



CONFLICT PREVENTION

Northern Tajikistan: Religious and secular interests meet halfway

Sughd shows the way to compromise

Tajikistan is often showcased as the only country in Central Asia that has accommodated the participation of an Islamic-based party in its political life. This has its roots in the complex negotiations leading up to the signing of a peace agreement in 1997, ending the civil war that erupted in 1992.

In practice, however, the relationship between the country's secular and religious sectors has been an uneasy one. The Tajik authorities' stepped-up efforts to monitor religious organizations after the terrorist attacks of 11 September 2001 in the United States have only served to fuel mutual wariness.

Under a small, pioneering project funded by Switzerland and Germany, the OSCE's Khujand Field Office joined hands with the local Centre for Civil Society to build trust and mutual confidence between religious and secular authorities in the northern part of the country.

BY HENK HULSHOF

Independence in Central Asia ushered in a period of religious revival, and Tajikistan was no exception. In Sughd, the northern province, unregistered mosques and *madrasas* (Koran academies) mushroomed from some 200 in 1980 to about 715 in 2002.

Tensions between secular authorities and religious organizations arose in 2002 following a presidential speech that criticized the proliferation of mosques and poorly educated religious leaders. In Sughd, said to contain several pockets of strong support for extremist Islamic organizations, local authorities banned *imams* (prayer leaders of a mosque) and *imam-khatibs* (orators of Friday prayers) from carrying out their functions if they failed state-organized examinations. Several mosques had to close down.

To an impartial observer, the ensuing outcry from the Islamic community was not entirely unjustified. Local government officials were often perceived as ill-informed about the laws governing relations between the authorities and religious organizations. The same, however, could be said for religious leaders.

To try to fill the information gap and ease mounting tensions, the OSCE's Khujand Field Office and the Centre for Civil Society, a local non-governmental organization, drew up a plan to bring both sides together and provide them with more than cursory knowledge of Tajik legislation and international norms concerning freedom of religion or belief.

Over more than a year, from March 2003 to May 2004, the Centre for Civil Society conducted 23 four-day training seminars on law and religion for some 550 representatives of local government, religious bodies and political parties in 18 districts in Sughd. In addition, five seminars were held in *madrasas*. To avoid the impression that outsiders were attempting to influence the way Islam was

Young Muslims at a mosque in Isfara, northern Tajikistan
Photo: OSCE/Peter Wohlsen

practised, the project called on leading legal and Islamic experts from Tajikistan to draw up the seminar contents and conduct the sessions.

BREAKING THE ICE

The experts ensured that the stipulations selected from domestic legislation, global covenants ratified by Tajikistan, and *Sharia* law left little room for misinterpretation and were as relevant as possible to the local situation. Simulation of real-life dilemmas challenged participants to clearly identify violations of the law and ways of seeking legal redress.

Predictably, the sessions often started in a chilly atmosphere, amidst a sea of counter-accusations. The ability of the three experts and three trainers to break the ice and put everyone at ease was crucial, as they patiently sought to explain common misinterpretations of the law, coaxed compromises out of the two sides and persuaded them to collaborate more closely.

“It was the first time local clerics and local authorities had ever sat around the table discussing such sensitive issues as registration of mosques and Koran academies, religious education and Islamic rituals,” said Munira Asrorova, who is on the Committee of Religious Affairs in the remote northern district of Penjikent.

“You could feel the relationship between the two sides becoming more open, as the clerics grasped the importance of civic law and secular authorities came to grips with the concept of freedom of belief and other complex issues related to worship. I think this was a great achievement.”

Defying the sceptics, the dynamic exchange of views led to surprisingly simple on-the-spot solutions to some tough issues. The discussions revealed that ignorance of the legal framework was just one aspect of the problem; confusion also reigned in the interpretation of the laws, reflecting the existence of ambiguities, deficiencies and contradictions.

GREATER LEEWAY

A commonly held perception, for example, was that small study groups on Islam were allowed by official authorities only at Friday mosques, severely limiting learning opportunities in villages that did not have one.

The seminars’ legal expert, however, assured participants that there was no reason why this educational activity could not take place in five-times-a-day-prayer mosques too, provided it was scheduled in the mosque’s charts. It had emerged that

the official charts — supplied to mosques by local authorities — often did not carry provisions for study groups.

The practical compromise: Religious and local officials agreed that upon re-registration of the mosques, the charts would be amended to give greater leeway for scheduling study groups.

Another source of friction was removed when there was a meeting of minds on the issue of radical Islam. Both sides unequivocally stated that providing the public with better access to Islamic knowledge through the study groups would go a long way towards discouraging young people from joining *Hizb ut-Tahrir* and other radical Islamic organizations.

The use of loudspeakers in central mosques, another bone of contention, was settled once it was clarified that current legislation did not prohibit their use. In a decision that served as a precedent, authorities agreed to lift the ban that had been imposed in Penjikent, paving the way for the resolution of similar disputes in other districts.

The spirit of compromise and conciliation was also much in evidence at the project’s concluding roundtable held in Khujand in May.

A civil servant from the small town of Taboshar was bemoaning the fact that the required minimum of 15,000 participants for a Friday mosque to be opened was impossible to meet in the country’s remote mountainous towns and villages. The response of the Head of the State Committee on Religious Affairs was swift. He gave his personal word that Taboshar would soon have its own Friday mosque.

The Law on Religion and Religious Organizations (1990, with amendments in 1994 and 1997) and the Constitution are the main documents governing religion in Tajikistan. In addition, some laws indirectly affect the religious sector, such as the Tax Law, the Civic Code and the Law on Civil Organizations.

Boy studying the Koran in Isfara, northern Tajikistan



OSCE/PETER WOHLSEN

This emboldened participants to call for an amendment to the law to take into account the special circumstances in isolated, sparsely populated areas.

Not surprisingly, not every single contentious issue between authorities and clergy could be solved. For one, the question of Islamic clergy's membership in political parties, although not ruled out by law, is still highly charged.

The registration of religious organizations is another long-standing disputed matter. Many believe that the instructions by the State Committee on Religious Affairs, which require up to 15 documents for registration, blur registration procedures even more and contradict the current Law on Religion and Religious Organizations under which only three documents are needed. OSCE standards, in fact, oblige participating States to grant legal status to religious organizations that operate within the framework of national laws.

The concluding roundtable produced an impressive list of recommendations which were presented to local government authorities, religious organizations, political parties and the international community.

REGULAR PLATFORM

To ensure that follow-up work rests not only on the shoulders of government officials, each district in Sughd, with Swiss support, will create a regular "platform"—a forum for dialogue—to maintain the momentum for conciliatory dialogue between religious and official structures.

Abdukhakim Sharipov, head of Khujand's Ideology Department, says that the project's added benefit of fostering regular contact between local religious and secular interests has already started bearing fruit.

Describing some of the many lingering problems that are finally being solved, a participant in the regular discussions in the district of Jabor Rasulov said: "We finally received the certificate for the land on which we will build our Friday mosque and the five-time-prayer mosques. We are also conducting law classes for our *imams* who missed the opportunity to take part in the 23 seminars. Local authorities have been helping us prepare and broadcast a daily ten-minute educational television spot on Islam."

The seminars also sparked the idea of a civic education summer camp for students



OSCE/LUBOMIR KOTEK

from *madrasas*, which was organized by the rector of Khujand's *madrasa* and a local NGO in August.

When the time comes for the OSCE Centre in Dushanbe to expand the seminars on law and religion to the south, as it is poised to do, Sughd's clerics, local authorities and residents will rightly claim credit for having blazed the trail.


Khujand mosque

Henk Hulshof from the Netherlands has been serving as Head of the Khujand Field Office since August 2003. Located in the capital of Sughd, the Office is one of five scattered across Tajikistan, under the wing of the OSCE Centre in Dushanbe. The Khujand staff comprises three field assistants and seven support staff. Inaugurated in early 2000, the Office has enabled the OSCE to maintain an important presence in the Ferghana Valley, a densely populated area shared by Tajikistan, Kyrgyzstan and Uzbekistan.



OSCE/KHUIJAND FIELD OFFICE

Field Officer Henk Hulshof (top row, left) with the staff of the Khujand Field Office: Alexander Rakhmonov, Senior Field Assistant, human rights and political affairs; Takhmina Rakhmatova, Secretary; Munisa Vahobova, Field Assistant, media and gender affairs; and Natalya Vershinina, Senior Field Assistant, economic and ecological issues



COUNTERING EXTREMISM

Central Asia: Opening the window to greater freedom of belief

Author and independent specialist in Central Asian affairs, Martha Brill Olcott, says expanding political space is one of the most effective means of isolating radical extremist groups. The following are excerpts from her talk to the first in a series of OSCE meetings on combating extremism in Central Asia.

BY MARTHA BRILL OLCOTT

In the past few years, we have had to take a good, hard look at the risks and threats posed to our societies by extremism, and have gained a new appreciation of the complexity of the task of combating it. I believe this has made us more sensitive to the challenge of defining threats and identifying potential perpetrators while preserving the sanctity of the law. And it has made us more aware than ever that protecting individual rights is not a simple task; no country has been able to do it in a fashion that has not occasioned criticism

This underlines the importance of looking at this dilemma in a collective fashion — by exploring common problems and possible common solutions rather than by having one nation or a group of nations lecturing another.

My current research is on the evolution of Islamic groups in Uzbekistan and the tension within the community of believers — between those who advocate peaceful means of spreading Islam and those

who advocate the use of force to create an Islamic state. As my work progresses, I am gaining a better understanding of the nuances of the situation and am becoming increasingly convinced that the issue should be addressed from a regional perspective.

Internationally, there has been a tendency to lump together different types of extremist threats. This has been especially true in Central Asia. By doing so, governments in the region risk eroding their credibility and moral authority in claiming the right of the State to assert primacy over the rights of the individual.

In most parts of the world, the public has proved to be a better regulator of extremist behaviour than the State, and there is no reason to believe that this should not be the case in Central Asia. More often than not, it is individuals who appeal to the State to mediate their grievances.

Clearly, then, the focus should be on the legal elaboration of personal protections (and the setting up of effective mechanisms for their successful implementation), rather than on the legal elaboration of what constitutes extremist behaviour. This is especially true in the management of non-traditional religious groups.

As for human rights advocates, they are also not without shortcomings. I am referring to the community broadly and not crit-

The Kalyan Mosque in Bukhara, Uzbekistan, dates back to the fifteenth century.
Photo: OSCE/Alexander Nitzsche



Kazakhstan's rich religious and cultural heritage as seen through the camera lens of photographer Lubomir Kotek

icizing any specific group. Too often, they give identical treatment to those arrested on charges that seem to have been politically motivated and those accused of acts that are clearly criminal in most developed democracies.

Some of the groups seem to pin their hopes solely on an expression of political will and co-operation on the part of judicial and penal authorities to end the abuses. They demonstrate little interest in the complexity and cost of engaging in effective legal reforms, expecting the State to be capable of financing and pursuing these reforms.

Although I am an "outsider" to the region, I do feel able, after a lifetime of studying Kazakhstan and Central Asia, to offer some specific proposals on how governments should approach the challenge posed by extremist groups.

SELF-REGULATION

Central Asia's religious communities should be permitted to be self-regulating and self-governing. In return, they should be required to finance their activities through internal tithing to lessen their dependency on foreign funding.

Religious communities should be allowed to choose their own leaders, determine their own dogmas and doctrines, and run their own schools and advanced educational academies. This is particularly relevant to the Islamic community, which currently falls under the close supervision of the State Committee on Religion. In each of the five Central Asian countries, it is this Committee that chooses the *Mufti* — the head of the Islamic community — and that licenses and controls the curriculum of the country's *madrasas* (religious schools).

The region's governments justify much of this control in the name of advancing the cause of moderate Islam. But moderate Islam cannot be spread and regulated by secular figures. Any Central Asian state that loses the support of its clerics is in deep trouble, as its legitimacy is threatened.

Fortunately, Central Asia's Islamic community is still largely dominated by moderate elements which oppose the approach taken by radical and extreme Muslim groups and often seek to adjust some practices in keeping with secular societies. These moderate Muslims are likely to be far more successful in the struggle against religious extremism than the secular state can ever be, since they are in a position to introduce discipline within the community of believers even during periods of economic hardship.

ISOLATING RADICAL GROUPS

If governments introduce greater religious freedom by granting devout communities the right to self-regulation, they will find themselves in a much stronger position to defend and prosecute groups seeking to use force to destabilize the State. This would also help isolate radical groups such as *Hizb ut-Tahrir*.

PROTECTING HUMAN RIGHTS

Focusing on the development and enforcement of laws that protect the human and civil rights of individuals is more important than drawing up laws on extremism; there would be no need for the latter if the former existed.

What about the need to protect the citizens of these countries from the influence of propagators of non-traditional faiths? This particular aspect is not easy for those outside the territory of the former Soviet Union to understand.

In the first years of independence, it was frequently argued that because of the years of religious repression, the faiths that had existed for centuries in the region (Islam, Russian Orthodoxy, Judaism and Buddhism — and to this list, Kazakhstan added Catholicism) required special conditions to bring about their renaissance.

According to this line of thinking, these religions should not be expected to compete on equal terms with “foreign” or “non-traditional faiths” — usually referring to Christian fundamentalist groups that have been proselytizing in the newly independent states and spending extremely large sums of money in the process.

Nearly 15 years later, however, I believe the formerly persecuted traditional faiths no longer need any special protection. Instead of seeking to restrict the formation of non-traditional faiths, sects and cults, the State should concentrate on prosecuting the excesses of individual members. The distribution of hate literature and the forced conversion of children and spouses are some examples of practices that compromise the civil rights of non-members.

EXPANDING POLITICAL SPACE

In Kazakhstan and even more so in the rest of the region, there is a great deal of controversy surrounding restrictions on the registration of informal and non-governmental groups as well as those that are considered radical and non-traditional. In most states, the right of informal groups of individuals — that is, unregistered groups — to organize public events or hold bank accounts is restricted.

This issue would be obviated, however, if political space were expanded by liberalizing current regulations that limit the right

of citizens to hold public gatherings and to rent public halls.

PURSuing JUDICIAL AND PENAL REFORMS

The definition of “extremism” will always remain controversial. Some definitions could lead to the arrest of innocent people and other citizens who may well be in violation of current law but are merely espousing values and expressing their conscience without any overt intention to harm others.

I believe that undertaking comprehensive reform of the judicial and penal systems is the most important step that can be taken by Central Asian states towards protecting human rights at a time of heightened fears about risks posed by extremist groups. In doing so, the region will be helping to ensure that the accused are treated fairly — that their arrest, trial and possible incarceration are conducted within the rule of law and without the use of torture or other forms of cruel or unusual punishment.

Martha Brill Olcott is Senior Associate in the Carnegie Endowment for International Peace in Washington, D.C., and Co-Director of the Carnegie Moscow Center Project on Ethnicity and Politics. Soon after the events of 11 September 2001, *The Washingtonian Magazine* included her in a list of “71 people the President should listen to” in the fight against terrorism. She is the author of *Kazakhstan Unfulfilled Promise* (Carnegie Endowment, 2002), *The Kazakhs* (Hoover Institution Press, 1995) and a forthcoming book, *Central Asia’s Second Chance*.

Martha Brill Olcott takes questions from the media after her talk.



OSCE CENTRE IN ALMATY/ALDAR BOSTAGAROV

Almaty hosts first OSCE/ODIHR roundtable on combating extremism

“We need look no further than the recent past for a vivid illustration of how destructive and divisive extremist doctrines are, and of their inevitable and often tragic results,” said Ambassador Ivar Vikki, Head of the OSCE Centre in Almaty, at the first in a series of roundtables on combating extremism in Central Asia.

The ground-breaking event, held on 1 and 2 July, was hosted by Kazakhstan and was organized by the OSCE Centre and the OSCE’s Office for Democratic Institutions and Human Rights (ODIHR).

Kazakhstan officials and representatives of think-tanks, non-governmental organizations and the international community

discussed the multiple factors contributing to the growth of extremism in the region, including social, economic and political exclusion, human rights violations and the suppression of religious freedom.

Several participants called attention to the fact that some OSCE participating States, in their efforts to stamp out extremism, had established legislation that infringed on freedom of expression and assembly, and on the right to a fair hearing and judicial review.

Kazakhstan’s draft law on extremism was presented by a senior judiciary official, followed by a discussion on its strengths and shortcomings. The preliminary com-

ments of the ODIHR were well received by the Government and could lead to ODIHR’s involvement in the drafting process.

A representative of the Venice Commission, the Council of Europe’s advisory body on constitutional matters, was on hand to explain European standards concerning the prohibition and dissolution of political parties.

The next roundtable in the series will be held in Bishkek, Kyrgyzstan, in November. The topic of terrorism and extremism is under consideration as a subject for an OSCE-wide conference in 2005.