal decentralisation was far from being achieved. The paper is concerned on the one hand with the collective and individual opportunities for involvement of the population on local processes of decision in the context of the organisation of society in Tajikistan. A further publication will deal with the execution of concrete development projects on the level of the rural commune (*Jamoāt*) and individual villages (*kishlak*).

The results summarised here are based on the one hand on a secondary analysis of the most important literature, which includes not only legal texts but also unpublished studies and assessments of various donor organisations on the topic of communal development. Moreover, a total of five project-related trips were made, particularly to the regions of Khatlon

and Gorno Badakhshan, as well as three external evaluations, in Sughd and Khatlon amongst others.

Dozens of key figures were interviewed. These included, as well as elected representatives of the population on village and *Jamoāt* level, a number of actors from non-governmental organisations (NGOs), Community Based Organizations (CBOs), Self-Help Groups (SHGs) as well as representatives of state administration on the levels of the district (*Rayon*) and rural commune (*Jamoāt*). Discussions were had in around 20 of the over 60 *Rayons* in Tajikistan, which should afford the results general validity. A particularly large number of interviews were carried out in Zerafshān and Isfara in Sughd, in Gharm Valley, in Gharm City and Tajikabad, in the Khatlon *Oblast* in Sarband, Jilikūl, Kabodiān, Shartūz, Kolkhosabad, Hamadonī, Vakhsh, Yovon and Farkhor as well as Shugnān and Shakh dara in Gorno Badakhshan.

It should be emphasised that almost all of the participants took a great deal of time for the interviews and discussions, even in cases when the interviewing team did not come in the name of a project and the interviewed parties could therefore expect no profit from the meeting. Heartfelt thanks should be extended to all for the hospitality which accompanied the conversations, which involved at least tea and very often also a snack. Particular thanks are due to the workers of the *Jamoāts*, who took a lot of time for the dialogues even on Saturday and Sunday.

The following articles have been published so far as interim results of the research project:

- a report on participation of the population in the theory and practice of development cooperation bearing the title “Zur Partizipationsdiskussion in der internationalen Entwicklungszusammenarbeit. ‚State of the art‘ und Herausforderungen”, Bonn 2007;
- “Participation in International Development Discourse and Practice. ‘State of the Art’ and Challenges.” INEF Report 94 (2008);
- “Poverty, Governance, and Participation in Central Asia: The Example of Tajikistan.” Project Working Paper 1 (INEF, Duisburg-Essen University);
- “Partizipation in der nationalen Entwicklungsplanung und -implementierung in Tadschikistan.” Project Working Paper 2 (INEF, Duisburg-Essen University);
- “Partizipation in der dezentralen Entwicklungsplanung und -implementierung Kirgistans.” Project Working Paper 3 (INEF, Duisburg-Essen University);
- “Dezentralisierung, gesellschaftliche Institutionen und Bürgerbeteiligung auf Ebene der Landgemeinde (*Jamoāt*) in Tadschikistan.” (English title: Decentralisation, Civil Society Institutions and Citizens’ Participation on the Level of the Commune (*Jamoāt*) in Tajikistan.) Project Working Paper 4 (INEF, Duisburg-Essen University).

Spelling and quotations:

Important Russian and Tajik terms have been used in the original form and italicised. Standard English plural forms with –s have been used. In some cases diacritics for length have been used to reflect the pronunciation in Tajikistan (ā - ī - ū).

Since this text is translated from German and German and English sources use a different transcription of Russian words (e.g. Sowjet/Soviet) there may be variation in the spelling within direct quotations.

Tajik government papers are referred to using the term “Government of Tajikistan”, or GoT for short (e.g. GoT 2005 = Tajikistan, Government of the Republic 2005).

2 The Decentralised Structures in Tajikistan

Until the end of 2009 Tajik administration on *Rayon* and *Jamoāt* level was based primarily on the law “On Self-Governance in Settlements and Villages” of 1 December 1994 (see Appendix 2: GoT 1991ff). Through the new legislation of August 2009, a change was indicated inside the communal administrative structures towards more democratic decisions and more competencies for bodies on the level of the communes. This development came unexpected for many observers, although it was desired by the international donor community and in past years had been supported with considerable emphasis by the most important bilateral and multilateral development organisations.

After all, the topic of decentralisation of administrative tasks had been dealt with intensively in public debate for at least ten years before the passing of the new law. There were also repeated changes in the legislation (see GoT 2004, 2007, 2008), which, however, often created more new problems than they solved old ones.

In the last decade the state was advised by various state and non-state international organisations, among others for a long time with USAID financing from the I-NGO “Urban Institute”.

The implementation of the propositions which had been worked out in communal working groups with other donors (among others the French I-NGO ACTED) were however always delayed for years with new arguments such as “Wait for the parliamentary elections in 2005” and “Wait for the presidential election in 2006”.

A draft law which had already been formulated was indeed passed on to the parliament by the government in 2006, but without the decisive approval of the President did not come into the consultation process.

Process advisory agencies such as USAID assumed at the end of 2006 that there would soon be a legal initiative. However, even in June 2009 the answer was given when asked that the time for the passing of the reform legislation had been postponed to the first few months after the parliamentary elections in March 2010. The fact that the law on “Self-Governance in a Town or Township” (No. 549) was not only passed by the Parliament a few weeks later, but was also signed by the President in rapid succession on 5 August 2009, was a surprise even for members of the on-site development community.

Certain difficulties accordingly result for our investigation, which even in late 2009 just had to deal with the *status quo* to date, as information on the new legal situation was not available until September 2009 and even then was only in the form of an unofficial publication from the joint working group, which was only circulated among donors in October 2009.

Even a question asked in parliament, on our request, with respect to the status of the legislative process was unable to bring any clarity to the situation at that point in time, which could indicate a very low value being assigned to the law within consultation processes or, what is more likely, characterises the general procedure of consultation in the parliament with predetermined drafts (waving aside).

Accordingly, most of our interviews in 2009 and at the start of 2010 had to do with the previous legal situation. This was not changed until around the second quarter of 2010, and at this time the change was not universal. Fiscal decentralisation, through which the most important elements of the new legislation can be put into practice, is currently still lacking and can be expected for 2013/14 at the earliest. We therefore refer here to the old practice, which is still predominant.

2.1 “Deconcentrated” State Structures

The communal administration structure in Tajikistan can to date (even considering the legal reform in 2009) only be described as “deconcentrated”. For the levels underneath the central state in Tajikistan the term “deconcentrated administrations” is broadly appropriate because the *Rayon* (district) has only very few tasks which it accomplishes independently and the *Jamoāt* (rural commune) virtually none, but instead they only act under orders. “Deconcentration” rather than “decentralisation” is also the appropriate term to use when particular state tasks are transferred from the state level to a lower level of administration without the latter having budget autonomy (i.e. its own income) and democratically legitimated structures (i.e. elected councils). All the competencies are situated with a central institution (e.g. the Ministry of Finance or the Ministry of the Interior), which delegates these competencies to the mid-level and lower-level authorities, but nonetheless retains the ultimate decision e.g. with respect to budgets.

Political and administrative decentralisation, on the other hand, is present when administrations act as the executive body of communal self-governing bodies with the authority to make their own decision and with at least partial budget autonomy. “Thus decentralization is the process of shifting of the balance of power from the central to a lower (local) level”: this very precise statement is made in a handbook for employees of Kyrgyz communes, and reflects the current consensus of the international discussion (ALG 2005: 9).

It is not clear whether the *Oblast* (region) in Tajikistan has such “original” tasks, as here too key elements of budget autonomy are missing, and instead the yearly allocations are given by instruction from the Ministry of Finance or the Central Budget Commission. The fact that the budgets are worked out formally for all levels every year cannot be seen as a proof for decentralisation, since these budgets, apart from the salaries for state employees are not obligatory elements, and sometimes do not even appear every time (e.g. provision for building maintenance), but – apart from salary for personnel – are imposed in a relatively arbitrary manner by Dushanbe.

The theory that deconcentrated structures are generally worse and that decentralised structures are always better is a matter which will be left open for the moment, although the German Ministry of Development (BMZ) in a conceptual article spoke of efficient decentralised government and administration structures as being essential elements of responsible governing (BMZ 2008). It is therefore assumed that decentralised structures offer the chance for greater (administrative) efficiency, transparency and proximity to the civilians, and therefore provide a contribution to the development of democracy. Empirical evidence would be required to determine whether this is always the case in practice, as in many cases

there is also corruption on a local level, and of course the issue of the degree of specialist competence must be raised at least as much for decentralised as for deconcentrated administrations.

Within the framework of the discourse on participation, it is important that according to the interpretation of the BMZ, decentralisation can increase chances of participation of the different stakeholders (ethnic, social or religious groups are explicitly mentioned) and hence reduces the potential for conflict. This idea is supported by the most recent investigations of the author in the *Oblasts* of Sughd and Khatlon (see Bliss / Zerhusen 2010)², particularly the theory of the BMZ paper according to which decentralisation strengthens individual responsibility. However, in the first few months of the implementation of the new Communal Law in Tajikistan, this is rather a mid-term/long-term expectation, as up to now the level of “decentralised institutions” is lacking even the smallest own budgets.

The Administrative Levels in Tajikistan

The administrative structure of Tajikistan to date (which is not affected by the legislative reform) is as follows:



Figure 1: Map of Tajikistan
(Source: <http://www.nationsonline.org/oneworld/map/tajikistan-political-map.htm>)

Below the central state level in Tajikistan there are the levels of the region or province (*Oblast*), the district (*Rayon*) and the rural commune (*Jamoāt*). Large cities are divided into several *Rayons*. Instead of the *Jamoāt* here there are the *Mikro-Rayons* with their own deconcentrated authorities. Informally (until the end of 2009) in large cities there is also the

² This conclusion may however not be generalised, as there are certainly also situations in which broad participation can create conflicts.

mahalla, a city quarter organisation which does the preliminary work for the city *Rayon* and *Mikro-Rayon* (see below). Particularly in Khatlon and Sughd, the hamlets of a particular village also take the role of *mahallas* and so form the electoral base for the *Jamoāt-majlisi* (here: councils on the *Jamoāt* level of administration). These are sometimes elected democratically.

In administrative terms Tajikistan is divided into the three *Oblasts* Sughd, Khatlon and Gorno Badakhshan (the latter having been passed on from Soviet times as an “independent Oblast”) and the centrally administered *Rayons*, which include the surroundings of the capital Dushanbe as well as the Gharm Valley.

The country consists of 47 independent communes and more than 3,800 villages, which for administration are grouped into 403 communes (*Jamoāts*) (see Figure 2). The communes are grouped into 58 *Rayons*. A further 24 *Rayons* include the towns, including the capital city Dushanbe (see Davis et al. 2003: 22).

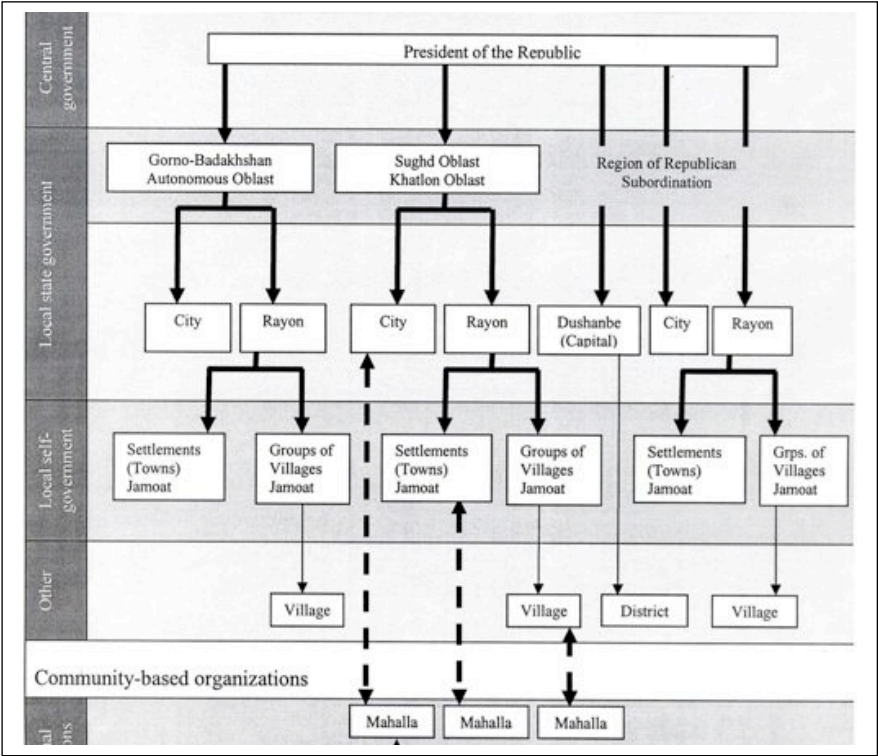


Figure 2: The state administrative levels in Tajikistan and their relationship with each other (source: USAID 2009a)

Only the *Jamoats*³ showed some elements of a decentralised structure even before 2009, because the *majlisi* or parts of this council and its president could be elected democratically. *Rayon* and *Oblast*, on the other hand, represent exclusively deconcentrated administrative levels of the central state, as their administrative heads are chosen and dismissed by the President.

³ This term means three things: the territorial level of administration, the executive structure and a council assembly (*majlis*). If there is no explicit mention to the contrary, the term is used here in the sense of “rural commune” and commune administration.

However, an analysis from 2006 produced by Ekatarina Babaeva et al. (2006: 6) on behalf of USAID showed that at the time the *Jamoāts* were not a body for communal self-governing in the strict sense. For this they were lacking the key element of a self-governing administration, a legally guaranteed attribution of their own tasks. Instead, the role of the *Jamoāts* was primarily in carrying out tasks assigned to them. In slight contradiction with their categorical statement, the authors also noted that even where the *Jamoāts* had particular responsibilities, they lacked the administrative, legal and financial authority to carry out these tasks. Clearly here law and practice diverge here somewhat.

The USAID study also shows that the communal legislation had a further serious lack when it was made: there were insufficient authorisations with respect to the territory of the communes, which is doubtless, considering international comparisons, one of the most important elements of communal self-administration. "The administrative-territorial unit is only a specific territory with a specific administrative status and not (yet) a legal entity which can be a subject of rights; the legal entity being the unit of local self-governance" (Babaeva et al. 2006: 6). What is at least as important is the authors' comment that for the evaluation of the status of the rural communes it was immaterial whether they were allowed new functions in the future as long as the *Jamoāts* were not also provided with financial independence and adequate financial resources. This is precisely the point which makes the reforms of Law No. 549 of 5 August 2009 so questionable, as they contain no provisions for fiscal decentralisation.

Communal Budgets

The *Jamoāts* therefore even now (i.e. at the end of 2010) despite the numerous tasks delegated to them do not have the right to make their own budgets, but have to present their plans on a yearly basis as an application to the *Rayon* or the *Hukūmāt* (*Rayon* administration). The agreement of the *Rayon* is important for the allocation is important in that the application is passed on with comments to the Central Budget Commission and the evaluation, depending on the influence of the head of the *Rayon*, may have some effects on the sum granted. However, the *Rayon* has no great influence on the amounts which are provided, something which moreover is also true for its own budget.⁴ It is also the responsibility of the Budget Commission to determine this. The same is true for the *Oblast*, which is financially even more dependent than the *Rayon*.

In the budget procedure it should be taken into account that although the *Jamoāt* is responsible for collecting income, i.e. has to collect taxes and fees from the population, in theory at least it has to pass this income on in full, and to date has not received any compensation for this collection. This service is therefore irrelevant for the budget of the *Jamoāt*, even if *de facto* part of the income is offset (see below) against the yearly

⁴ Of course there are some *Rayons* in which the government invests more than others because it desires to support the party's own political clientele, or the coopted former opposition. However, even here the head of the *Rayon* can never be sure of really receiving the budget applied for. Also, nothing is known of "equalising" the situation in favour of poorer *Rayons*.

allocations. The commune is therefore entirely dependent on the payments from the state, which are recalculated every year.

Even if in English terminology sometimes the term “subsidies” is used for these state allocations, this does not mean that the commune has a basic income which is supplemented by the state. The situation is rather the reverse: the state assigns the commune a basic sum, part of which has to be collected in the *Jamoāt* in the form of, for example, market taxes, motor vehicle tax and previously a transport tax, and hence does not need to be paid by the financial administration to the commune. As in other countries, in Tajikistan the negative effect results that tax collection is pursued with less commitment because efficient collection will not have any positive effect on the communal budget.

Even in 2005 many *Jamoāts* did without elaborating their own budget. It is true that the council (*majlis*) of *Jamoāt* even then had the theoretical right to create their budget independently and to send it via the *Hukūmāt* to the Central Budget Commission in Dushanbe. However, most of the council members and even the president knew nothing of this right, and allowed the budget to be created and assigned solely by the *Rayon* administration. This led to an additional lack of transparency, and apart from a few employees in the administration, virtually nobody could understand the budget procedure and the composition of the allocations.

In any case, for the reasons mentioned, the right for a *Jamoāt* to create its own budget through its committees is in practice virtually worthless, as for the *Jamoāt* there are virtually no constant factors in the budgets other than the state’s responsibility to pay its personnel. In contrast with, for example, a German commune, which has a legal entitlement to a proportion of the industrial tax as well as a proportion of income tax, the *Jamoāt* only receives what is assigned to it by the Household Commission via the *Hukūmāt* level, and the budgets in many cases barely exceed costs for personnel.

In the case of the budget for 2009 of one *Jamoāt* examined more closely in the *Oblast* of Khatlon in the south, (i.) wages for 117 persons 210,600 TJS (i.e. around 38,290 EUR or 327 EUR per worker per year); (ii.) Lighting and water: no item (paid for by the *Hukūmāt* for schools); (iii.) Maintenance and repairs of public buildings, roads and bridges (including health institutions and primary schools): no item; (iv.) constant items which are noted as material quantities: 200 L of petrol for the (private) vehicles of the head of the *Jamoāt* and workers in the administration for their official tasks (amounting to a value of around 120 EUR per year) and around 15 tonnes of coal for schools (around 20 to 30% of the requirement).

The resources which the state allocates to the administrations at *Oblast*, *Rayon* and *Jamoāt* have not changed between 2002 and 2009, at 24% of the national public budget. Conway et al. (2009:7) indicate that during the period of observation shifts in the individual items in favour of the areas of education and health emerged, which reflects on the one hand general development in state spending, but on the other hand also the increasing importance of the communes in the sectors concerned. Hence the proportion of spending for education out of all public spending rose from 13.5% (2002) to 18.6%, and for health it rose from 4.8% (2002) to 6.5%.

However, this piece of information requires one correction: despite the constant or rising items for salaries (which despite considerable raises are still extremely low), the budgets show virtually no items relating to the maintenance and operation of health institutions. If part of the necessary heating costs for educational and social establishments today is paid from the budget of the *Jamoāt* (or from the budget of the *Rayon*), this is still a positive development with respect to former years when teachers and pupils still had to bring fuel themselves.

An evaluation carried out by the author in two *Rayons* of Khatlon at the beginning of 2010 of development policy projects, which supported management of the *mahalla* and *Jamoāt* level with respect to more citizen-friendly administration came to the conclusion that the administration of administrations of the rural communes still had virtually no resources for any costs beyond salaries. This affects the maintenance of buildings and work in communal committees. As in the case mentioned, the budgets are insufficient for travel costs to sessions and for carrying meetings and for the communal councils to carry out the most elementary tasks. Good relations with the *Hukumāt* help the head of the *Jamoāt* occasionally to gain a few litres of additional petrol. In general, however, as was emphasised by many parties, from the middle of the year onwards by the latest they had to pay for everything themselves. However, with respect to participation of the population, close contact between the heads of the *Jamoāt* is a precondition for decisions of the local or neighbouring committees to reach their addressees.

In the same way, in many cases budget resources are not even present for electricity (let alone for lightbulbs) and office heating. Since however – also under pressure from international donors such as the World Bank, ADB and the German KfW – the national electricity company Barki Tojik is to aim for tariffs which cover the cost and is to significantly increase the collection efficiency⁵, for the employees of the administration this means again and again that their electricity connection is cut off or not even installed in the first place.

In discussion relating to participation of the population in decisions on the communal level, it should therefore be taken into account that the *Jamoāts* are financially paralysed and can implement virtually nothing in the interest of the population (and hence also of the voters) unless the resources required are provided by the state in a special fund separate from the communal budget (a very rare occurrence to date) or they come from donor-financed development projects which – as will be shown – are similarly generally planned and implemented without reference to the communal committees.

Finally, allocations from “patrons”, “big men”, members of parliament or other persons who wish to thereby increase their prestige and their influence (for private interests) are unknown to date in Tajikistan. The lack of financial flexibility in turn has the effect that the legitimacy of the municipal officers so far appointed, who not infrequently have entered their office by dubious democratic processes, is rather low, even if the population does not at all overestimate their freedom of action. The same restrictions will also reduce the legitimacy of

⁵ Collection efficiency refers to the ratio of electricity units which are actually paid for compared with those which for which an invoice is sent.

the mandate-holder who is to be elected according to the new Communal Law, so that the reforms are likely to have less effect than desired.

2.2 The Formal Decision-making Process on the Level of the (Rural) Commune (*Jamoāt*)

The Composition of the Councils

The procedures leading to the composition of the councils (*majlisi*) existing on all levels of Tajik administrative structure were unambiguous only at the state level: the members of the national Tajik parliament⁶ are elected by a general secret vote. The last parliamentary election took place in March 2010, and produced a two-thirds majority for the “People’s Democratic Party of Tajikistan” of national president Rahmanov. International election observers criticised the voting procedures in many points.

With respect to the levels below the national parliament, our interviews of members of the various councils did not produce a clear picture. A study by UNDP (2005b) from the year 2005 makes it clear that at the time various practices existed in parallel for the appointment of council members in the *Jamoāts*. However, the members of the *majlisi* on *Jamoāt* level, but apparently also on *Rayon* and *Oblast* level, could be elected, but did not necessarily have to be (see Figure 3).

If they were elected by the population, this occurred every five years together with the elections for the national parliament⁷. In the Sarband *Rayon* (Khatlon *Oblast*) as early as 2005 the 25 members of the *Jamoāt-majlis* of the Guliston commune were elected, with one representative for every 600 residents of the *mahallaī*. The *Jamoāt* councils of Sarband in turn elected their representatives in the *majlis* of the *Rayon*. In addition the *Rayon* President appointed further members of the *majlis* as she saw fit. In general these were heads of school, health and social administration⁸.

This mode of election, “every five years in parallel with the national parliamentary elections”, is also stipulated in the new Communal Law No. 549 from 5/8/2009, which now stipulates clear election procedures for the *Jamoāt* which were applied for the first time in parallel to the parliamentary election in March 2010. The changes caused by this could not be taken into

⁶ The Tajik parliament (Majilisi Oli) more precisely consists of two chambers, the *Majilisi Namoyondagon*, which is chosen by general, equal direct election, and the *Majilisi Milli*, three quarters of whose members are composed of the *Rayon* and communal councils of the independent cities and a quarter of whose members are directly appointed by the national president. This second chamber ratifies the laws of the first chamber, following the suggestion of the president elects the members of the Supreme Courts, and makes decisions on the territorial administrative division of the country. The president may also belong to the chamber. The *Majilisi Namoyondagon*, as the first chamber of the parliament, makes rulings on all laws, including above all the budget laws and the socio-economic planning specifications (NDS and PRSP), and the chamber also ratifies all internationally binding agreements and makes decisions on taking out loans.

⁷ In a study of the Urban Institute (Davis et al. 2003), on the other hand, democratic elections of the “local councils” are spoken of on the basis of the law “On Elections of Deputies to the Local Council”, which can only refer to the *Hukūmāt* level, since the UNDP investigations (2005b) showed that *Jamoāt* elections are not held everywhere.

⁸ We do not have precise figures, but for the next highest level (*Hukūmāt*) some figures are available for the 2000 election. According to these, over 90% of those elected were officially without a party, 87% were male and 85% had a secondary school qualification (see Davis et al. 2003: 27).

account within the framework of the investigations of this research project, but were touched upon within the framework of an evaluation by the author in April 2010 in Khatlon.

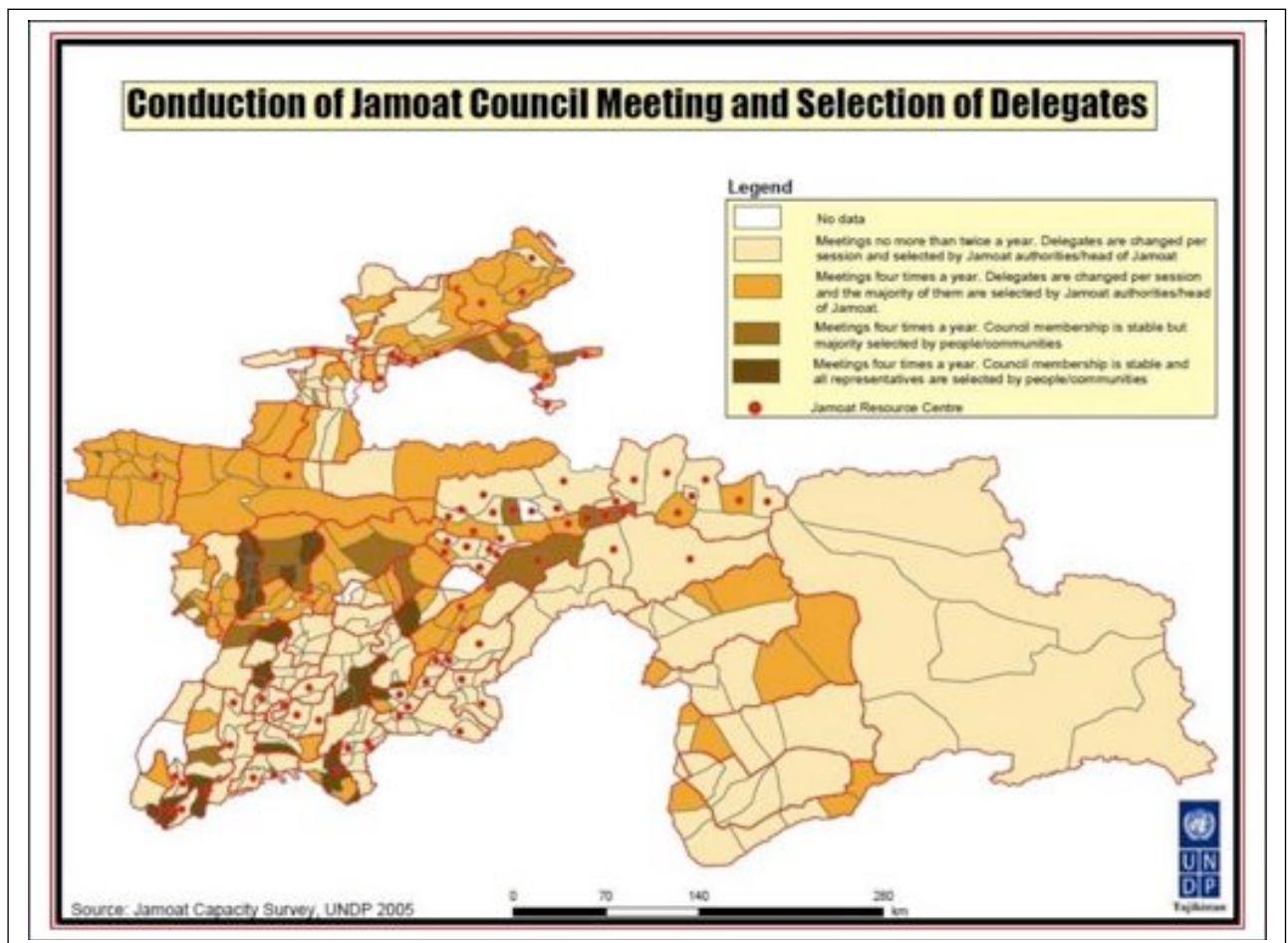


Figure 3: Plan of all the *Jamoāts* of Tajikistan; the varying composition of the councils is displayed (UNDP 2005). In the communes marked in a dark colour the councils were elected.

In cases where the members of the *Jamoāt majli* were not elected by the population, they were appointed by the head of the *Jamoāt* alone or in coordination with the head of the *Rayon*. As in the case of Sarband, the persons elected generally included head teachers of schools, doctors or the heads of health institutions, often the previous Sovkhoz directors, and also, as in procedures based on general elections the representatives of the *mahallaī* and other people who hold or held an important function. These include the so-called *aksakal* (literally “whitebeards”), local dignitaries, who in turn were commonly taken from the circle of former officials. Hence former lead workers (Brigadiers) of the Sovkhoz, department heads (e.g. economists) or former Sovkhoz directors can often be seen among the *aksakal*.

It is therefore likely that a large proportion of these people, who are at least locally acknowledged, would also be elected to the *Jamoāt* councils if free elections were held. It was at least possible to confirm this in two cases in an investigation in *Jamoāts* of the Hamdonī *Rayon* of the Khatlon *Oblast* in April 2010.

In interviews the population often praises Soviet achievements, such as the good supply of food, but today entirely rejects Sovkhoz or Kolkhoz establishments. Nonetheless, there is no

open aversion to their former management. On the contrary, Sovkhoz directors can often be found at the head of NGOs and village CBOs. At the same time, a not inconsiderable number of former leaders of the Sovkhoz establishments worked after 1992 (and until 2009!) towards hindering the implementation of the land reform law and depriving the population of the land use rights to which it was entitled. However, the people in the villages however apparently know how to distinguish between such officials and other Ex-Soviet who are favourable to the population, and who often exploited the system in favour of their employees.

The Officials of the Jamoāts and the Work of the Commune Councils

A commune or *Jamoāt* generally encompasses between 1500 and 5000 people, occasionally more, and generally more in the north of Tajikistan than in the south. The *Jamoāt* almost always consists of several villages, the *kishlak*. For each village there are up to ten village or village section communities, the *mahallas (mahalla)*. Informally according to old tradition and now officially as a stipulation in the new Communal Law of 2008 (see section 1.3), the population elects its representative committee for each *mahalla* as well as the representatives for the *Jamoāt* council, the *Jamoāt-majlisi*. According to the number of villages in a *Jamoāt*, from 20 to a maximum of 50 representatives of the *mahalla* can be elected in the *majlis*. With the protocol of the vote, the new *Jamoāt-majlis* is officially set up and has a legal character.

The national president appoints the governors of the *Oblasts*, the heads of the *Rayons (hukūmāt)* and the mayors of the cities, and can dismiss them on his own initiative. The *Rayon* council, however, needs first to reject a candidate and to apply for his/her dismissal (Davis et al. 2003: 6). The *Rayon* head for his part has the right to propose a head of the *Jamoāts*. Their councils may, since the law of 2009, reject candidates repeatedly, but must ultimately accept a suggestion. There has relatively rarely been even a single rejection so far, although a clever *Rayon* head will take trouble to choose a person who is accepted by the majority of the council members, or at least one they do not mistrust, to place at the head of the *Jamoāts*⁹.

Our conversations in several dozen *Jamoāts* led to the conclusion that their heads generally have at least a relatively high degree of respect from the population – in stark contrast to the head of the *Rayons*. People say secretly that the heads of the *Hukūmāt* often bought their positions and so were almost forced to recover the money which they invested by exploiting their *Rayon*. Many *Hukūmāt* heads, now also come from the Kulyab area, just like the highest government officials. In some places, however, the position is filled with recognised individuals from the respective *Rayon* (e.g. in the Murghab *Rayon* in Gorno Badakhshan, which is primarily populated by Kyrgyzstanis, as well as in the Pamiri-dominated *Rayons* of Wachan, Ischkaschim, Shugnan, Shakh dara and Roschan).

It is often criticised that the *majlisi* on *Jamoāt* level meet only infrequently, generally not more than twice a year. Many important issues in which speed is of the essence are therefore

⁹ In interviews it was pointed out that the head of the *Hukūmāt* could determine the *Jamoāt* head for five years if the suggestion was refused three times. This, however, was reported not to occur in practice. Moreover, the *Rayon* head also had the right to dismiss the head of the *Jamoāt* at any time.

resolved automatically in this way, and are decided by the head of the *Jamoāt* alone. The sessions are public and in individual cases representatives of grass-roots organisations (CBOs, local NGOs, and sometimes even project workers) are informed of the session, insofar as these are not already members of the *majlis* through election or appointment.

The heads are only responsible to the higher level of administration by which they were appointed or at least proposed, and not to their own councils. They are also not bound to follow their council's decisions. Even if the councils *de facto* are not bypassed or only bypassed in exceptional cases, this principle ultimately makes their role the same as the informal intervention of any other group (e.g. NGOs or CBOs) or influential individuals. The possibility of exerting direct influence could pave the way for the direct participation of civil society institutions, be it the *mahalla* or CBOs of any kind, but the principle of representative democracy now being universally installed is squeezed out in this way *de facto*. Only organised, "composed" participation alongside the activity of the *Jamoāt* councils and in cooperating with and complementing them and the administration would be in accordance with a western understanding of democracy.

Development planning takes place *de jure* on all three administrative levels named. In view of the fact that currently only few investments are being made the Tajik state, however, it is often the practice of the donor which determines how, where and with whom the planning is carried out. With the exception of large countrywide programs, such as those which the WB and KfW have carried out and are still carrying out through the national Tajik investment fund NSIFT, which plans on the level of the *Rayons* plant, in order to be able to expect at least a minimal degree of partnership, most projects are carried out directly in coordination with the individual villages, or at the most with the *Jamoāts*¹⁰. The *Rayon* administrations are often nonetheless informed, although various NGOs still omit to do this. One *Rayon* president, when asked by the author, knew nothing of the fact that an NGO had been offering credit programmes for farmers in several villages in his district, although this project was the only one of its kind in the district and there were no alternatives for the population.

However, there are individual attempts to involve the *Hukūmāt* in measures or to have them act as the executive bodies. The Swiss Caritas, with the support of the *Staatliche Schweizer Entwicklungshilfe* (DEZA, English: Swiss state development aid) has been working for years directly with the *Rayon* administration in Muninabad (Kulyab), and has had good experiences. By this cooperation, the employees are made aware of local problems, and administrative capacity is slowly built up. In the framework of a partnership approach, a high degree of services can be mobilised on the part of the partner. In several *Rayons* of Khatlon the French NGO ACTED has set up a consultation system for the implementation of land reform, which is used by the *Rayon* administration particularly for training programs. In other places, efforts to assign the *Hukūmāt* an important role in project implementation were however abandoned due to endemic corruption and lack of interest on the part of the state representatives in local development issues.

¹⁰ In terms of their financial scope, both approaches are approximately equal, while the number of individual projects which are implemented directly on the lower levels no doubt represents up to 90% of all projects.

On the level of the *Rayon*, Tajik interlocutors criticise intransparency in the control of budgets. Hence up to 2003 the possibility officially existed for the *hakim* to make cuts in the budget according to its own judgement without this being comprehensible for other actors in the *Rayon*. Although in 2003 this possibility was officially abolished, the practice has been largely retained. The World Bank criticised this procedure in its Public Expenditure Review as late as 2008 (see Conway et al. 2009: 4).

USAID, on other hand, sees considerable improvement in governance in individual cases on the *Rayon* and communal levels which it attributes to its own consultation activities. These include improvements in setting up the budget, involvement of the population in public hearing, the installation of public information centres and the creation of forums for cooperation between representative of the government, media and civil society (Conway et al. 2009: 9). However, the examples named refer only to individual *Rayons*, and nothing is said about the sustainability of the measures. Many heads of *Jamoāts* who were recently interviewed had no knowledge of these developments, which points to their status as “project islands”.

With respect to the participation of council members on the *Hukūmāt* and *Jamoāt* level, it can be summarised that at least until 2009

- decisions by members of the council, whether elected or appointed, which have relevance for financing can only be influenced at the level of the *Hukūmāt*, since the *Jamoāts* had neither the right to make up their own budget nor any of their own income. Here the term “influencing” is used consciously, since the budgets are ultimately assigned by the central state and the council decisions with respect to these therefore have more of a consultative character.
- political decisions can also ultimately only be made on the level of the *Hukūmāt*, and even after the introduction of the new Communal Law 2009 decisions of the councils on *Jamoāt* level are not binding;
- all elected or appointed bodies have very little influence on the executive body; hence local initiatives which do not have their own financing (through donors) are very strongly dependent on the decisions of the *Rayon* administration; even after the introduction of elections to choose the head of the *Jamoāt*, these are not responsible to the electors, but solely to the head of the *Rayon*.

The most important conclusion is consequently that the *Jamoāts* to date are not a place for democratic processes, and cannot fulfil this role as long as they do not have the right to determine their own budget. The key problem is that *Jamoāts* up to now have not had their own legally provided income¹¹. The right to a budget could be introduced quickly within the framework of communal legislation. The legal entitlement for communes to have their own

¹¹ Although *Jamoāts* provide services for the population, they are not able to charge fees for these. Since they have no budget autonomy, in contrast to German communes they are not allowed to take out loans or accept financial commitments, which often disqualifies them as direct partners for development cooperation projects. Only projects which do not impact on the finances of the commune could therefore theoretically be discussed with the head of a *Jamoāt*. In practice, it is possible for money to be collected informally on *Jamoāt* level as an independent contribution. The independent resources gained in this way are however not contributions from the partner, but from the population.

source of income, whether through new (additional) taxes, the redirection of particular already existing taxes, or the distribution of existing types of taxes according to a particular scheme involving the communes, would however require a change in the whole tax legislation of Tajikistan and hence would require a great deal more time.

It has already been mentioned that despite the legal lack of entitlement for the council of the *Jamoāt* to determine its own budget, even before the new Communal Law it was possible for the council to work out a budget proposal and formally decide on it before passing it on to the *Rayon*, but that often neither the councils nor their heads knew about this right.

This lack of knowledge of their rights is another central problem for many local council members in Tajikistan. By “trading knowledge” or holding back information political deals can be made in such a situation. The implementation of the land reform through privatisation of the old state farms was hindered or prevented to a great extent for at least ten years by the simple fact that farmers were not informed that they had the legal right to opt out of the collective farm.

2.3 The New Communal Law and its Effects

2.3.1 Point of Departure and Reasons for the Legal Reform

With the “Law on Self-Governance in a Town or Township” of 5 August 2009, the Tajik government (no doubt under pressure from the international donor community) wishes to bring about a decentralisation of public administration. The goals connected with this are so far unclear. On the one hand, the government is likely to have recognised that it is hardly in the position any more to provide important services for the population from the central state. These include basic social services and, after the dissolution of collective farms, the management of agricultural resources. The government’s policy of decentralisation probably aims, by way of a concession to the donors who are currently financing almost all infrastructure investments in the country, to end the practice of circumventing the state in projects in this sector, and even if the control of investments is not given to the decentralised administrations and decision-making bodies, these are at least to be more involved (see below). The motive that this could open up a direct access to the donor funds probably also plays a part.

Up to now, due to the lack of democratisation on the communal level and the endemic corruption in the deconcentrated administrations, it was the practice almost without exception for bilateral and multilateral donors (and particularly I-NGOs), it has been practice to circumvent state bodies on the *Rayon* and *Jamoāt* level in planning projects. For this measures were carried out directly with the local population, which required them to form grass-roots organisations (User Committees, Village Organizations etc.), or, for large projects, relatively independent Project Implementation (or Management) Units (PIUs, PMUs) were formed separate from the responsible authorities.

These PIUs/PMUs had and have the task of formally involving the Tajik state as a recipient of international development cooperation aid. A PIU therefore always consists of specially assigned representatives of public administration. At the same time, the workers are

organised outside the structures of the respective ministry responsible, and receive payment which is independent of the state salary scales (and considerably higher), and are not directly subject to ministerial hierarchies. With the advice of foreign consultants and under the strict financial control of donors, in this way working efficiency is intended to be increased, and corruption is intended to be prevented or at least reduced.

On the other hand, a PIU does not generally carry out its own projects, but works as a mediator between the donor and village population, or at least it has done so far and presumably will do so until the new legislation has been implemented to such an extent that fiscal decentralisation is also in place and the *Jamoāts* are equipped with (adequate) budgets. However, it is by no means clear whether this fiscal decentralisation will come, as the remark by Conway et al. (2009: 2) that the current “Donor-driven public financial management reforms are increasing the power of the central government at the expense of sub-national governments” can be applied in full to the division of financial resources. The decisive motive for the passing of the new law is likely to have been to strengthen the role of communal administrations and to replace by the *Jamoāts* the role of the population and CBOs in the role which they have held to date as project partners.

Up to now, for many project types, e.g. before the beginning of a construction project, a consensus was gained with the responsible (*Rayon*) administration, that a renovated or newly built school was to be recognised by the state and supplied with sufficient personnel. However, it was the local population and not the *Jamoāt* administration or even the *Hukūmāt* (who are seen as particularly corrupt and ineffective) who were to decide whether a project took place or not and often even about the priorities in a village (e.g. selection between infrastructure improvement in the areas of education, health, transport, etc.). For the implementation itself, common practice was to found a local community-based organisation (CBO) which was assigned with carrying out of the project in a legal manner (i.e., it was formally registered as an NGO). In many cases, the CBO, which acted as a committee for participation, but also as an assistant for the respective donor organisation, was also entrusted with the construction site management including the tender procedure, the assignment and the and the acceptance procedure of construction projects. In field visits in 2010 in Gharm it was noted that, individual donors saw it as positive if the CBOs for their part offered consulting services to other villages, particularly in the formulation of applications for the same or other donor programmes.

Due to the lack of financial resources of the state structures which were theoretically responsible, it was also common for the CBOs to take the responsibility for running costs later, i.e. after the construction of a hospital ward for which the *Rayon* had committed to bearing personnel costs, the maintenance of the buildings and the running costs were imposed on the CBO. This principle continues to be current practice, without any debate having taken place within the donor community whether it can be a worthwhile development strategy to impose on the poorest the costs for services which in principle should be provided by the state (see Bliss 2007: 9-21).

While this procedure is comfortable for the state – it is released from a large part of the financial commitments which are generally required for the carrying out of core tasks of the state – it is unsatisfactory for several reasons for public administration to be bypassed in

these projects. Firstly, from the point of view of a state administration such a state is not acceptable in principle in which its own institutions only play the role of spectators while newly created NGOs and grass-roots organisations created on the initiative of foreign organisations become the true actors. It is only the financial need of the deconcentrated authorities which immobilises them.

Moreover, there are also higher reasons for planning above village level. If each village only considers its own interests, there is no coordination with respect to needs and priorities from the perspective of the whole commune. This can lead to duplications, for instance if neighbouring villages each favour local hospital wards even though in fact a central facility, which could then be larger and better equipped, would be the better solution from the point of view of the entire *Jamoāt* area. Or in one *Jamoāt* water supply systems are built by different projects which are based on different technologies, have different user models and even require different tariffs from the population. This kind of policy involves considerable risks and can quickly lead back to supply instability. A grass-roots approach or user participation approach can lead to considerable contradictions under such circumstances.

The superordinate planning also suffers in general when state structures are bypassed in the strategy of many donor organisations, even if to combat this an additional, donor-instigated forum for participation and coordination was created which came to be known as a “*Jamoāt* Resource Centre” directed by UNDP, but has also been introduced under other names in the zones of intervention of other donors. It is true that each donor organisation will maintain that their activity only takes place in particularly poor villages. However, in the lack of superordinate coordination, this is not certain, and it is also not to be excluded that particularly poor areas escape the attention of the donors. Moreover, the question arises whether infrastructure projects are only necessary in extremely poor areas, or whether they should also be carried out in places where they have a high overall usefulness for the region or for the economy (for instance, in the case of important road connections or bridges).

Comprehensive involvement of the *Rayons* and *Jamoāts* in decisions relating to development policy is therefore urgently necessary in order to ensure widespread provision of basic services, for instance healthcare services and the supply of drinking water. Another issue is the qualification of the personnel within newly formed grass-roots organisations. Often they become operators of a small water supply system or irrigation system overnight. Even inefficient *Rayon* administrations doubtless possess specialists in areas which nobody could expect to find in a CBO on village level. Bypassing them entails considerable risks and leads to cost-intensive solutions if, for instance, expensive foreign experts need to be brought in as consultants and train the CBOs.

A further argument may be added: even if the current governing employees in *Jamoāts* and *Hukūmāts* often have little awareness of development policy issues, have little management capability and (also due to the extremely low wages) are relatively unmotivated, it is a short-sighted policy to exclude this group of people from the education and training for modern administrative tasks which the CBOs currently receive. What is certain is that the avalanche of projects will cease at some point and the schools and hospitals which have been externally financed and “left to” the population will have to be taken over by the state. By this

time at the latest, state employees must be available who have been trained as well as possible.

It must be doubted whether all of the arguments noted played an important role in accelerating the legislative process. The question must even be asked whether factors such as superordinate planning and the professionalization and increased efficiency of communal administration were part of the decision process at all. It is possible that the law was passed in a hurry primarily because in order to finally allow state structures to have a part in the lucrative development business.

2.3.2 The Contents of the New Communal Administration Law and Possible Consequences

The concept of local self-governance in the law of 5/8/2009 relates exclusively to the *Jamoāt* level. The *Rayon* is still completely excluded here. The law introduces a new set of terminology which is explained in the first article. These include self-governance itself, which extends to social, economic and cultural concerns of local significance, although public concerns, national traditions and the characteristics of local communities are intended to be considered.

A distinction is made between original or exclusive tasks on the one hand and delegated tasks on the other hand. Tying in with already existing institutions and offices, the head of the *Jamoāt* is introduced, who is now unambiguously to be elected by the *Jamoāt* Council. The council itself (*majlisi*) is defined as an elected body, while it was previously recruited in a relatively arbitrary manner (see Figure 3). One new feature is the *Jamoāt* Management Board, an institution which can probably be traced back to suggestions of the French NGO ACTED, which even before the law was passed in several projects supported the *Jamoāts* in gathering development planning into one body while taking into account the interests of the individual *mahallas*. In the law the board is described as the “collegial management body of a *Jamoāt*”.

The decision-making body within the *Jamoāt* is the council (*majlis*), whose members are to be elected for a duration of 5 years from among all citizens of the commune of 18 years and over. The *majlis* is to have at least 15 members and not more than 40. Each village of the commune must be represented by at least one member of the council.

Anyone who is eligible to vote can be a candidate for the council as long as he/she has been a permanent resident in the commune for at least three years. This regulation can lead to disputes with respect to the numerous working migrants, as they are not present for the whole year. Members of the army are only allowed to be candidates after they have retired, and the same applies to religious dignitaries. In this way the new regulation of recent years according to which members of the army (and customs officials or anti-drugs agents) were able to be candidates on all levels below the *Oblast* and the national parliament (see Conway et al. 2009; Appendix 2: GoT 2007: 1) is reversed once again. Convicted criminals are still excluded.

Candidates can be proposed freely. The law does not speak of candidates being presented by parties, or of election from lists. In order to be elected a candidate needs to gain 50% plus one vote of the total votes cast. Elections are invalid if fewer than 50% of the registered potential voters participate.

The council must have a session at least four times per year. Council sessions are to be public, so that representatives of civil society and all citizens of the commune can take part in them. The most important task for a newly elected council is the selection of the head of the *Jamoāt*, his deputies and the secretary of the commune. Up to now, as noted above, these were chosen through contradictory procedures, either by the head of the *Rayon* or, if a study from the year 2005 is to be believed, through very varied selection procedures (UNDP 2005b). The principle of the election was also questionable to date even if a vote was taken in the *majlis*, since membership in the council itself had little or no democratic legitimation.

Another innovation is that the council can cancel decisions of the head of the *Jamoāt* and of the other *Jamoāt* representatives (i.e. those of the deputy or of the secretary). In direct contradiction with this is the principle that the head of the *Jamoāt*, once he has been elected, is not accountable to the voters, but only to the head of the *Rayon*, and can be dismissed only by him. The head of the *Jamoāt* also has the right to set up any bodies required and to form associations together with other councils. The list of tasks is long and begins with social service, extending to administrative tasks, all the way to the maintenance of roads and bridges and finally the promotion of the local economy. Although the issue of financial resources is not resolved in any way, the council can also decide on independent economic commitments of the *Jamoāt*. This can, for instance, include the operation of a communal shop. Many members of the *Jamoāt* who were interviewed see these self-owned businesses, which borrow from the Soviet tradition, as the primary goal of economic promotion, less than the setting up and supporting of private companies.

Some delegated tasks of the *Jamoāt* are the maintenance of public security, passport formalities, the collection of statistics, the running of the birth register, supporting the higher levels in tax collection, and other duties which were carried out before. New tasks are the protection of the environment and resources, and, something which is explicitly stated, protection of consumer rights.

Law no. 549 introduces a kind of *Jamoāt* Management Board, consisting of between seven and eleven people. In the law the board is described as the “collegial management body of a *Jamoāt*”. The members always include the head, deputies and elected secretary of the *Jamoāt*. Further members of the council are added by election. Each additional employee of the *Jamoāt* proposed by the *Jamoāt* head must be confirmed by the council, and so cannot be employed by the head himself as before.

The candidate for the office of *Jamoāt* head must be proposed by the head of the *Rayon*. The text of the law refers to only *one* candidate, which is hence either to be elected by acclamation or – an affront against the mighty *hakīm* – to be rejected. Nonetheless, he/she must come from the circles of the elected councils, and cannot be imposed. Between 2002 and 2009, however, a *Rayon* head was able disregard the sensitivities of the *Jamoāt* representatives and appoint his own candidate as head (see Conway et al. 2009: 1).

It could be argued that in many *Jamoāts* there are scarcely any suitable candidates with appropriate administrative capabilities, and therefore specialists should also be looked for outside. Conway et al. (ibid p.11) also doubt whether somebody who has worked his way up out of the circles of the council can carry out his tasks with the necessary authority. However, as long as the danger (which is not a purely theoretical one) exists that if external candidates are allowed, it will be primarily the followers of the respective *hakīm* who come to power, and who will also not be selected by the latter according to their qualifications, the new regulation is without a doubt closer to grass-roots level and more democratic.

Candidates for the deputy *Jamoāt* head and the secretary may also not be proposed by the elected councils, but only by the newly elected head of the *Jamoāt*. They can be dismissed from the council, but only for serious grounds, which may not include political reasons, but are restricted to loss of citizenship, conviction for a crime or abuse of their office. It has not been clarified whether the *hakīm* needs to accept a dismissal.

Practice in Kyrgyzstan with a similar regulation which was introduced in 2007 replaced the election by direct vote of the heads of the *Ayl Okmotus* (comparable with the Tajik *Jamoāt*) by the procedure now provided for in Tajik law led to several problems. For instance, the issue remained unresolved what was to happen if the candidate proposed by the head of the *Rayon* was not elected. In particular, it is necessary to clarify for Tajikistan the question of how often the proposal can be repeated and what is to be the procedure in the case of a long-lasting conflict between the *Rayon* and the *Jamoāt majli*.

In Kyrgyzstan too, it was only after several conflicts that the regulation was introduced in 2008 that in such cases for six months a commissarial *Ayl Okmotu* head was to be appointed by the head, but that this had to be again followed by an elected head. Admittedly it is improbable in Tajikistan that council members will conflict with the powerful *Rayon-hakīm*, elected by the national president, because of a *Jamoāt* head. However, this possibility should not be entirely excluded. In any case, the new regulation is unsatisfactory due to these potential conflicts, and even if practical experience shows that conflicts do not emerge (as is also the case in Kyrgyzstan, the procedure is rather undemocratic and needs to be corrected accordingly.

The new Communal law only regulates the finances of the *Jamoāt* indirectly by referring to the budget and further sources, but does not introduce any sources of independent finance which allow the budget to be supplied in a long-term manner on a legal basis. Article 26 speaks of income from legally permitted services to the community or proceeds from communal property. However, there is no basic financing; the “community budget” remains an indeterminate allocation. Most communities have to be satisfied if the last remnants of the communal property which they were entitled to after the dissolution of the collective farms still produces enough to cover maintenance costs (for instance with public baths).

In comparison with previous regulation, the responsibilities of the *Jamoāts* are clearer and hence come closer to the stipulations of the “Public Administration Reform Strategy of the Republic of Tajikistan” of March 2006. However, the distinction between their own competencies and delegated tasks remains unclear in the legal text. The repeated instruction “in accordance with provisions of laws” is unlikely to lead to any clarity, either for the elected

council members or for the experienced *Jamoāt* head, and will open the way for the arbitrary decisions of the *hakīms*.

One considerable shortcoming of the new law with respect to preservation of natural resources, which is becoming more and more necessary, is that the communities are still not afforded any competencies in land management. The right to assignment of land (particularly building land which existed or was introduced in the 1990s has been taken from the communities in recent years, and the *Jamoāt* has been granted only the right to make a recommendation to the *Rayon* administration (Appendix 2: GoT 2008). Even the *Rayon* can only make decisions on condition of the agreement of the national land agency (see Conway et al. 2009: 4)

Of the five requirements for improved communal governance which the I-NGO Urban Institute produced years ago as a consultant (see Conway et al. 2009: 10), important requirements have not been fulfilled. For instance, there is still no “independent budget process”, as the new law contains no obligatory payments to be paid to the communes to which the latter have an enforceable right (“unconditional transfer directly to the local self-governments”).

Taxes or contributions which the communes or could potentially raise as it sees fit are also not covered in the law, although it may be a matter of debate whether this requirement is meaningful in a country with limited rule of law. What would be more appropriate would be the transfer of portions of “certain” tax incomes which if appropriate could be increased through good performance of the *Jamoāt* administration. Hence the necessary incentives for tax collection could be created in this way. This kind of tax in Tajikistan would not necessarily need to be industrial tax (as in Germany), but could instead, as suggested by international consultants, for example be a proportion of income tax.

The remaining three requirements – free elections of office-holders by the population, creation of transparency and participation as well as clear competencies – have been implemented at least partially. These requirements were by no means introduced to the debate by the USAID-supported organisation Urban Institute alone, but also by ACTED and specialist consultants, such as Davis et al. (2003), De Martino or the authors of the “Public Administrative Reform Strategy” of 2006, who have thoroughly examined local governance (see de Martino 2004; Appendix 2: GoT 2006).

2.4 “Legally Recognised Neighbourhoods”

One-and-a-half years before the Communal Law, the Tajik parliament had already passed a law on the formalisation of neighbourhood committees as well other baseline organisations on village level. Law no. 347 “On the Public Self-Initiative Bodies”, which was signed by President E. Rahmanov (alias Rahmon) on 5 January 2008 a form of social self-governance for which the traditional term *mahalla* is used. The *mahalla* of the law largely corresponds to the *mahalla* as it has been known for centuries in Central Asia as a neighbourhood and neighbourhood organisation (see Chapter 2). Problems of only local significance are to be dealt with largely autonomously on this level. In the following this law, which to date has

scarcely been known and has also scarcely been available to the public, is to be scrutinised in its essential features and also with respect to its implementation to date. It should be taken into consideration here that the law is still unknown to many communities and until middle of 2010 at least had not yet been implemented. Hence the majority of all *mahallas* in Tajikistan 2010 continued to be active in an informal capacity.

The “public self-initiative body” of the law (here for simplicity only called *mahalla*) consists of different components: the assembly of all its members, the *mahalla* council or committee¹² and other institutions which may be established, such as “housing committees”. The *mahalla* can either be registered with the *Jamoāt* to which it belongs or, if there is no hierarchically superior settlement, can be registered with the next highest state administration, which for rural communities would be the *Rayon* and in the city would be the *Mikro-Rayon*. After official registration the *mahalla* or its representatives (see below) can open up their own bank account and acquire a stamp and official letterhead. The bank account in particular is a new feature to which the former non-registered *mahallas* were not entitled.

Law 347 regulates in detail the structure of the *mahalla* and its internal decision-making processes. Hence the *mahalla* full assembly, as was the case previously, is the high decision-making body. The assembly rules on its charter (goals, tasks such as acceptance of the legal stipulations on the organisation of the body), chooses the head(s) and the *mahalla* council, as well as a control commission for the finances. The latter is a new feature of the law. The full assembly draws up the yearly budget plan, accepts the statement of accounts of the council and – here the intention of the law shimmers through implicitly – carries out tasks which are assigned to it by other laws of Tajikistan. It would be worth investigating whether this may also include auxiliary services for the *Jamoāt* and *Hukūmāt*, such as support for tax collection or the conscription of those obliged to carry out military service.

The permanent executive body of the *mahalla* is its council or committee. No statements are to be found in the law about the composition of this, apart from the head. ACTED, in its support project for *mahallas* in South Khatlon, suggested that a deputy head, a finance officer and a secretary as well as two to six further members should be appointed who are to be responsible for the individual task areas. The villages which the author visited in 2010 had largely followed this suggestion, so that among the additional members almost everywhere there were officers for youth and sport, for agriculture, education, health and the maintenance of public squares, lanes, etc. Generally well-known individuals were drawn upon who already had some weight in the *Jamoāt* councils, partly as state specialists in a sector, hence head teachers, teachers, doctors, nurses and other specialists.

The *mahalla* councils are responsible for the day-to-day work. The law includes the following:

- (i.) the whole area of financial planning and processing,
- (ii.) the planning of activities, particularly those which have an impact on finance, and the monitoring of their implementation,

¹² Donor organisations repeatedly speak of *mahalla* committees in this context. The I-NGO ACTED explicitly and officially supports the formation of such committees, which clearly works in the same direction as the law, although these committees are not called *mahalla* committees here.

- (iii.) carrying out of day-to-day tasks which have to do with the living environment and which are listed in detail in the regulatory text: maintenance of leisure areas, parks, squares, lanes and watercourses (no doubt referring to canals within localities);
- (iv.) carrying out and monitoring of measures for the provision of electricity, gas and drinking water, as well as other public services,
- (v.) support of the kindergartens, general and vocational schools as well as cultural establishments,
- (vi.) support in the organisation of public transport,
- (vii.) involvement in the support of the poor (socially vulnerable civilians),
- (viii.) carrying out of state ceremonies / festivals in the neighbourhoods and much more.

Through the list of tasks for the council it also becomes clear what the intentions of the Tajik government was in drafting the law: the *mahallas* are to assume all the tasks on a local level for which the government does not wish to provide financial resources or personnel itself, or where it wishes to save by transferring the task to the *mahalla* in the future as well. In practice, this does not represent any change with respect to the previous situation, which was described in detail at another point (Section 1.1). Hence the catalogue of the tasks in the law does not represent a worsening of the situation of the population. However, it is now legally provided that people have to take care of themselves on their own and the state passes off its duties (which had not been respected up to that point).

The voluntary and hitherto unofficial head of the *mahalla*, as had been in place for centuries in rural areas, becomes a Tajik official through Law 347. He heads the council and is the person forming the connection to the most varied groups of actors, from state administrations to the officious veterans' association all the way up to the national parliament in Dushanbe. He functions as a kind of local mayor who organises all traditional and official state events in the village. And he is an extension to the arm of the army and the police, who apparently has to list and register all those register who are obliged to do military service. These are also tasks which were transferred to the unofficial office holders again and again, but which have legal character from now on.

With respect to the financing of the *mahalla* activities, there are certainly positive regulations contained in several paragraphs of the law. The *mahalla* can gain ownership of building and land and have them at its disposal. Theoretically it is therefore possible to give to the mahalla donor-financed infrastructure establishments such as kindergartens, youth clubs, and even bridges and irrigation canals. However, it is questionable whether the *mahalla* would be well advised to accept this responsibility. The state would thereby escape from all of its responsibilities for the maintenance of the establishments concerned.

With respect to sources of financing for the *mahalla*, in the law reference is made to the *Jamoāt*, the *mahalla*'s own commercial establishments, voluntary contributions of residents, allocations from "legal entities" as well as all other allocations which are not forbidden by the law. The *mahalla* can therefore only gain any state financial resources via the *Jamoāt*. This is

moreover an illusion in the long term, since the rural communities were given virtually no budget for themselves in 2009. The description of tasks and the regulations for financing the *mahalla* allows the conclusion that through this law the state wishes to be permanently freed from previous state tasks (which were actually carried out during the period of the Soviet Union and afterwards were at least demanded).

The opportunities for the population to participate in communal decisions are extended by the new law, but on precise analysis they are considerably lower than it would appear at first sight. Nonetheless this is a first recognition by the state of the population's right to participate in decisions relating to the matters which affect them directly in their neighbourhood and in the village (or town quarter) ("...resolves the issues of local value"). It should also be recognised that within the framework of the *mahalla* organisation there are very far-reaching opportunities for economic activities. These range as far as the acquisition of infrastructure establishments, although it cannot be precisely seen from the legal text where the transfer of drinking water supply systems and in the future even of local electricity grids is included. Many donors have been taking it for granted for years that the *mahalla* can also become the owner of social infrastructure, such as hospital wards and water supply nets which were created within the framework of development projects. However, it was apparently not examined whether state authorities share this point of view. While for establishments which cause running costs this is unlikely to lead to a conflict with the *Jamoāt* or *Rayon* administration, disputes with respect to property may well come about with respect to economically attractive outcomes of projects. For instance, a cereal mill given to the *mahalla* or a small workshop for agricultural machines may well create a profit – and hence arouse desires.

Hence the role assigned to the *mahalla* with respect to the local public (social) infrastructure can only be welcomed with some reservations: "[C]ontrol over electricity, gas and water supply and other services for community" (§8) initially seems to be a very far-reaching right. However, a closer look shows that there is corresponding obligation on the part of the Tajik monopoly-holding electricity supplier Barki Tojik to leave the planning of the local power supply to the *mahalla*. Representatives of the electricity supplier who were asked about this proved to be extremely surprised. They had heard nothing of this in the two-and-a-half years since the passing of the law. Only the right of the *mahalla* to replace broken transformers at the expense of the population was known – and the fact that that all income from electricity sales remained the sole property of Barki Tojik.

Precisely this "right" is characteristic of the flip side of the extended competencies of the *mahalla*. The state is pulling back with respect to services for the population. What is transferred are "competencies" which mean nothing other than that the *mahalla* is to take on the future financing of the operation of particular installations. With respect to electricity the "competence" which has been transferred is particularly doubtful. As there are electricity tariffs which, under pressure from donors in the sector, are intended to cover costs, the population pays twice, once through electricity charges, and the second time through the investments, particularly in local transformers (from medium voltage to 220-Volt networks) which Barki Tojik saves on.

A whole packet of disadvantages are contained in the responsibilities which Law Nr. 347 imposes on the *mahallas* and hence the population: the maintenance of practically all public establishments within neighbourhoods or whole villages, participation (“support and provide assistance”) in the maintenance of kindergartens, schools and cultural establishments or the carrying out (and since no financing comes from the *Jamoāt*, the financing) of events such as the entertaining of the veterans on the “Day of Victory in the Great Patriotic War” (the Second World War) on the 9 May of each year. These duties involve costs for which there are no or in any case few allocations from the *Jamoāt* or from the Rayon. Here it should be considered that *mahallas* are active primarily in rural areas, particularly where the state social infrastructure is especially poor. These are the poorest areas of a country whose gross domestic product has one of the 25 last places on the international ranking list and whose population predominantly has to make do with less than 1.25 US\$ per head and per day, and hence live in extreme poverty¹³.

Due to these facts, the question arises whether the village communities should be advised to create a “legally recognised neighbourhood” and carry out self-organisation in registered *mahallas* at all. It could be argued that no more should be expected of the *mahalla* than of the state, and the responsibilities listed, which apparently only exist on paper for the most part, must not scare away dedicated people who are ready to form the *mahalla* council.

However, there is also a positive argument for self-organisation. In some *Rayons* of South Khatlon and in the Sugd *Oblast* an initiative has been started by the French I-NGO ACTED to support the *mahalla* councils actively, or indeed in the majority of cases firstly to found them and formalise them. This initiative has had great success in promoting mobilisation.

Firstly the members of the councils gained a basic schooling with respect to their rights and duties, in simple management issues including the managing of their own account, and in the methodology of participative local development planning. From repayments from a credit fund for economy, basic financing for the implementation of some initial projects was provided which amounted to several thousand euros per village. In order to ensure the projects’ durability, the agreement was made to increase the *mahalla*’s contribution in the course of the project, until it was financed independently by the *mahalla* itself.

Some examples which were worked on in the framework of an evaluation in April 2010, showed that the satisfaction with this approach among the population and the members of the council is very high because, in contrast to normal donor-financed projects, the *mahallas* were able to determine the priorities themselves and were not restricted to any predetermined sectors. Hence often drainage ditches were able to be purified and canals were able to be repaired, an area which is extremely important for the income creation of the households which to date has only rarely received external financing in the context of development cooperation.

In individual cases it has emerged that the *mahallas* have been able to mobilise significant resources of their own, among others as donations from Tajiks in other countries or

¹³ With respect to the poverty situation, see the most recent Poverty Assessment of the World Bank (World Bank 2009); the contradictions between “published” poverty and the probable extent of poverty have been pointed out by the author on various occasions (among others, Bliss 2005b and 2010a).

successful working migrants. Through agreements with a *Rayon* head, it was possible to carry out repair work on drainages in all villages in a *Jamoāt*: the *Rayon* bore 50% of the costs, which together were 11,000 US\$, but the same sum was to be found by the population and by private donors. This example shows that despite the limited readiness of state administrations to accept financial responsibility for local development promotion, in some circumstances there may be exceptions. Swiss Caritas is also pursuing this kind of cooperation model with some success in Muninabad (Kulyab).

However, for the majority of the examples observed, it is still the case that the state with the *mahalla* law the state is continuing its policy to date of transferring away its responsibility for communal financing. Hence the question arises whether it is tenable in the long term to pursue the strategy of financing local investments predominantly via external donors and then leaving the operation of the establishments to the population.

Hence the old and the new communal administrations are faced with the same problems. Whether a *mahalla* is formalised or not, and whether a *Jamoāt* has a democratically elected council or only “civil servants” who are appointed by the *Rayon* head: in the lack of financial equipping, both bodies are virtually unable to negotiate with the donor community, i.e. they cannot even begin to provide the services for their citizens which are listed in the law.

3 Civil Society Institutions and Their Effects on Participation in Tajikistan

3.1 Kinship Groups

There are scarcely any sources on the ethnology of kinship of Tajikistan. This is also the case for the Soviet era, at which time ethnographic research was enjoying a heyday, but this topic was largely excluded – perhaps for ideological reasons, and furthermore in contrast to religious issues. Moreover, the current generation of Tajiks uses particular terms relating kinship, but even older dignitaries (one can hardly speak of family heads) have problems in defining these. A large number of people from one's group of relatives are invited to particular events such as weddings or funerals "because they are our relatives". However, hardly any of our interview partners still knew how this group and relatedness are defined in individual cases.

According to Seifert (2002: 21), Tajik society can be subdivided into a series of substructures – the author distinguishes (i.) the region, (ii.) the community ("*Avlod*"), (iii.) the clan and (iv.) the extended family, with head figures at the top. This list is certainly not intended to be in a particular order, as the clan, if it even still exists in Tajikistan, is certainly to be situated above the *Avlod*. In general the *Avlod* (*aūlūd*) is seen as an important, and perhaps the most important, foundation of Tajik society. This is

"a patrimonial group, the entirety of relatives with a common ancestor, who are linked by common interests, and who have common use of property and means of production, and sometimes even a consolidated budget" (S. Olimova 1997, quoted according to Seifert 2001: 21)¹⁴.

There are thought to be 10,000 to 12,000 such *aūlūd* in the country and according to statistics collected in 1997, 68% of the population saw themselves as being a member. This rate was the highest in Kulyab, with over 82% and was 55% in Khodjand, all the way down to Dushanbe with only just over 42%¹⁵. The *aūlūd* is characterised by a strong leading figure at its head, who has the task of representing the community and its interests in an effective manner. The hierarchical relationships which ensue from this have been maintained until today, according to Seifert (*ibid.*), a claim which was however disputed in several interviews with *aūlūd* representatives. There is also now hardly anything to be found of the other characteristics mentioned in the work cited. Common property and common means of production (what is meant is presumably fields, fruit trees, irrigation canals, etc.) were abolished during the Soviet era at the latest, if these ever existed.

¹⁴ According to Mortensen (1993: 47) the Persian term "owlad", e.g. among the Lurs of West Iran, refers to a *sublineage*, i.e. a small group of households "who shared a common patrilineal ancestor who had given name to the sublineage".

¹⁵ See also a working paper circulating among NGOs on "Traditional Forms of Associations of the Population in Tajikistan" (from around 2000), which assumes that around 40 - 50% of the population belong to an *Avlod* (no date/place of publication provided). This manuscript, although it was copied without the name of the author, the date and the place, and passed from institution to institution, represents the only good compilation we know of familial and territorial institutions in Tajikistan. Brief remarks on the *aūlūd* can be found in Yusufbekov et al. (2007), and in passing also in Roy (2000).

A consolidated budget presupposes common property and common earning, and no longer corresponds to reality in any way.

The reality is however also that the *aūlūds*, which can be understood in an ethnological sense more or less as a lineage, and in some cases perhaps also as a clan, gained a particular significance for the purposes of protection in the Tajik civil war of 1992-1997¹⁶, as they accepted refugees who were even remote relatives, fed them and as far as possible supported them in their reintegration. Since this time, however, their significance has considerably decreased, and the members of the *aūlūds* meet primarily at weddings and funerals. Our interview partners had also had no knowledge of any political or social demands formulated as a result of internal *aūlūd* decisions.

Even in the rural areas of Khodjand and Khatlon it was not possible to identify the *aūlūds* as political or even economic or social actors. It may be different in the environment of those *aūlūds* from Kulyab whose “big men” now hold the highest positions in the state in Dushanbe. A long-time observer of the political structures of Tajikistan noted in an interview that *aūlūds* from the Kulyab had played this role after 1992 and in 1997 again, but that the tendency was going in the direction of not filling posts from *aūlūd*, as an association with dozens or even hundreds of families, but rather to consider only one’s own extended family (a large family or *Großfamilie* in the sense used by Seifert)¹⁷.

Aūlūds outside of this privileged circle also lost political significance because through the civil war and the transformation process it had not been the case for a long time that all the members of a group lived together in one region or even in one commune. The poor infrastructure of the country may contribute to the fact that in contrast to the Soviet era, visits among *aūlūd* members scattered across the country have become more difficult and hence rarer.¹⁸

It cannot be stated with certainty whether in the *Rayons* of the Gharm valley, which even after the official end of the civil war in 1997 were marked by military conflicts between local groups and the state (and were also the centre of the Islamic opposition of Tajikistan) the *aūlūds* also played a role in influencing the conflict. Even in the heavy fighting in September 2010, with around 25 dead, on the Gharmis’ side those involved were not kinship groups, but individual warlords (perhaps even only one) and their own close (paid?) entourage.

Situated below the *aūlūd*, but sometimes also equated with it, is the *kaūm*, which can also be described as a (small) lineage or a very large extended family. In the Pamir or other mountain regions, five to ten households belonged to a *kaūm*, although here during the Soviet era a house could accommodate 20 people or more. In contrast to the *aūlūd*, today the members even today still often live together in a village. However, even in this real unit of relatedness, the solidarity has diminished in the past few years, although there is still some

¹⁶ There is a section on the civil war in Bliss 2006a: 271ff., see also Brown 1998 and Gomart 2003.

¹⁷ These include brothers, and individual cases wives, sons, daughters and perhaps also direct cousins. These people are not only promoted to political and administrative positions, but also benefit from economic privileges (e.g. real estate, key locations, licences, and “loans”). Hence recently in Dushanbe supermarkets, rows of shops and whole bazaars (markets) have come into the hands of family members of some top politicians.

¹⁸ Hence Gorno Badakhshan and Sughd can only be reached from Dushanbe by aeroplane in the winter, with flights costing around 50 US\$ each way per person, which equates to twice or three times the monthly salary of a teacher.

sense of “we”. If today it is sometimes explicitly emphasised that land is ploughed in common and hay is gathered in common, this makes it clear that these are exceptions. Accordingly, neither in interviews in Gorno Badakhshan (1995-98) nor in Khatlon and Sughd (2004-07) was any significance attached to the *kaūm* for the representation of common interests.

The literature available to us does not make it clear whether the *Klan* ever played a large role in Tajikistan as a societal sub-unit.¹⁹ The term is mostly used synonymously with *Avlod*, although strictly speaking it does not fulfil the latter’s criterion of “real relatedness”²⁰, and hence also does not correspond to the idea of common descent from one person (known by name) which constitutes the *Avlod*.

The *region* (i.e. Sughd, Kulyab, Gorno-Badakhshan, Zerafshan etc.) in the past played an important role for the identity of parts of Tajik society. The former Soviet elites came for instance from Leninabad, today Khodzand (Sughd). Those currently in power from Kulyab, however, supplanted these elites after the civil war.

The region plays a role today when people which to “identify” themselves when they are elsewhere. Within a *Jamoāt* people generally refer to their village of origin, whereas within a district or region they refer to the larger village (*kishlak*) or the *Jamoāt*. If somebody from Pamir is in Dushanbe, he will describe himself as a Pamiri there. The same is true for people who come from Khatlon, the Gharm valley or Sughd. There is doubtless no particular significance nowadays in people coming from the same region, and above all there are hardly any cases any more in which those coming from a particular region support each other, as was still the case during the civil war. Admittedly, during the civil war as the resident of a particular region people did belong to a particular “party”, since the Sughd and Kulyab residents were on one side and those from Khatlon (Kurgan-Tube), from Gharm and from Pamir were on the other side. The simple fact of being Pamiri in Dushanbe was for years a sufficient reason to be shot by Kulyab militia. Since after the war most state positions were occupied by members of the Kulyab fraction, the “Leninabadis” (Sughd) lost power and some representatives of the Gharm region were coopted after 1997 though the peace agreements, the region of origin is not without significance in political discourse.²¹

Situated between institutions of kinship and local establishments was the *mashvarat*, a loose assembly of men (primarily elders, respected figures), whose former function was to protect the areas which they represented from external threats (see Yusufbekov et al. 2007: 17). Today this form of body seems to exist either not at all or hardly at all, or at least our informants from Pamir and Khatlon do not use the term with the meaning given.

Yusufbekov et al. (2007: 18) mention two more institutions which we likewise did not find either in Pamir or in Khatlon: the “*Jam’omad*” or “*Gashtak*”, traditional men’s meetings (or festivities, according to another source), in which day-to day problems are discussed, as well

¹⁹ See Bliss (2006a: 152) for the Pamir area, where one can certainly speak of lineages existing.

²⁰ The understanding in ethnology that a clan does not have real common ancestors, or that these cannot be proved genealogically (see Walter Hirschberg: *Wörterbuch der Völkerkunde*, Stuttgart 1965 s.n.) can be interpreted to mean that at least the Sayyids, who are said to be descendants of the prophet’s family (whose genealogy is almost always purely ideological) form something like a clan in Tajikistan.

²¹ Hence occasionally in conversations with Pamiris or people from Chodzand (the former Leninabad) or from Kurgan-Tube, these or “those people there” are no doubt Kulyabis, something which is connected with a considerable derogatory value.

as their counterpart for women, the “*Mushkilkusho*”. In the Gharm valley today, meetings in the *Schaichana* (“tea hostel”, no doubt often a prayer room at the same time) may be the most reminiscent of these institutions.

Outside of the normal kinship groups there are the *Sayyids*, the descendants of the prophet, who by definition represent a separate social group with ideological kinship. They were naturally predetermined for religious tasks. In some conservative regions such as the Gharm Valley they may continue to enjoy respect, but they play no part in political life, and today can hardly be seen as representatives of the population. A group which is not identical with the *Sayyids* are the *Pirs*, who among the Ismaelites of the Pamir in pre-Soviet times acted as local representatives of the Imam (i.e. of the Aga Khan). In the Sunniite Gharm Valley the term is used for religious teachers who also enjoy a certain respect beyond the circle of their pupils (the *Murīdes*), but are not mentioned by any source as actors in any local decision processes.

Another vestige of former times is the function of the elders or *aksakal*, who as representatives of the extended families determine the course of the village. Our interviews showed that the *aksakal* are accorded the greatest moral authority, but that they had no or virtually no role in the representation of political interests. Even in the case of disputes between families, they are only consulted in particular (easier?) cases. Otherwise the parties turn to the “authorities”, i.e. the head of the *Jamoāt* or even the *Rayon* administration (see section 3.2 on this).

Besides the *aksakal*, with considerably greater authority, in several areas of Tajikistan there was the village head (*raīs kishlak*), a position which remains unclear since the office, despite its wide distribution at one point, has remained more or less informal. In many cases the post was apparently created along with development measures in the 1990s, and hence after 1995 comprehensively in Gorno Badakhshan²². Here the *raīs* was also elected in a democratic manner by all adult residents of the village. In other places often the village head was put in place by the head of the *Jamoāt*. In both cases he is or was the first contact if development measures were to be carried out in a village and the population was to be organised. The *raīs kishlak* is also often sent to the *Jamoāt* or to the *Rayon* administration when the village has wishes to express to the state structures. In pre-Soviet times, moreover, this was a typical task for the *aksakal*. With the increasing implementation of the new mahalla legislation, the office of *raīs kishlak* may also be entirely outdated in Pamir.

3.2 Local Groups²³

The research team had the impression that currently the local societal structures and institutions in Tajikistan are of greater importance than the kinship-related structures, except

²² Apparently after the collapse of public administration in 1992/93 and the beginning of aid measures through the Aga Khan Foundation in 1993, partners were sought which could help to organise the distribution of aid goods in individual villages and accompany the process long-term. In 1998/99 independent village organizations were then founded for this purpose.

²³ What is said here is basically applicable for the Tajik majority of the population. However, the *mahalla* is also to be found in settlements primarily inhabited by Uzbeks (primarily Khatlon) and Kirgistanis (Sughd). The village (*kishlak*) in the form described is a social unit which is independent of the ethnic population structure.

the extended family. Local structures are the (administrative) village (*kishlak*), the hamlet (also *kishlak*) and the neighbourhood, the *mahalla*, with the latter also being present in cities. The administrative village is to the least extent a framework for common action, although it is still important for the determination of where somebody comes from. Such as village (or the rural commune) almost always consists of several hamlets which presumably were inhabited by one *aūlūd* each. In the case of smaller hamlets in the mountain regions, often most inhabitants still belong to the same *kaūm*.

The hamlet was for a long time the most important social and political unit. During the Bukhara reign (up to 1868 or 1918/19) the village seems to have guaranteed all of the tax contributions. From the literature it can be seen that the families had to make agreements among themselves, up to the question, in the case of insolvency, of who was to give up their children, who were enslaved as a replacement for the payment of taxes in such cases (see Bliss 2006a).

Today it is still the case (or it is the case again, in the context of development policy which creates its own structures) that the planning of agricultural activities, of irrigation plants and the construction of infrastructure generally does not take place on the level of the decentralised state structures, in other words the *Jamoāt*, but it often split up among the individual hamlets or villages, if the *Jamoāt* includes several of these. (It is always difficult to distinguish between hamlets and villages.)

The most important local community today in the whole of Tajikistan is the *mahalla*. *Mahalla* or *makhalla* is a Tajik word which is widespread with a similar meaning among the Uzbeks of Kyrgyzstan and can be translated directly as “locality”. *Mahalla* is better translated as “neighbourhood” or even “fellowship”. However, *mahallai* are not voluntary fellowships. Each person who lives in a particular area, necessarily belong to the *mahalla*. Even in rural areas, which may have scattered settlement, the *mahalla* encompasses the whole population of a hamlet, and therefore also families which for instance live in a remote valley. A village consisting of several hamlets therefore also encompasses several *mahallaī*. A larger agglomerated village may itself be divided up into various *mahallaī*.

Polonskaya/Malashenko (2008: 96) describe the *mahalla* as the “basic cell” of the social structure of Central Asia. As well as the *mahalla* as a committee for the locality or town quarter, in Uzbekistan there is also a particular *mahalla* in the form of a kind of self-protection organisation, which primarily consists of young men who for instance take care of security in the locality and survey the local markets (see p. 133f). In Tajikistan the *mahalla* does not have this function, not even in villages inhabited by Uzbeks.

Traditionally, the *mahalla* is at the head of a group of selected *aksakal* – this is a term which is used to refer all the men of the locality from a particular age onwards. While in Tajikistan the term *aksakal* is not connected with any official function, in Kyrgyzstan there are universally recognised *aksakal* councils and even legally formalised *aksakal* courts, to which however one can be only be subject to voluntarily.

The *mahalla* also exists in Tajik cities, even in the capital Dushanbe. A typical *mahalla* here is that of Firdaūsī. It encompasses twelve streets with around 250 houses, totalling over 1500 people. Every permanent resident of the quarter is a member of the *mahalla*, including

the seasonal migrants. In a full assembly which we were told took place in 2006, in which around 150 people, or around a quarter of all adults took part, a representative committee of seven persons was elected, including the *raīsa*, the head²⁴.

The committee of Firdaūsī – the name refers to the significant Iranian poet of the 10th-11th century, whose name is often used in Tajikistan for streets, hamlets and organizations – meets once per week in order to discuss the work which is to be done. The tasks which they have set themselves (today their obligatory duties according to the Tajik *mahalla* law, see Section 1.4) include cleaning the neighbourhood (cleaning the streets, removing rubbish), self-help (*subbotnik*, *hashar*), the collection of fees for waste disposal, collection of money for the poor of the neighbourhood and its distribution, youth work of various kinds, participation in public festivals²⁵, mediation in disputes, help for families with problems (up to mediation between men, women and children in the families), maintenance of contact between schools and parents etc. (see also Yusufbekov et al. 2007: 17).

Up to two years ago the *mahalla* was a voluntary organization which was originally not provided for in state structures and gained a universally binding significance for the first time with Law no. 347. *De facto*, however, the city of Dushanbe had been expecting of its residents for decades that they should join to form *mahallaī*, as other public functions could not be fulfilled in any other manner. For this the *mahallaī* received a small amount of state subsidies, such as funds for taking care of the poor. For instance, in 2005 veterans received 150 TJS paid out in cash in this way by the *mahalla* along with a package of food. The *mahalla* was, at least in rural areas, recognised as a more or less official societal and political institution long before the new law came into force, as the members of the *Jamoāt* in a series of cases were known to be elected from the *mahallaī*²⁶.

If today there is some participation for citizens in public matters, the *mahalla* is no doubt the most important societal institution for this. A *mahalla* can gain significance for instance by being chosen as a partner for a development project. In Dushanbe this is rather rare, since besides smaller activities such as sewing courses for girls and women there are rarely projects in the urban area which are on the level of the streets and hence of the *mahalla*. In rural areas, the fact that many donors circumvent public administrations (see Bliss / Neumann 2007: 127ff) leads to a reinforcement of the role of many *mahallai* which, both for reasons of development policy and with respect to good governance, they should not be entitled to.

The comparison between different kinshi-related institutions and local societal institutions shows that the *mahalla* currently represents the most important structure in Tajikistan with respect to civil engagement and political participation.

²⁴ Country-wide, the committees contain between five and eleven members (see Yusufbekov et al. 2007: 17).

²⁵ E.g. on 9 September, the Day of Independence, on the Day of Victory over Fascism on 9 May, on which the local veterans of the Second World War who are still alive are entertained with a meal, or on 1 June, International Children's Day, on which around 200 children from poor families of the town quarter are given small presents.

²⁶ A Jamoat Capacity Survey by UNDP from the year 2005 shows that this practice exists particularly in Khatlon and in the Rayons which are subordinate to the central government, but less often in Gorno Badakhshan and in Sughd.

In their survey on the state of communal development, Conway et al. (2009: 3) still use the terms “Street Associations”, “Block Committees”, “Condo Associations” and other “Community Groups” without giving any further details on these organisations, which are described as traditional organisations. While this last term includes all the groups generally included in the term “Community Based Organisations” (CBOs), from self-help groups up to registered NGOs, and is appropriate for many organisations, particularly those initiated by donors, the other groups scarcely play any role any more. Particularly in urban centres this is the subject of some regret, since virtually no-one takes care of the living environment (once planned with such effort) of individual flats, which have been privatised since 1991.

The street and block committees above all were typical social institutions during the Soviet period. Their functions in the public area (cleanliness in the town quarter) have been passed on to the *mahalla* and their committees; it is not clear who is responsible for their management tasks in private residential settlements (e.g. the maintenance of green spaces, play areas and rest areas). Since privatisation it has been largely left to chance whether these tasks are fulfilled or not.

Jusufbekov et al. (2007: 18) formulate very well the ambivalent role of the kinship-related and local societal institutions in the process of representation:

“It is clear that the stability of traditional civil society institutions during structural, ideological and economic changes means that they play an important role in the management of social relations at the micro-level. The cultural basis of these institutions gives them legitimacy, and this should be taken into account when looking for ways of involving people in management and development at the local level. However, it is necessary to emphasize that traditional institutes are not run on democratic principles.”

We can entirely adhere to this position, although the conclusions should not be applied to the Tajik *mahalla* in their most recent state, as their representative committees, as we have consistently been told, are elected almost everywhere through an open election through a full assembly. Even if free elections in hierarchically structured societies or societies under strong political pressure often become an acclamation, their democratic character should not be denied, and many examples show that well-educated and committed individuals currently have good chances everywhere to be elected.

Excursus: Values and Attitudes

One condition for participation which should not be neglected in the socio-political culture of a country. In contradiction with societal reality, in Tajikistan in many interviews with natives of the country and individual sources the impression is given that the society is very egalitarian, and that each person, regardless of their gender and status, has the same rights²⁷. This attitude, which was formed during the Soviet period and therefore has been very strongly internalised by some interview partners, has some clear practical consequences. For instance, support from foreign development cooperation partners in Gorno Badakhshan in the 1990s, against the advice of expert consultants, had to be made available to all families

²⁷ See the manuscript “Traditional Forms of Associations of the Population in Tajikistan” (no year given), Bliss (1997, 2006a), Yusufbekov et al. (2007), among others.

without any consideration as to the neediness of individual families. However, it also meant that decisions on aid measures were made by all the inhabitants of a village together.

The self-perception which becomes clear in many conversations is markedly positive. Many Tajiks describe themselves as basically “peaceful” and as having an attitude “against” violence”; they claim to “think good things”, speak “good words” and do “good deeds”. The justifications given are sometimes bizarre, such as when the explanation is given that these are “features of Arian civilisation”²⁸. This ideal of societal equality and absence of violence as features of one’s own culture could in principle be favourable for political participation, but practice is often diametrically opposed to these ideals.

Conversely, the claim of general equality as a constant feature in society hides the fact that this equality often proves to be an illusion in practice. Seniority, but also official authority and gender often squeeze out the principle of equality in decision-making processes, even if the votes are formally democratic (see Yusufbekov et al. 2007). In Chapter it will be made clear that in practice only a few individuals, with a few exceptions predominantly men with a few exceptions, actually prepare decisions and gain wide acceptance for the ideas which they have produced. Interestingly, on the other hand, many men and women interviewed by the author consider their acclamation on such occasions to be participation and codetermination.

3.3 Civil Society Actors on the Level of the Commune (*Jamoāt*)

Against the background of the kinship organisation, which on the whole seems to be less relevant than is assumed in the sparse literature on this subject, and the significance of the local structures, a summary is now to be presented of the individual actors on the *Jamoāt* level and their participation. “Citizens’ participation” in this context refers to the involvement of all actors of civil society in the wider sense²⁹, excluding those belonging to state bodies and the members of the communal councils. These act within the framework of the concept of representative democracy. While the research team tended in principle to see the elected members of a communal council as also being members of civil society, in Tajikistan this would be going too far, and would empty the term of meaning. In the past, many *majlis* members were coopted by state bodies, i.e. by the *Jamoāt* or *Rayon* head.

Bearing this exception in mind, in Tajikistan civil society actors refers to the following:

- a) every resident of a rural commune (*Jamoāt*) in his/her capacity as a private individual,
- b) all kinds of *ad hoc* associations of the residents of one or more villages, e.g. farmers’, neighbours’ or women’s groups, for the planning and carrying out of particular voluntary tasks,
- c) the *mahalla* and their head and leadership committee (even if they were formalised by the state from 2008/2009 onwards),
- d) all traditional authorities including religious dignitaries,

²⁸ Characteristically, the year 2006 was declared the “Year of the Arians” by the Tajik government.

²⁹ I.e. the representatives of the economy are not explicitly excluded here (see Roth 2002: 29).

- e) the village organisations and committees (Community Based Organizations / CBOs), which are often informal but are increasingly being registered as NGOs by the donor organisations, specially founded for project implementation, which can represent individual professional groups (e.g. farmers), local groups (e.g. those living next to a canal), interest groups (e.g. parents of schoolchildren) or the whole population of a village or neighbouring villages (e.g. water or bridge users),
- f) other officially registered (interregional and national) NGOs, which similarly generally come from donor initiatives working in the villages as implementation partners of multilateral and bilateral donors as well as working for I-NGOs, as well as (in only a few cases so far) goods and service-providing cooperatives, which both also go back to formerly informal groups,
- g) the organisations which have been continued from the Soviet Union, and often work with a special legal status, for veterans of the Second World War or the Afghanistan war, old age, seniors' groups, youth clubs, etc.,
- h) further individuals or groups with an unclear status, for instance those belonging to families who believe that they can trace their ancestry back to the Prophet Mohammed (*Sharifs*), or people who due to particular experiences, functions or a "calling" play a part in local development.

Ad hoc associations are mostly identical with the former *subbotniki*, i.e. they are "voluntary" working groups³⁰ which take care of the needs of the village, starting with cleaning of the roads and building repair up to the maintenance of complex water supply systems for agriculture. Although these were formed for the implementation of measures planned by the *Jamoāts* or other more stable structures (for instance in Pamir and Gharm Valley the Village Organisations of the der NGO MSDSP³¹), sometimes such working groups provide suggestions for development relating to a village or town quarter.

Officially registered NGOs (f) are generally formed in rural areas from grass-roots organizations which have already been active for a long time. In large cities, even without any pre-existing structures, they are formed directly by civil society activists or by state administrative bodies, sometimes initially without having any concrete goals and tasks. As in other developing countries, in Tajikistan there are countless "preventive establishments" of NGOs which are waiting for the chance to gain financing from outside. For this reason the re-registration of NGOs carried out in 2010 should not be evaluated entirely negatively. Many inactive NGOs had their licence taken away, and the NGO sector therefore gained transparency in this way.

The Veterans' Organisation of the Soviet Union (g), which included all participants in the Second World War and later also combatants in Afghanistan and was able to guarantee its

³⁰ The voluntary nature must often be doubted, since it can be shown that *subbotniks* were often ordered from above or the framework for the work was determined for long periods of time, so that as for the large-scale cleaning in the village, everybody knew that he or she had to appear for service on a particular day at a particular time without being asked.

³¹ Village Organizations are local groups providing a connection to the aid projects of the Aga Khan Foundation and the NGO MSDSP which claim general representation of village interests. In the Gharm Valley the grassroots organisations for other purposes (e.g. WHH, Mercy Corps or ACTED) may also be in competition with the VOs.

members numerous privileges, no longer exists in this form. There are still veterans' clubs in which a few old men – the youngest were 82 years old in 2011 (which means that in 1945 they were conscripted at the age of 16!) – meet for tea. There are scarcely any ideas which come from them, while (decorated veterans) particularly in the late Soviet era were able to exert a certain influence on village matters due to the great respect they were afforded, and were certainly able to represent their surroundings “politically”. Hence it was common practice, if resistance was to be expected from the administration, and if a relative or neighbour had particular wishes to express or had serious problems, for the veteran to go with his old uniform with all the decorations for services in the “Great Patriotic War” to the head of the *Rayon* and to present the desires and requests. It must be doubted whether veterans can always be distinguished clearly from *aksakal* in this role. One noteworthy point is that there are also some women among the veterans, who appear in uniform and with decorations like the men.

In the Soviet era there were youth clubs (g) in almost every village. After 1991 the establishments (sometimes good buildings with sports facilities adjoined) were hardly maintained for years. Not until a few years ago have some individual rooms once again been brought into a usable condition, although there is hardly any organised youth work with permanent employees any more. The same is true for club sport. Where youth clubs still exist or were founded again, these are often run by grassroots organisations such as the Village Organizations (VO). In Gorno Badakhshan, but also in Gharm and in individual places in Khatlon, some youth committees were created with managements which on village level were often represented by one person in the managements of the village organisations and sought to articulate the interests of the youth there. On the initiative of the MSDSP in the past few years women's and girls' clubs have been formed whose representatives are also exert some influence on village and commune level.

The individuals listed under h) can in exceptional cases prove to be the most important promoters of village development. Here two cases which came to the author's attention are to be listed, both from the Gharm Valley: the first is that of a retired history teacher who had managed to become the advisor of the national president in Dushanbe and was now a pensioner in his place of birth. The man is a remarkable personality who combines great knowledge of history and the social sciences with a great deal of experience of life. This man, after his election to the head of the local Village Organization (VO) drove ahead the village development planning in a remarkable manner, by encouraging critical discussion with respect to the normal offers of the donor organisations.

The first place on the list of suggestions compiled by several full assemblies of the population was accordingly not, as was otherwise the rule, a construction product which was more or less required but in any case desirable, but instead something much more complex: the organisation of long-term youth work in the village. The key problem was that the youth in the village often had no job perspectives in the village and therefore emigrated or fell into problems with drugs and became increasingly aggressive. The priority was therefore to take care of these young people. The water supply was admittedly urgent, but the social issue

was even more pressing. With donor support, a youth club³² was brought about, but additionally with local financing well-considered, regular youth work with a long-term perspective. This was divided into the sections of sport, games and music (for boys) as well as, remarkably, work among girls, and is carried by a committee consisting of several individuals.

The development activist, due to his former close connection with the political system of leadership, was in the position to negotiate directly with the heads of various administrative levels. In this concrete case this did not lead to any further financing, but this is likely to be due primarily to the *Hukūmāt* having hardly any financial resources.

The second example also comes from the Gharm Valley. Here an agronomist who had been educated during the Soviet period, who had likewise been elected several times to the head of the village organisation, had pursued his own path. Using his knowledge of plant cultivation, he had introduced various kinds of fruit tree, including some from Iran, in order to test them in the village, possibly to continue cultivating them, and in case of success, i.e. when they have proved to be fertile and resistant to the climate, to distribute them. In his opinion it is of key importance for a broad-base increase in income to be gained. This could only be based on local resources.

The initiative of the agronomist aimed to counterbalance the work migration of young men, which he thought to be extremely harmful for social reasons. Through migration the danger not only rose that HIV/AIDS would be introduced (an aspect which was otherwise never mentioned to the research team), but it was generally unfavourable for young fathers of a family to be absent every year for several months. This example also shows that individual people want to and can break through the usual framework of communal investments as they have become standard in international development cooperation.

The general role of NGOs in Tajikistan was discussed in another publication (Bliss 2010b). For the local level, however, the rather pessimistic evaluations summarised there are less applicable.

It is true that on village level just as on a national level, almost all active NGOs were established in the context of donor-financed projects. It is also true that many NGOs were formed around dominant or charismatic individuals without bearing clear goals in mind. It is similarly correct that the structures inside the NGOs are by no means always democratic, and at least until the very recent past independent financing or at least partial financing of even small parts of the work was hardly possible.

All of these deficits can be found not only in Tajikistan, but are typical of NGOs in the whole area of the former Soviet Union in Central Asia (see Mebrathu et al. 2007: 81). The key difference between the NGOs in Dushanbe and those in rural areas is that the work in the villages and *Jamoāts* is not primarily directed towards maximising profit for the NGO managers (and at the same time its founders and members of the management), but it is generally improvement of the living conditions in the village (in the *mahalla*) or the commune which is uppermost. The results of the recent evaluation in South Khatlon cited were able to

³² Characteristically, almost all donors continue to sponsor only investments in construction works, and there is currently hardly any possibility to finance supervision projects such as the one presented here.

show in an exemplary manner that the formerly exclusive external financing of NGO activities (excluding private contributions in the construction of various facilities as well as any user charges later arising) is gradually beginning to break up.

ACTED, for instance, has introduced an interesting way for the community to participate. In addition to the funds paid to the *mahalla* as repayments from borrowers in the context of an agricultural loans program, the mahalla was to gather 25% of the resources itself in order to carry out construction projects of their choice in the *mahalla* (or together with other *mahallas* in the *Jamoāt*). In some *mahallas* the population was very impressed by the rapid implementation of the projects, so that the wish list grew quickly, without any further financial resources being available from the loans programme. Accordingly in many places the decision was made to continue the programme using solely donations and contributions from the village population. In this way a total of 11,000 US\$, a sum which had been unimaginable before and which was unprecedented.

A later article will have to deal with the reasons which led to poor households participating voluntarily in the projects. Here it should be noted that above all the transparency of the programme (with the whole population of the village continuously being kept informed), the rapid execution (recognisable problems being solved) and no doubt also the active participation of the family representatives in all decisions were responsible for their decision to participate financially.

4. The Practice of Participation Beyond Development Cooperation

This chapter describes in a summary form the “day-to-day” participation of citizens on a local level. The topic here is therefore not the involvement of the population or of particular groups in the context of externally financed development projects on a communal level. Participation in the context of development cooperation projects and programmes aimed directly the population or at Community Based Organizations (CBOs) as their basic structures is the object of another publication of this research project which will be presented in 2011. For practical reasons, sponsorship programmes will also be excluded in which the *Jamoāts* play the role of a stakeholder alongside others (e.g. rehabilitation work on drainage systems in South Khatlon).

4.1 Participation of Citizens in the *Mahalla*

In general, formalised participation of citizens in Tajikistan is not very widespread to date. The legal foundations for this were only laid after independence in 1991, and even in the new law (for orientation see Appendix 2) there is no mention of participation apart from in councils (*majlisi*). Only the Law on the *mahalla* of 2008 made it possible for the community to deal with issues itself which were of exclusively local significance (see Section 1.4).

In a description of participation within the *mahalla*, as the lowest societal level of action which is not characterised by kinship structures, a distinction must therefore be made between the *mahalla* as a traditional informal neighbourhood organisation and the neighbourhood or village organisation in its formal version after the law passed in 2008. Until then the *mahalla* was an association in which people at least theoretically participated only voluntarily, accordingly subjected themselves to its decisions voluntarily and so de jure could resist it if so desired. In practice, however, for all three of the phases on which we have rudimentary information, the *mahalla* always encompassed all of the adults within its sphere of effect. Even for the period after 1991, it is rather improbable that anybody could escape the social pressure imposed.

During the phase of the Bukharian Emirate the *aksakal* (see above) were the unrestricted leaders of their *mahalla*. There is no mention of elections in any source, nor of any participation of younger *mahalla* members in decisions. The orders of the *aksakal* were law, as long as there was no *shoh* (“Shah”), *malik* (“King”) or *pir* (Ismaelite leader) – we should be misled by the highbrow terms – were resident as small-scale property owners. If this was the case, the latter had the say without restriction in “their” village or valley. The activity of the *mahalla* leaders may have been restricted to the carrying out of the orders of the local “king” or the coordination of the certain private and public religious ceremonies.

With respect to the Soviet era, our interview partners unanimously report of the continuation of the *mahalla*, whose tasks were however restricted to ceremonial duties. All the important decisions in the village or in the neighbourhood were, according to the local specificities and situation of the Sovkhoz leadership, the heads of the subdivisions of these state farms (e.g.

the brigades) and the local Soviets (particularly in the larger villages), often in coordination or even in competition with the leaders of local or business-related party structures (see Bliss 2010b, Chapter 4). It is therefore idle to speculate whether the heads of the *mahallas* were elected in a democratic manner or whether they continued to be appointed by *aksakal*, and what the participation rights of the standard members were.

Only with the independence of the state of Tajikistan, the end of the Communist Party and the Soviet structures and the successive dissolution of the state farms in the 1990s did the *mahalla* gain an importance which was probably significantly greater than in the pre-Soviet period. During the years of the civil war from 1992 to 1997, and in the form of village organisations in Gorno-Badakhshan up to the first few years of the 21st century, in many places the *mahalla*, despite the fact that its resources were scarcely existent and its working capacity was accordingly restricted, was even the only perceptible and at all intact political structure in rural areas. Only after this phase can there be any talk of broader involvement of the members of neighbourhood organisations in the basic decisions in the *mahalla*.

Since 2008 the *mahalla* has apparently had an official status as the lowest communal participation body. Despite the transferral of state tasks the fiction of a voluntary organisation has been maintained. The list of tasks which the *mahallas* can now decide on themselves and for the implementation of which they need to provide the financial resources required themselves was discussed in detail in Section 1.4. The topic list of the *mahalla* assemblies before 2009³³ was in any case not very different, as the low capacities of the state in the communal area and hence the almost inexistent services for the population have not changed since 2009. The topics of the *mahalla* remain the same, including the following:

- all issues relating to the supply of public services (which often have to be organised privately) such as
 - o drinking water supply,
 - o electricity supply (the neighbourhoods generally have to maintain the public transformers at their own cost and replace them in the case of damage),
 - o water for irrigation agriculture, including the maintenance of secondary and tertiary canals,
- gaining access to towns and fields by repairing earth roads and maintaining bridges,
- cleaning roads and maintaining general cleanliness within the limits of the village in the framework of voluntary work, the *subbotniks*,
- the decision whether the village is to participate in development projects, which in the overwhelming majority of cases will lead to the families making their own contributions,
- at least once a year, the planning of agricultural planning, which is one of the most complicated and time-consuming topics discussed in the *mahalla*.

³³ In 2008 this law had certainly not yet been implemented, and even in 2009 and as late as 2010 many *mahallas* and even the responsible *Jamoāts* did not know about the new role.

In addition there are the topics which come “from above”, i.e. which are brought into the *mahalla* by the *Jamoāt* or even by the *Rayon* head. These includes for instance the rather unpopular conscription for military service, the passing on of information of information about interlocal development planning (until 2008 no codetermination of the *mahalla* was provided for here), the plan for cotton growing in the district and the construction projects planned.

The participation forums and forms for the members of the *mahalla* are essentially the same for the new formal neighbourhood organisation as for the preceding informal organisation:

The focus is on the members’ assembly (*majlis*) as a full assembly of all adults (those over 18 years of age) who are members of a *mahalla*. This kind of assembly is called when required, and generally at least twice per year. What is far more important than the formal election of a head (*rais*) or the management board is for most members the planning of agricultural activities, which is the reason why an assembly almost always takes place in March. Important topics are the use of fields, which had to be cultivated in the cotton-growing areas until 2009 (see Bliss 2010a, World Bank 2007, 2010), common use of the machinery taken from the Sovkhoz – if still present – and in a few very well organised *mahallas* the common acquisition of seed, fertiliser, etc.

The elections of the committee play a less important role in many *mahallas*, as resources are very limited and the work of the board members can be costly, which restricts the potential candidates³⁴. Some members of the committee for instance take care of the use of tractors (if any are left), the purchase of petrol, spreading the costs among the farmers, pay for the tractor-driver, repairs, etc. In the growing season this takes a full day. According to our observations, interest in the work in the committee rises and there are even opposing candidates when *mahallas* have been advised by development cooperation projects and it has been possible to initiate additional development projects.

The vote for the *mahalla* can be secret, but does not need to be when there is only one candidate. This almost universally valid rule has been practised in the *mahallas* for a long time already. The law, with its corresponding provisions, is merely following a common practice³⁵.

How high the legitimacy of those elected besides, their formal confirmation though their election, depends on the individual case. Three groups can be distinguished: one group, the size of which cannot be determined, comes from the local socialist hierarchy of past decades, i.e. brigadiers who previously represented a village within the Sovkhoz are often elected as *mahalla* head even in democratic elections. A second group is elected from circles which were described to us as being particularly “committed”, “educated” and experienced. The age of this group varies considerably, and sometimes there are also relatively young men (less often women)³⁶ among those elected, who have a good education and in village tradition may also be experienced farmers.

³⁴ Due to the work involved, members of poor families can hardly present themselves as candidates (see the following work Bliss 2011b).

³⁵ It is therefore ultimately superfluous, or brings a formalising influence into a grass-roots democratic process.

³⁶ Here reference should be made to the work, no longer new but comprehensive, by Falkingham (2000) on the changing social, political and economic situation of women in the context of the process of transformation in Tajikistan after 1991.

A third group of *mahalla* heads, the size of which similarly cannot be determined from our limited number of examples, are recruited from “respectable” families. The five or six examples from our interviews make it clear that these people are the descendants of former local authorities or Bukharian court officials: one (great) grandfather had been *qadi* (judge) in Bukhara, another a scribe at the Court of the Emir, and a third apparently came from a *Sayyid* family (descendants of the Prophet) etc. In one case from Gharm, the ancestor was a local *chon* or *shoh* (in the sense of a local prince), and in a similar case in Sughd the ancestor had been *Mingbashi* (i.e. military commander over 1000 soldiers).

Leaving aside the second group of *mahalla* heads, despite the limitations of our sample encompassing only around two dozen examples, it becomes recognisable that the decentralisation of decision-making and the strengthening of local structures in the form of the *mahalla* is also characterised by the recourse to traditional structures and offices. The *mahalla* itself is seen as the traditional “Tajik” basic structure. The fact that old Soviet offices and even pre-Soviet (court) functions are used to provide legitimacy, or at least as a criterion for the selection of the candidature of a mahalla head is nonetheless somewhat surprising within the process of transformation.

The election of individuals who already held power before 1995 or before 1991 can be explained, as outside of Gorno Badakhshan and Gharm the land reform was delayed massively, and the Sovkhoz establishments (once again under the name of Kolkhoz) continued to be operated under their old leaders until the end of the 1990s. Even the supposedly privatised former state farms were at least until 2009, above all in Khatlon und Sughd, for the most part still led by the old establishment. Since the farmers were dependent on this circle of people for their wood supply in the winter and the securing of the irrigation water for their house gardens and disliked conflicts with the “authorities”, it seemed an obvious choice to avoid opposing them and to vote for a “post-Sovkhoz” candidate in the (open) elections.

The election of persons from the third group, who gain their authority from their ancestry being famous personalities of the pre-Soviet era, could be the expression of a revitalisation of tradition³⁷. This term also brings to mind a reactivation of social relations and collective work and aid structures of the past. At the same time, it also leads the population to reflect on its own strengths, and the population, under its traditional leadership, deals with village matters itself. As shown in another context, the tradition can also be abused by national or other elites who are already in a privileged position (see Bräuchler/Widlok 2007: 11ff). Hence the recourse to tradition in a multiethnic society can also be used as a legitimisation for the rulership of one ethnic group over another. The first pieces of evidence can be seen of this use of tradition in Tajikistan (for instance, the increasing reference to Ismaïl Samānī as “founder of the state” and the Emirate of Bukhara as an important historical stage. This should therefore be observed if decisions relating to development policy are to be decentralised more strongly in the future and are to be made with the involvement of the *mahallas*.

³⁷ On this term, see the *Themenheft der Zeitschrift für Ethnologie* by Bräuchler / Widlok (2007).

Only if there is an above-average amount of discussion in a village or neighbourhood is it possible to break up the clique of the old officials and to elect committed young people, including women, in the committees. In one case a young agricultural engineer who had spent a few years in Moscow was elected as the head. He had announced that he immediately wanted to create a production cooperative. After three years he had organised 60 farmers, bought a tractor and a lorry and increased five-fold the value of the yield of his members' fields (evaluation in 2010 in South Khatlon).

However, the rule is that the "old forces" continue to determine the course of the debate in the *mahalla*, and younger men and above all younger women hardly say anything at the assemblies. One consequence, according to the evaluation of the investigation team, is that many *mahallas* make decisions in their assemblies which are solely "project-related", and hence they neglect the organisation of day-to-day life in society. Decisions such as the cleaning of a canal are doubtless important for the existence of local agriculture. Renovations of a school, healthcare centre or bridge are also indisputably important tasks. If women and girls were allowed to speak more, presumably more thought would be given to social work within the village, and above all for income-creating measures for poorer households.

The assemblies generally take place in the largest room of village, for instance in the school hall if there is one. The invitation is given by a public poster, and in some places by a messenger who goes from house to house, even if the news of the appointment would spread even without a personal invitation. Generally one person per household takes part, so that between two dozen and several hundred people meet. Women often only take place when the men are not available. Since the number of male working migrants in the villages is very high, young families are now often represented by women, so that the proportion of women in a *majlis* is between 20 and 40%.

Between the full assemblies of the *mahalla* the committee takes care of the tasks named. In well-organised commune are addressed by the population very often. Many people are somewhat shy to go to the *Jamoāt* with their request, and hence prefer to confide in the *rais* of the *mahalla*, who after all always comes from the village or the neighbourhood. In the same way as a local mayor (*Ortsbürgermeister*) in Germany, the *rais* passes on applications, gives advice and mediates in small-scale disputes.

Where in the framework of the new *mahalla* legislation committees have been formed with differing tasks assigned, the sector heads act as local "heads of department": one person is responsible for all issues concerning the maintenance of the school, another for the drinking water supply system (if this still exists), and a third deals with childcare in the village. Accordingly parents and teachers address the school officer, residents whose water tap connection has broken speak with the person responsible for drinking water, etc.

Individual *mahalla* committees meet every week, and others which have less to do meet every two to four weeks. There is no compensation for the work. Most *mahalla* heads even pay for the petrol themselves when they have to take their own car to the *Jamoāt* or the *Hukūmāt*, or they pay for a collective taxi out of their own pocket. The economically inadequate situation of most *mahallas* (there are exceptions where costs are partially reimbursed) considerably restricts the choice of candidates, since at least 50 to 75% of the

population in a normal village are to be seen as poor or extremely poor are to be seen, and hence can hardly afford the expenditures connected with the office of a *rais* or a “department leader”. Moreover, poorer sections of the population also generally have less time for an unpaid commitment, as a cause of poverty in many families is a lack of labour. One result of these chains of cause and effect is that many women and particularly single mothers will hardly be able to stand for election for an office.

4.2 Participation on the Level of the *Jamoāt*

This section briefly deals with the informal participation of the population in local decision-making processes above the *mahalla*. The section is not brief because of any lack of relevance of the topic. Rather, it has emerged from interviews that only very few people address a higher level than the *mahalla* committees for the representation of their interests. There are no academic sources or even results of empirical studies to date for Tajikistan with respect to civilian participation on this communal level.

There are a few articles in internal studies carried out on behalf of foreign development organisations which were carried out as preparatory data collection (e.g. baseline surveys) for planned projects. These, however, deal almost exclusively with consultations in the context of planned development projects.

We must agree with Gunda Wiegmann (2009: 61) when she notes in her study on the sociopolitical change in Tajikistan after independence that the transition period (i.e. the time after the collapse of the Soviet Union) has created a free space and has created new possibilities for those involved. However, her remarks primarily refer to decision-making processes in the context of development projects, and not “day-to-day life” in villages, in which plans and decisions have to be made on irrigation or on the organisation of the village agriculture. The decision-making processes beyond such project planning are almost never dealt with.

This is why the research team’s conversations with representatives of the *mahallas* and *Jamoāts*, as well as with normal citizens, i.e. people who have no political office and no mandate for kind of representation, are the most important source of information.

A proxy indicator of participation may nonetheless be taken from the literature: in the IFES Public Opinion Survey of 2004 15% of those questioned (N = 1404) stated that they had signed a petition in the past five years. This statement could refer to the communal level, as in the same paper it is noted that 58% of those questioned reported that they had recently taken part in an assembly of their *mahalla* (IFES 2004: 3). In any case, in this context a petition would certainly not affect the *mahalla*’s work, but would be directed to the level of the *Jamoāt* or even the *Hukūmāt*. For the urban area, the percentage participation in *mahalla* meetings is certainly well above participation in “citizens’ and inhabitants’ assemblies” in Germany. One explanation is that in the *mahalla* all issues affecting the village or the locality are discussed and there are no other forums for participation.

Those who wish to strive for changes on the level of the commune have no institutionalised participation rights in Tajikistan outside of the *mahalla* assembly. The petition mentioned is

not provided for formally and on a communal level, and hence there is no procedure whatsoever in place to handle it. Citizens participating individually in construction planning³⁸, which is provided for in German construction law, is unknown in Tajikistan. There is also no law of freedom of information – the application of the latter can certainly contain elements of participation if questioning the administration leads them to reflect on sensitive issues.

Those who do not wish to take part in an (informal) petition³⁹ or speak to the *rais* of the *mahalla* with a request for mediation with the *Jamoāt* or *Hukūmāt* administration can also address a representative of the commune or *Rayon* administration directly, or contact a member of parliament or another figure of influence. This route is primarily used, as far as we have been able to gather, for private wishes – generally of a material nature. It has scarcely been reported that citizens circumvent the *mahalla* and take their wishes “for the common good”, for instance for the improvement of the infrastructure of their living environment (which in Germany is probably, besides concerns relating to construction law, the most common reason for attempts to exert influence) or turn to the *Jamoāt* in general village matters.

However, in practice some people do bring in their own private interests, and so a visit to the *Jamoāt* head, the *raīs* of the *Hukūmāt* or a parliament member is a not infrequent occurrence. Here, naturally, those who are already more influential are favoured. In Tajikistan it allegedly occurs more frequently that well-off people try to use their influence to be placed on the list of the extremely poor and hence to be able to have certain services for free or to be able to benefit from special tariffs than actually needy people being added to the list. This, for instance, is the case for free electricity allowances of 250 kWh in the winter and 150 kWh in the summer or for free gas deliveries in the cities, something which has always taken up several million TJS in the budget in past years. The poorest people will generally only choose the way via the *raīs* of their *mahalla*, who however is not very successful in securing privileges which can be siphoned off by others in a great number of ways. Attempts to exert an influence on public issues are even rarer. Letters to the editor of printed media are virtually unknown in Tajikistan⁴⁰.

The participation of member of the *mahalla* committees in decisions on the level of the *Jamoāt* has already been dealt with in the context of the introduction of the *Jamoāt* and the new communal regulation (Sections 1.2 and 1.3). Independently of the fact that recently the representatives of the *mahallas* have also become members of the *Jamoāt majlis* and therefore now also officially represent their residential areas or villages, the *mahalla* representatives, who until 2008 were only informally active, have tried again and again to exert influence on the administration of the communes. In individual cases the *mahalla* representatives have also tried to speak to the *Rayon* administration or its president. This did not entail jumping over a line of authority, since the *mahalla*, as a purely informal structure, did not have to adhere to set procedures. Just like the representative of NGOs or CBOs, in

³⁸ Here anyone can bring suggestions for a plan for using and building on a surface, as well as relating to individual construction projects, which must be processed individually, but on the other hand are very often rejected.

³⁹ Despite our repeated asking in the *mahallas*, we have not been made aware of any case of the involvement of any person in a petition.

⁴⁰ Interview with the editor of AsiaPlus, the only relatively independent Tajik newspaper.

case of doubt they could also contact a minister or even the president himself, if they got through to him..

It cannot be clarified whether today, after the formalisation of the *mahalla* in 2008 and the Communal Law of 2009, a *mahalla* representative body can continue to represent its interests and bypass the *Jamoāt* level. However, it is certainly practically still possible, as in a country of relatively modest size like Tajikistan there are personal as well as formal relations.

Besides the “normal” village population and the *mahalla* structure there are individual actors which have particular influence. Conway et al. (2009: 2) see these (circles of) people, whom they describe as “sub-national power brokers”, as representing a risk for reforms in the area of decentralisation. They note that their role is not well-known to date, and that it is cannot be predicted clearly or easily whether and how these “power brokers” will react to the reforms.

The term “power broker” generally includes people who exert influence on their political or social environment without themselves having a political position. For Central Asia S. Frederick Starr (2006: 6ff.) connects “power broker” and the networks which they control very closely with kinship groups (family networks, clans), dominating “invisible politics” and exerting control in regional networks over economic resources. Starr’s analysis, however, refers rather to conflicts over power in the state as a whole, and makes virtually no reference to the local level. In the discourse on participation and political decision-making structures on a communal level, the term “power broker” hardly seems to have been introduced at all so far.

No doubt some of the former warlords, particularly in the Gharm Valley, fall under the category of “power brokers“. Here they exert a political and economic influence, and in individual cases also an influence which is very malign due to its religious extremism⁴¹, without having official functions. For such a “power broker” like the old warlord Mirzohoja Ahmadov (Central Gharm), who was last held responsible for an attack on a military convoy in the Gharm Valley in September 2010, it is however not even clear whether he was still alive at the time of the attack. It remains unclear how far-reaching the influence of this type of “power broker” really is and in what way it may influence the work of the *mahallas* and participation of the population in the decisions in the villages.

⁴¹ For example, during stays in Gharm in 2007 and 2009 it was reported to us that these self-appointed regional Islamic leaders had forbidden music and dance at weddings in the villages controlled by them.

5. Conclusions

Through the new communal legislation, particularly the formalisation of the *mahallas*, the opportunity for the population to participate in decisions about their living environment, particularly development planning on village level, has become legally anchored for the first time. Up to 2008 there were no institutionalised opportunities for participation, and as a rule there were not even elections on the level of the *Jamoāt*. Even if it cannot be conclusively demonstrated to what degree the councils in the rural communities were elected, it is certain that these were bypassed again and again and election results could be overturned by the next highest level, that of the *Rayon* administration. Certain elected figures such as the heads of the administrations were also not accountable to their voters, but to the *hakīm* of the *Rayon*, and could be dismissed at any time by them.

The new rights of the population as members of the *mahalla* as well as the elected councils, together with the tasks conceived for them, make the possibilities for participation since 2008/2009 seem very far-reaching at first sight. In a formal sense the rights are indeed noteworthy when it is considered that part of the management of social and economic structure has been transferred to the area of responsibility of the *mahallas* and their committees.

However, there is a considerable contradiction between this formal right and the financial resourcing of the *mahallas*, as well as the *Jamoāt*, which carries a share in the responsibility for maintaining e.g. schools, healthcare establishments and the transport infrastructure. Both levels have nothing like the resources which would be necessary to fulfil their responsibilities to even a minimal level. Accordingly, the management rights of the *mahallas* (including the particularly important right to rule on the planning of new investments) rather becomes a duty to take over administration in the lack of any other solution. The financial consequences of decisions in *mahalla* assemblies must be carried in full by local families or those in the neighbourhood.

The possibilities for participation of the population before the legal reforms of 2008/2009 were not fundamentally different. *De facto*, it made the same decisions about communal infrastructure as after the legal “improvements” – and assumed the same responsibilities for investment, running and maintaining the facilities. Elections to the mahalla committee (although often only one single *raīs* and perhaps also a deputy) happened in a similar way to today, and the candidates, for the reasons already given are essentially the same.

In one respect the development of participation may even have gone too far after the changes of 2008/2009: in the transferring of the right to decide about one’s own drinking water supply and (to some extent) one’s own electricity and gas supply. Although it is legitimate to demand that the population should be involved in communal decision-making processes, it must be taken into account that there needs to be overall development planning for the communes as a whole into which the village or town quarter fit⁴². Here such issues

⁴² For instance, it would be contraproductive in rural commune with e.g. seven villages, for donors to build individual water supply systems in two or three of these villages. Each system would have to have access to its own sources, be equipped with its own pumps and elevated tanks and potentially also deal with shortages itself.

should be considered as treating all inhabitants of a commune as equally as possible (avoiding favouritism) as well as budget considerations, particularly with a view to fair financing of the maintenance of externally financed investments, whether these be kindergartens, schools, healthcare centres, drinking water supply systems, administrative buildings, etc.

Even after the Communal Reform, however, the *mahalla* assembly makes decisions autonomously, for instance on the involvement of their village in the building of a new (generally donor-financed) drinking water supply system, and does not take into consideration the situation in the neighbouring village – even if this belongs to the same *Jamoāt*.

One problem, which will be dealt with in more detail in the subsequent publication on participation in the context of development policy in Tajikistan, should be sketched briefly because of its universal validity: civil society participation in communal decision-making processes requires both an institutional framework and considerable contributions towards appropriate qualification for all actors involved. The former has been provided in the meantime through the *mahalla* law and the Communal Law, but not even the beginnings of the latter can be seen in Tajikistan. Neither the elected members of the mahalla committees, the additional committees provided for by the law (among others the financial controlling commission) nor the members of the *Jamoāt* are better prepared for their tasks than the members of the former informal village organisations.

Several project evaluations in 2004-2010 have shown that committees which do not benefit from training and re-education programs or qualify themselves in a project through cooperation strongly fall behind those which enjoy such a qualification. The latter as a rule have acquisitions which are several hundred percent higher for new village investments or repairs to the existing infrastructure. They are therefore in a much better position to run the village infrastructure and hence improve services for the population.

Accordingly the demand for stronger stakeholder participation must also be combined with a readiness on the part of the state and the donors to contribute the necessary qualification programs or the resources necessary for these.

The total cost of systems would be higher if they were set up individually than if they were created together. The principle of equal treatment of all residents would be undermined, as different cost structures of the systems would make different tariffs inevitable, so that members of the same rural commune, besides the divergent supply qualities and running costs, would have to pay two, three or more different tariffs for the same unit of water. Widespread participation of the populations of individual villages would have been attained (provided the people had given priority to the water supply and not expressed any other ideas as their priority). However, the populations of the other villages would gain nothing from the projects, and even if there was already a functional water supply in the villages concerned, disputes would be inevitable within the whole commune with respect to funding bodies and the level of prices. Unfortunately, this is not a hypothetical example.

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Appendix 1:

Legal Framework for Land Reform and Farm Reorganization in Tajikistan

| Date | Document | Title |
|------------------|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| 5 March 1992 | Law no. 594 | "On Land Reform" |
| 15 May 1992 | Law no. 421 | "On Dehkan (Peasant) Farm" |
| 1 October 1993 | Government Resolution no. 499 | Organization of Dehkan (Peasant) Farms |
| 6 November 1994 | Constitution of Tajikistan, Article 13 | "Land ... and other natural resources are in exclusive ownership of the state..." |
| 9 October 1995 | Presidential Decree No. 342 | Allocation of 50,000 hectares to household plots |
| 11 October 1995 | Government Resolution no. 621 | Restructuring of kolkhozes, sovkhoses, and other agricultural enterprises |
| 25 June 1996 | Presidential Decree no. 522 | Reorganization of agricultural enterprises |
| 13 December 1996 | Law no. 326 | Land Code |
| 1 December 1997 | Presidential Decree no. 874 | Allocation of 25,000 hectares to household plots |
| 22 June 1998 | Presidential Decree no. 1021 | "On Ensuring the Right to Land Use" |
| 15 Juli 1997 | Government Resolution No. 294 | State control of land use and protection |
| 4 February 1999 | Government Resolutions nos. 29, 30 | Simplified procedure for creation and registration of land use rights; simplified procedure for determination and registration of land shares |
| 12 May 2001 | Law no. 20 | "On Land Use Planning" |
| 12 May 2001 | Law no. 18 | "On Valuation of Land" |
| 23 April 2002 | Law no. 48 | "On Dehkan (Peasant) Farms" |
| 15 April 2003 | Presidential Decree no. 1054 | "On the mechanism for settling the debts of reorganized agricultural enterprises and enterprises undergoing reorganization" |
| 23 Dezember 2003 | Government Resolution no. 542 | "On settling the debt of reorganized agricultural enterprises and enterprises undergoing reorganization" |
| 4 March 2005 | Approved by the President | Strategy for cotton farm debt resolution in Tajikistan |
| 30 June 2006 | Presidential Decree no. 1775 | "Rule for reorganizing and reforming agricultural enterprises" |
| 5 March 2007 | Government Resolution no. 111 | "Plan of measures for cotton farm debt resolution in Tajikistan for 2007-2009" |
| 2007 | Presidential Decree no. 111 | Full transferability of land-user rights and freedom to farm. |

Source: Evaluation Report 2010 for I-NGO ACTED

Appendix 2:

GoT. Government of Tajikistan. Laws on communal administrative structure, on communal tasks and on communal finances in Tajikistan

- 1991: Law on Local Self-Governance and Local Economy (no. 266 of 23.2.1991, amended 3.1.1992 and 25.6.1993)
- 1994a: Law on Local Self-Governance in Settlements and Villages (no. 1094 of 1.12.1994)
- 1994b: Constitutional Law on the State Power at Local Places (no. 1092 of 1.12.1994)
- 1995a: Constitutional Law on Gorno-Badakhshan Autonomous Oblast (no. 108 of 4.11.1995, amended 29.11.2000)
- 1995b: Constitutional Law on the Order of Addressing Issues of Administrative and Territorial Arrangements of the Republic of Tajikistan (no. 100 of 4.11.1995 mit Änderung 29.10.2000)
- 1997: Law on Basics of Budget Arrangements and Budget Process (no. 423 of 15.5.1997)
- 1998: Law on State Services (no. 678 of 13.11.1998)
- 1999: Law on Election of Deputies to Local Councils of People's Deputies (no. 858 of 10.12.1999)
- 2004: Law on Local Bodies of State Power (no. 28 of 17.5.2004)
- 2006: Public Administration Reform Strategy of the Republic of Tajikistan. Approved by Presidential Decree no. 1713 of 15 March 2006. Dushanbe.
- 2007: Amendments to the "Law on Elections of Deputies to Local Council of People's Deputies" (no. 257 of 12.5.2007)
- 2008: Law on Bodies of Local Self-Government in Settlements and Villages (no. 412 of 12.6.2008)

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PROJECT PUBLICATIONS:

Bliss, Frank (2010a): Poverty, Governance, and Participation in Central Asia: The Example of Tajikistan. Duisburg: Institute for Development and Peace („Participation and Development in Central Asia“ -- Project Working Paper No. 1, September 2010; in collaboration with the Institute for Social Anthropology of Development and Applied Social Research, Bonn).

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Bliss, Frank/ Neumann, Stefan (2008): Participation in International Development Discourse and Practice. „State of the Art“ and Challenges, Duisburg: Institute for Development and Peace, University of Duisburg-Essen (INEF-Report 94).

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