

Report on Tajikistan's stakeholder engagement

Assessment of progress in
implementing Requirement 1 of the
EITI Standard

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Acronyms

APR	Annual Progress Report
BO	Beneficial ownership
CSO	Civil Society Organisation
EITI	Extractive Industries Transparency Initiative
FSVC	Financial Services Volunteer Corps
IA	Independent Administrator
ICNL	The International Center for Not-for-Profit Law
MoE	Ministry of Energy
MoF	Ministry of Finance
MoJ	Ministry of Justice
MSG	Multi-Stakeholder Group
PWYP	Publish What You Pay
ToRs	Terms of Reference

Executive summary

The assessment of Tajikistan's progress in implementing Requirement 1 of the EITI Standard commenced in January 2023. The assessment was mandated by the EITI Board in line with Board decision [2022-34](#).

Stakeholder consultations were held in person on 2-3 March 2023. The assessment was finalised on 24 October 2023 following an agreement to defer the discussion of this assessment until a new Board is in place.

Main findings and recommendations

Requirement 1.1: Government Engagement. The Secretariat's preliminary assessment is that Requirement 1.1 is mostly met, which represents backsliding since the previous Validation. The Secretariat considers that while on balance, the objective of full, active and effective government leadership of the EITI process is mostly fulfilled, challenges in the consistency of oversight of government representatives in the MSG coupled with inability to sustain financial and human resources for EITI implementation represent a decline in overall government engagement in the period under review.

In accordance with Requirement 1.1, Tajikistan should ensure that the government is fully, actively and effectively leading and engaged in the EITI process in a consistent manner. Tajikistan should ensure that there is sustainable funding for all aspects of EITI implementation, including for work plan activities, EITI reporting, dissemination of EITI-related data and staffing of the national secretariat, as part of its full, active and effective engagement in the EITI process.

Requirement 1.2: Company engagement: The Secretariat's preliminary assessment is that Requirement 1.2 is mostly met, which represents backsliding since the previous Validation. The Secretariat considers that the objective of full, active and effective industry engagement in the EITI process is only mostly fulfilled given a lack of evidence of the broader industry constituency engagement in the EITI implementation, except for reporting. Even though the company representatives on the EITI Council have been actively engaged in the EITI during the last year, there has been no communication with other material companies that are not represented on the EITI Council. The lack of an entity who can coordinate and liaise with all key companies remains a gap as it prevents the constituency from conducting substantial outreach activities to companies to secure full, active and affective participation in the EITI.

In accordance with Requirement 1.2, extractive companies in Tajikistan should demonstrate that they are fully, actively and effectively engaged in the EITI process, including through inputs to the main documents and outreach to companies that are not members of the EITI Council and providing strategic input to EITI. Further efforts are required from the company constituency in terms of outreach to industries, as well as capacity building and awareness raising among companies that are not represented on the EITI Council. It is also recommended to create a platform for company participation and coordination of the constituency.

Requirement 1.3 Civil Society engagement: The Secretariat's preliminary assessment is that, for the period under review, there has been a significant deterioration in Tajikistan's civic space as it relates to freedom of expression on extractive industry governance, which merits an assessment of mostly met on Requirement 1.3, representing a downgrade since the previous Validation. The Secretariat's preliminary assessment is that, EITI continues to play a role to create space for participation and that within the EITI context, civil society is able to engage in issues relating to natural resource governance. However, there is evidence that broader restrictions on free speech and the deterioration of broader civic space in the country in the last three years have inhibited some civil society members from speaking out on controversial topics such as corruption, at times amounting to self-censorship. Although civil society within the EITI noted that they are able to freely express their views, they highlighted the need for a legal framework to strengthen their ability to fully pursue their agenda on issues like beneficial ownership and corruption. CSOs outside the MSG highlighted that the broad restrictions on civic space affect their freedom to express dissent and criticism on issues relating to natural resource governance, specifically when high-level public officials are involved.

In accordance with Requirement 1.3 and the EITI protocol: Participation of civil society, Tajikistan should ensure that civil society is able to express their views on natural resource governance without fear of reprisal. The government should ensure that the EITI process provides a safe space for CSOs to engage in debates on natural resource governance related to the extractive sector including in MSG meetings, EITI activities and other national platforms for debate. To address issues on self-censorship, civil society is encouraged to raise through the MSG any concerns related to constraints on their engagement in public debate on natural resource governance. Tajikistan should monitor and discuss any legal and regulatory reforms to ensure that there continues to be an enabling environment for wider civil society participation and ensure that the MSG is discussing the status of CSO participation in the EITI regularly. The civil society constituency should reinvigorate full active and effective engagement in the EITI process. This could include active engagement in discussions to make EITI implementation more relevant, development of a capacity-building plan for civil society organisations, and fundraising.

Requirement 1.4 MSG governance. The Secretariat's assessment is that Requirement 1.4 is partly met. Even though oversight on work planning and EITI reporting exists, there is limited evidence that the MSG exercises active and meaningful oversight on *all* aspects of EITI implementation. Specifically, it is unclear to what extent the MSG is working collectively to ensure wide dissemination of EITI Reports and effectively conduct outreach activities, as well as engage in Validation to address corrective actions and recommendations. There is also lack of clarity on the inclusiveness of decision-making processes and on the procedures for nomination and replacement of MSG representatives. Gaps relating to considerations for gender and diversity are also noted. The Terms of Reference (ToR) for the EITI Council is largely followed in practice, however, it does not fully address the requirements of the EITI Standard. According to stakeholders consulted, the discussions at the EITI Council are mostly limited to preparation of EITI documents and do not touch on aspects that would lead to more impactful implementation.

In accordance with Requirement 1.4, Tajikistan should ensure that the EITI Council exercises oversight of all aspects of EITI implementation beyond the production of EITI Reports, including active engagement in the design of the EITI process, outreach and dissemination of EITI findings and follow-up on EITI recommendations to strengthen the governance of the extractive industries. The EITI Council is required to review its Terms of Reference and other governance documents to ensure their alignment with provisions of the 2019 EITI Standard, including with regard to gender considerations in the process for nominating EITI Council members and per diem policies.

Requirement 1.5: Work plan. The Secretariat's assessment is that Requirement 1.5 is partly met. The 2022-2023 EITI work plan is publicly accessible and produced in a timely manner. The work plan objectives are aligned with some national priorities but there is limited evidence on the extent to which these national objectives are achieved through work plan activities. The work plan also includes activities related to preparation for the targeted assessment of Requirement 1 and Validation. However, the work plan does not include activities related to addressing the corrective actions from previous Validations and EITI Reports. The work plan lacks details on how to address capacity constraints and does not include a clear plan to enable contract transparency and systematic disclosure.

In accordance with Requirement 1.5, Tajikistan's EITI work plan should include detailed activities related to contract transparency, systematic disclosures and addressing corrective actions identified during the last Validation of Tajikistan. It should also clearly identify needs to address capacity constraints and be the product of consultations with key stakeholders in the broader constituencies beyond the MSG.. To strengthen implementation, the MSG could consider extending the scope of EITI reporting and reflect this in the work plan. The linkages between national objectives and actual implementation of activities related to these objectives should be further strengthened.

Targeted assessment scorecard

Component EITI Requirement	Progress	Score	
Government engagement (#1.1)	Mostly met	60	↓
Industry engagement (#1.2)	Mostly met	60	↓
Civil society engagement (#1.3)	Mostly met	60	↓
MSG governance (#1.4)	Partly met	30	↓
Work plan (#1.5)	Partly met	30	↓

How EITI Targeted Assessment scores work

Assessment of EITI Requirements

Targeted assessments assess the extent to which each EITI Requirement is met, using five categories. The targeted assessment does not include component or overall scores given that all EITI Requirements part of a component have not been assessed in this process.



- **Exceeded** (100 points): All aspects of the requirement, including “expected”, “encouraged” and “recommended” aspects, have been implemented and the broader objective of the requirement has been fulfilled through systematic disclosures in government and company systems.
- **Fully met** (90 points): The broader objective of the requirement has been fulfilled, and all required aspects of the requirement have been addressed.
- **Mostly met** (60 points): Significant aspects of the requirement have been implemented, and the broader objective of the requirement is mostly fulfilled.
- **Partly met** (30 points): Significant aspects of the requirement have not been implemented, and the broader objective of the requirement is not fulfilled.
- **Not met** (0 points): All or nearly all aspects of the requirement remain outstanding, and the broader objective of the requirement is far from fulfilled.
- **Not assessed**: Disclosures are encouraged, but not required and thus not considered in the score.
- **Not applicable**: The MSG has demonstrated that the requirement doesn't apply.

Where the evidence does not clearly suggest a certain assessment, stakeholder views on the issue diverge, or the multi-stakeholder group disagrees with the Secretariat's assessment, the situation is described in the assessment.

Assessment of government engagement (Requirement 1.1)

Findings from the previous Validation

The previous Validations in 2020 and 2016 noted that the progress on this requirement had been satisfactory. Previous assessments noted that government was actively and effectively engaged in the design, implementation, monitoring and evaluation of the EITI. The Ministry of

Finance hosted the national EITI secretariat funded by the World Bank. Government representatives were taking part in all meetings of the EITI Council.

Summary of progress since last Validation

The Secretariat's preliminary assessment is that Requirement 1.1 is mostly met, which represents backsliding since the previous Validation. The Secretariat considers that while on balance, the objective of full, active and effective government leadership of the EITI process is mostly fulfilled, challenges in the consistency of oversight of government representatives in the MSG coupled with inability to sustain financial and human resources for EITI implementation represent a decline in overall government engagement in the period under review. Tajikistan should ensure that the government is fully, actively and effectively leading and engaged in the EITI process in a consistent manner.

The Secretariat notes the long interruption in multi-stakeholder oversight of the EITI caused by the COVID-19 pandemic. Most stakeholders consulted noted implementation gaps during the period of 2020-2021 due to competing priorities caused by the pandemic. They however also observed that beginning in 2022, the Government of Tajikistan has significantly increased its engagement in the EITI and revived the implementation process. The lack of engagement in 2020-2021 was also due to multiple resignations of key officials engaged in the EITI, which affected the continuity of implementation.

The government has issued a public statement of its intention to implement the EITI in the past. This was confirmed in several official letters to Helen Clark, Chair of EITI Board, in 2022. This commitment has been carried out in practice by fulfilling all the steps agreed with the International Secretariat to revamp the EITI process, including the appointment of a senior government official as MSG Chair, appointment of a new National Coordinator, renewal of the MSG, resumption of in-person MSG meetings, development and approval of the 2022-2023 EITI work plan and ToRs for the Independent Administrator and securing funding for the EITI Report for 2019-2021 which resulted in the lifting of their suspension in June 2023. The government also initiated a process for the removal of barriers to reporting of license coordinates of projects covering precious metals. It also initiated legal amendments to enable comprehensive BO disclosures. Stakeholders from civil society and company representatives noted that the government engagement in EITI implementation significantly improved since 2022.

As discussed, all the agreed steps to revamp the EITI process post-pandemic have been accomplished by the government. However, some gaps remain to ensure sustainability of the EITI process. There is limited evidence of implementation of long-term solutions to minimise risks in the continuity of implementation in the event of changes in key positions due to resignations, reshuffling within ministries and scarcity of funding. As stakeholders noted, consistency of political commitment to EITI implementation over the years has been inconsistent, where some periods are marked with funding and resource challenges, as well as limited political support. The progress in implementing measures is commendable including the appointment of an MSG champion, national coordinator and reconstitution of a new EITI council, in addition to securing senior government officials in the MSG. However, there is still limited evidence to conclude that the government is providing strategic direction to the EITI process by ensuring alignment of EITI

with national priorities and increasing institutional capability to enable EITI to contribute to national reforms.

High-level government commitment (Requirement 1.1.a-b)

Requirement: The government has issued a public statement of its intention to implement the EITI (#1.1.a)

The government of Tajikistan committed to implement the EITI in August 2012 by issuing Presidential Decree 449 on Accession of Tajikistan to the EITI. The EITI Council was formed in 2012, and the country was accepted as an EITI Candidate in February 2013. Since then, there have been several public statements of government support, including during national EITI conferences to launch EITI reports and during the Stakeholder Forum at the EITI Global Conference in Paris in 2019.

In 2022, Faisiddin Qahhorzoda, Minister of Finance of Tajikistan, sent several letters to the EITI International Secretariat re-assuring the government's commitment and interest to implement the EITI. On 15 February 2022, at a virtual meeting with Mark Robinson, Executive Director of EITI, Dzhamshe Karimzoda, First Deputy Minister of Finance of Tajikistan confirmed the government's willingness to continue implementation. In October 2022, Isfandiyor Yazdonzoda, EITI National Coordinator, visited Oslo for the National Coordinators meeting and expressed interest and commitment to implement the EITI on behalf of the government.

After being suspended on 17 January 2022 for missing a reporting deadline, Minister of Finance Faisiddin Qahhorzoda sent a letter to EITI Chair Helen Clark acknowledging the suspension and committing to hold a virtual meeting to discuss the future of the EITI in Tajikistan. He also emphasised that other EITI activities, such as the launch of a beneficial ownership portal, had been held in 2021. Minister Qahhorzoda provided assurances that the Government of Tajikistan shared the EITI Principles and considered that implementation of the EITI has helped in improving the management of the extractive industries and its investment climate. The Government also expressed its commitment to open and transparent licensing procedures and its plans to publish contracts as required by the EITI Standard.

Requirement: The government has appointed a senior individual to lead on the implementation of the EITI (#1.1.b)

The Ministry of Finance (MoF) is the government lead for EITI implementation. The EITI Council, the multi-stakeholder group, is chaired by the Deputy Minister of Finance, a position held in 2014-2019 by Ms Mekhrinamo Dzhonmamadova, who was highly committed to the EITI. Her resignation in 2019 until February 2022 resulted in the absence of an EITI Champion for the said period. These years also coincided with the COVID-19 pandemic, which shifted government priorities. In February 2022, the Minister of Finance appointed his deputy Karim Gulmurozoda as the EITI Champion and the MSG Chair. Following his appointment there was also a renewal of

EITI Council members. Two EITI Council meetings were held in person in December 2023 and on 17 March 2023, chaired by Deputy Minister of Finance, Karim Gulmurozoda.

Government's operational engagement (Requirement 1.1.c-d)

Requirement: The government is fully, actively and effectively engaged in the EITI process (#1.1.c)

In 2013, the Ministry of Finance established a national secretariat to support EITI implementation. The responsibilities of the national secretariat were established in Decree 449. The government's operational engagement continued at the same level as during the first Validation until the period of 2020-2021 when the government failed to allocate funds and human resources to staff the national secretariat due to the COVID-19 pandemic. Jahongir Nigmatov, former head of the national secretariat continued to support communications between the Ministry and the International Secretariat on a voluntary basis from 2020 till 2022. A new national coordinator, Isfandiyor Yazdonzoda, was appointed in March 2022. He is in the process of establishing an EITI Unit under his department to fulfil the role of the national secretariat, funded by the government. The formation of the national secretariat was discussed at the EITI Council meeting on 17 March 2023. The government of Tajikistan issued a request together with the application for the World Bank grant for EITI implementation support in July 2023. The World Bank endorsed the request from Tajikistan in September 2023. The support is expected to commence in 2024. Government's engagement in EITI implementation has been mostly consistent until 2020. The EITI Champion at a time, Ms Dzhonmamadova was a strong supporter of the EITI. There were at least four in-person MSG meetings per year as specified in the MSG ToRs, demonstrating a high level of interest among stakeholders and government. In 2019 however, the Deputy Minister of Finance Dzhonmamadova resigned without securing proper continuity of the EITI process. This resulted in a decline in political support. The COVID-19 pandemic stalled all activities in 2020. The World Bank withdrew its funding proposal under the EGPS after seeing an apparent lack of interest on the part of the government in view of a letter from the Ministry of Finance stating that "EITI implementation in Tajikistan needs to be analysed for its effectiveness and necessity in the future." During consultations the stakeholders explained that the grant agreement was not finalized because of changes in the approving authority and lack of institutional memory about EITI. Such weak government engagement and lack of funding led to Tajikistan missing its reporting deadline in December 2021, which resulted in its suspension in January 2022.

On 15 February 2022, Mark Robinson, Executive Director of the EITI Secretariat held a virtual meeting with First Deputy Minister of Finance Dzhamshe Karimzoda, who confirmed the government's willingness to continue implementing the EITI despite the Board's decision to suspend Tajikistan. He cited reshuffling in government ministries, lack of funding, lack of data disclosure and the COVID-19 pandemic as the main reasons for failing to produce an EITI report on time. During the meeting, next steps and recommendations were agreed, such as appointing the EITI Chair and national coordinator, renewing the composition of the MSG, conducting the MSG meeting, preparing the work plan and ToRs for the Independent Administrator and securing

funding for EITI implementation. All of these steps have been implemented as confirmed by stakeholders during consultations for this targeted assessment. In particular, the Minister of Finance has appointed Karim Gulmorodzoda, Deputy Minister of Finance as EITI Council Chair and Isfandiyor Yazdonzoda, Deputy Head of the Main Department of Budget Policy, as National Coordinator. The MSG's composition has been renewed in August-September 2022, and the MSG held its two in-person meetings in December 2022, March, May and September 2023. The 2022-2023 EITI work plan has been prepared, discussed and approved, the ToRs for the IA have been approved and the funds secured for the 2019-2021 EITI Report. The MSG has selected the IA, that has already prepared the scoping study. The EITI Report has been published on 26 May 2023.

In August-September 2022, the government asked all constituencies to renew their representatives on the EITI Council. The Ministry of Finance has sent out letters to the respective Ministries, to name their nominees. Six ministries, namely the Ministry of Justice, the Ministry of Industry and New Technologies, the Ministry of Economic Development and Trade, the State Committee for Investments and State Property Management and the Main Department of Geology, selected one EITI Council member and one alternate for each governmental institution.

The new national coordinator Isfandiyor Yazdonzoda has shown interest and commitment towards EITI and is very engaged. He initiated a process to amend the current legislation to enable BO disclosures and to enable reporting of license coordinates of projects covering precious metals – a gap identified during previous Validations. The draft amendments on BO legislation have been discussed and agreed by the EITI Council in December 2022. Isfandiyor also intends to create a full-time EITI Secretariat under the Ministry of Finance., however, it requires time to enhance the structure of the department responsible for EITI, and to get state funding for extra employees. An EITI page¹ on the new website of the Ministry of Finance has been created which includes EITI Reports, MSG ToRs, MSG meeting minutes and the annual progress reports.

Requirement: Senior government officials are represented on the MSG (#1.1.d)

Since the renewal of the EITI Council in September 2022, the government's engagement in the design, implementation, monitoring and evaluation of the EITI process has been active and consistent. Minutes from the EITI Council meeting in December 2022² show that government representatives were engaged in core activities such as reviewing the EITI work plan, the ToRs for the IA and legislative changes related enabling EITI reporting and BO disclosures.

The government entities are represented on the EITI Council at a senior level, including the Ministry of Energy and Water Resources, the Ministry of Justice, the Ministry of Industry and New Technologies, the Ministry of Economic Development and Trade, the State Committee for Investments and State Property Management and the Main Department of Geology. Each of these ministries have one MSG member, usually represented at a level of department head, and one alternate. The Ministry of Finance is represented by Deputy Minister of Finance and MSG

¹ EITI page at the Ministry of Finance website, [here](#)

² EITI Council meeting minutes from 30 December 2022 are available [here](#) in Russian.

Chair Karim Gulmurodzoda. The International Secretariat received EITI Council meeting minutes from 17 February 2021, 6 December 2021 and 30 December 2023. None of these meeting minutes provide attendance lists. However, the stakeholder consultations confirmed that after the renewal of the government constituency in September 2022, all government representatives attended the EITI Council meeting on 30 December 2022. The government representatives from all ministries confirmed that they conducted internal consultations at their respective ministries with regards to the draft work plan and the ToRs for the IA. The IA confirmed that all government reporting entities had provided necessary data submissions for the Scoping study and that the Ministry of Finance had been very supportive in speeding up the data submissions as well as any other additional data collection requested by the IA. However, there is limited evidence on the extent to which the government is providing strategic direction to EITI implementation and in linking the process to broader reforms to ensure that the EITI is creating impact.

Corrective actions and recommendations

In accordance with Requirement 1.1, Tajikistan should ensure that there is sustainable and consistent oversight and funding for all aspects of the EITI implementation, including for work plan activities, EITI reporting, dissemination of EITI-related data and staffing of the national secretariat, as part of its full, active and effective engagement in the EITI process. The provision of funding could include funding from both development partners and government allocations to support all aspects of the annual EITI work plan.

To strengthen implementation, the government constituency should provide strategic direction to the EITI process, ensure alignment of EITI with national priorities, increase institutional capability and champion EITI with other agencies. The government is encouraged to adopt measures to ensure institutionalisation of EITI to withstand changes in within the ministry.

Assessment of industry engagement (Requirement 1.2)

Findings from the previous Validation

The previous Validation in 2020 found that the corrective action on industry engagement had been addressed, and that progress in meeting Requirement 1.2 was considered satisfactory. Industry membership on the EITI Council was renewed in 2017. Given that most of the companies had local branches in Dushanbe, stakeholders consulted confirmed that there were no geographical constraints for companies to be actively engaged in EITI Council meetings and the EITI process more broadly. The geographical divide in company representation was also bridged by undertaking several outreach activities with the broader constituency in the capital and the regions and through ongoing communications through email. It was recommended in the 2020 Validation that the industry constituency consider means of strengthening company engagement in all aspects of EITI implementation by leveraging on its constituency coordinator and to consider adopting constituency guidelines to formalise its coordination and representation on the EITI.

Summary of progress since last Validation

The Secretariat's preliminary assessment is that Requirement 1.2 is mostly met, which represents backsliding since the previous Validation. The Secretariat considers that the objective of full, active and effective industry engagement in the EITI process is only mostly fulfilled given a lack of evidence that the broader industry constituency is engaged in EITI implementation beyond EITI reporting. Even though the company representatives on the EITI Council have been actively engaged in the EITI during the last year, there has been no communication with other material companies that are not represented on the EITI Council. The lack of a constituency coordinator who can ensure regular engagement with all key companies has prevented the constituency from conducting substantial outreach activities to companies to secure full, active and affective representation and participation in the EITI. There is also limited evidence that the industry is using the EITI to create impact in the sector.

Industry's engagement in EITI (Requirement 1.2.a)

Requirement: Companies are fully, actively and effectively engaged in the EITI process (#1.2.a)

Since the previous Validation in 2020, the company constituency has renewed once its representation on the EITI Council (national MSG). Industry representatives in the EITI Council have actively participated in EITI Council meetings, contributed to the scope and content of EITI reports, ensured timely data submission, reviewed drafts of the report and contributed to the work plan. During stakeholder consultations, company representatives confirmed their adherence to EITI and readiness to provide the necessary data. A total of 11 out of 14 material companies provided the necessary data to the Independent Administrator for the 2021 EITI Report. However, they asked for the unification of data submission to different state agencies as there are some duplications of data requests. Nevertheless, there is limited evidence of proactive engagement beyond the submission of data and commenting on documents to ensure impactful EITI implementation. Other stakeholders' views and minutes of MSG meetings considered that there is a room for improvement for companies to provide strategic input to EITI implementation in Tajikistan.

Evidence of wider constituency engagement is also lacking. As of August 2022, six companies were members of the EITI Council, namely Anzob, Aprelevka, Zaravshan, Pakrut, Tajik-Chinese Mining Company and Talko Gold. The extractive companies in Tajikistan are not united under a business association and there is no leading company to organise the constituency. The national secretariat facilitates the nomination process for the companies. These procedures are recorded in the MSG's ToR. The national secretariat confirmed that, for the last nomination in August 2022, they sent out letters to all material companies and asked to nominate their representatives to the EITI Council. There are six main taxpayers that contribute significantly to the state budget, and they are usually the ones that are nominated to be on the EITI Council. Stakeholder consultations confirmed that companies were comfortable with the current nomination arrangement and did not consider that the secretariat's involvement affected the

independence of the nominations process. Some companies, however, said that it was long overdue to create an association of mining companies to address issues on constituency coordination, up-to-date representation on the EITI Council and outreach among other non-material mining companies. During the MSG workshop on 3 March 2023, stakeholders discussed intentions to create a mining association but no progress has been made on this discussion to date.

The industry representatives on the EITI Council did not confirm any outreach or consultation activities with mining companies in the regions on key EITI documents, such as the 2022-2023 work plan and APR. Some company representatives consulted considered that they were sufficiently engaged in the EITI but questioned the benefits of EITI implementation and lamented the duplicative reporting requirements.

Enabling environment for industry engagement in EITI (Requirement 1.2.b-c)

Requirement: There is an enabling environment for company participation in the EITI (#1.2.b-c)

Tajikistan does not have laws mandating companies to report under the EITI Standard. At the same time, there is no evidence on any legal or regulatory obstacles to company participation in the EITI process.

Minutes from the EITI Council meetings show that companies have attended meetings, although the minutes do not provide details on the substantial issues that company representatives engage in. Stakeholder consultations confirmed that companies regularly attend in-person EITI Council meetings, consultations and workshops.

Corrective actions and recommendations

In accordance with Requirement 1.2, extractive companies in Tajikistan should demonstrate that they are fully, actively and effectively engaged in the EITI process, not only by providing inputs to documents but also by conducting outreach to companies that are not members of the EITI Council and providing strategic input to EITI to create impact. It is also recommended to create a platform for company participation and coordination with the broader constituency.

Assessment of civil society engagement (Requirement 1.3)

Findings from the previous Validation

The previous Validation in 2020 found that the corrective action from the first Validation had been addressed, and that progress in meeting Requirement 1.3 was considered satisfactory. This was an improvement from the first Validation in 2017 which concluded that some restrictions on civic space affected the civil society's ability to freely express themselves on issues linked to the EITI process. The 2020 Validation found evidence to suggest that there had

been improvements in terms of civil society representatives' engagement and expression. There were several examples where topics that were previously considered sensitive were already being discussed more openly by the MSG, including discussions on gold production data and beneficial ownership disclosures of companies. There was considerable evidence that the EITI platform was working as intended to open more space for debate. Independent reports and stakeholder consultations at that time noted that certain restrictions existed with regard to freedom of expression specifically those related to anti-corruption investigations and budgetary processes and that fear of reprisal was still prevalent among civil society and the media. On balance, however, the 2020 Validation process concluded that it was difficult to prove the extent to which these restrictions had affected EITI implementation. It was noted that civil society groups were able to express their views without any restrictions whether during EITI Council meetings or at EITI events. In fact, it was found that the EITI had opened space for media coverage of gold production data, despite gold production values still being considered a state secret. The EITI role's in widening the civic space in relation to the extractive industries during the period covered by the 2020 Validation was evidenced by increased media coverage of EITI data, numerous outreach activities that have become platforms for discussion of extractive sector issues at the subnational level and the EITI's support for broader anti-corruption work, such as monitoring implementation of the OECD's Istanbul agreement. There was also nothing to suggest that the civil society constituency was constrained from liaising with one another. Evidence further suggested that civil society representatives were sufficiently engaged in the design, implementation and monitoring of the EITI process in Tajikistan.

Summary of progress since last Validation

The Secretariat examined the direction of travel of broader civic space and CSO engagement in EITI in Tajikistan since the 2020 Validation by evaluating whether the factual circumstances remained the same or have deteriorated. The Secretariat's assessment is that broader civic space has deteriorated as far as global indicators would show. In March 2023 for example, Civicus monitor downgraded Tajikistan's rating from "repressed" to "closed", the lowest rating possible. Other global monitors including Human Rights Watch's World Report and Freedom House have consistently documented the deteriorating civic space in the country as discussed in detail below.

Stakeholders have varying views on the extent to which the broader deterioration of civic space has affected CSO engagement in natural resource governance. During consultations, some stakeholders stated that the overall deterioration of civic space has increased the fear of reprisal among civil society in general. In view of this, expressing dissent is not as common, and protests are considered as a last resort because of the fear of being jailed or targeted for violence. It was noted that while the EITI is providing a unique space to engage on issues such as beneficial ownership and contracts, there has been no opportunity to really test the limits of these discussions and to see how the government would respond. Some stakeholders recognise that the broader deterioration of civic space has posed limitations on the ability of some CSOs to publicly engage in public expression on controversial topics relating to the extractive sector when such discussions could potentially involve specific politically exposed persons such as allegations

of corruption against some high-level government officials. Therefore, while the EITI continuously plays a role to create space for debates, there is a sentiment among some stakeholders that broader restrictions on free speech have led to self-censorship, which has affected the ability of CSOs substantially engaged in the EITI and in natural resource governance issues to express dissent and criticism on issues relating to natural resource governance when specific officials are involved. One stakeholder noted that the interests and ownership of high-level officials in some mining projects, while of common knowledge, has not been openly discussed in the MSG.

On the other hand, some CSO representative expressed that, with respect to EITI implementation, the MSG continues to provide a platform for debates on issues relating to natural resource governance, as shown by the active participation of the CSO Coalition in EITI where they are recognised by stakeholders as the most active constituency. Within the EITI context, CSO EITI Council members confirmed that they are able to freely express their views and propose agenda items for MSG meetings. CSO representatives are also able to liaise freely with each other as well as contribute to the design and implementation of the EITI process. They noted however that they are better placed to discuss topics such as beneficial ownership and anti-corruption when backed by laws, regulations or international commitments. They anticipate that the work on beneficial ownership could gain more traction when a new law is passed, and that corruption issues could potentially be discussed in the MSG if this would be included under the Istanbul Anti-corruption plan, in which Tajikistan is a participating country. One stakeholder mentioned that it is possible to publish articles that discuss challenges in the mining sector.

When asked about the reported widespread reprisals related to the Gorno-Badakshan conflict, some stakeholders responded that such conflict is a political issue that has no links to natural resource governance. They are not aware of any repression towards any CSO representative involved in the EITI or in natural resource governance in the region. They cited an example of a member of the CSO coalition in the MSG who is freely operating in the Gorno-Badakshan Autonomous Oblast (GBAO) region without restraint. On the other hand, another stakeholder noted that given that GBAO is a mining-rich region, it is reasonable to assume that the political issues in the region are intertwined with issues on natural resource governance and therefore, any suppression of freedom of expression in the region would necessarily affect expressions of dissent on issues relating to natural resource governance.

With respect to freedom to operate, some CSOs noted that they do not consider the laws on registration and reporting to be particularly burdensome and they are not aware of any civil society organisation engaged in natural resource governance that has been negatively impacted by existing administrative requirements. One stakeholder however noted that restrictions on foreign funding could be interpreted as a restriction on the freedom to operate, although the same stakeholder noted that there are no known cases of these restrictions being arbitrarily applied to organisations engaged in natural resource governance.

The Secretariat's initial assessment is that Requirement 1.3 is mostly met. On balance, EITI is creating a space for public debate on natural resource governance, but the overall deterioration of civic space is posing limitations on civil society's ability to freely express their views on natural resource governance where criticisms against specific high-level officials are involved. The Secretariat understands from stakeholder consultations that the absence of enabling regulations limit the opportunities of civil society to engage in controversial topics such as beneficial

ownership and corruption within the MSG. In addition, the broader restrictions on civic space which has intensified since the last Validation do not alleviate the issues related to self-censorship. Therefore, while the Secretariat recognises that self-censorship also existed in past Validations that resulted in an assessment of 'satisfactory progress' on Requirement 1.3, the current situation is different in that the widening crackdown on dissent has exacerbated the perceived fear of reprisal of some stakeholders when expressing opposing views, including on issues related to natural resource governance. The views of some civil society stakeholders outside the MSG, are that the situation or environment has deteriorated in the period since the previous Validation.

This suggests that the linkage between broader constraints and its impact on EITI processes is now more pronounced than in the previous Validation.

Broader CSO environment

The downward trend in civic space in Tajikistan for the last three years is well documented from annual reports of Human Rights Watch (HRW) and Civicus Monitor. A review of [Human Rights Watch's World Reports from 2021-2023](#) confirms the worsening situation on freedom of expression and the intensification of crackdowns on human rights and fundamental freedoms. This could be partly attributed to the violent repression of protests in the Gorno-Badakhshan Autonomous Oblast (GBAO) which escalated in 2021-2022. But even outside the region, HRW noted that freedom of expression has been severely restricted online and offline with prosecution of dissenting journalists, bloggers, and activists. HRW explains that "in contrast to recent years the charges applied have included "extremism," "terrorism," and "calls to violent change to constitutional order," all of which come with extremely long prison sentences. There is heavy media censorship and persecution of the few independent media outlets." Restrictions on internet access also intensified during the pandemic when the Tajikistan government continued to regularly block access to social media platforms, messaging apps, and news websites including Radio Ozodi, Asia Plus and Akhbor.com according to [HRW's World Report 2021](#). This repression of the media continued the [following year](#) when the government blocked access to websites that post information criticising the government, including Facebook, Radio Free Europe and other opposition websites.

Tajikistan has also been downgraded from 'repressed' to 'closed', the lowest rating possible, in a recent report by the [CIVICUS Monitor](#), citing the same incidents of suppression of freedom of expression noted by Human Rights Watch. It further noted that even outside the GBAO region, journalists, bloggers and activists face intimidation and harassment.

[Freedom House's assessments from 2019-2022](#) show that Tajikistan has consistently been assessed overall as "Not Free" with a score of 7/100. The country has consistently scored 0/4 on media freedom from 2019-2022, ¼ on expression of personal views and personal beliefs, 0/4 on freedom of assembly, and 1/4 on freedom of non-governmental organisations.

The [International Center for Not-for-Profit Law \(ICNL\) reports](#) that civil society constitutes one of the most dynamically developing sectors in Tajikistan as the number, scope and reach of CSOs grow steadily. At the same time, however, it notes that restrictive laws enacted from 2019 to

2020 “underscore the fact that the legal environment for civil society in Tajikistan is not fully enabling and faces ongoing challenges and threats.

The [United Nations has also noted in March 2022](#) that crackdowns continue against the political opposition in Tajikistan with the increasing number of members of opposition groups receiving long-term prison sentences. It condemned how violence in the GBAO region has significantly undermined the human rights situation in the area, creating an environment of fear and repression. The UN also deplored the continued internet shutdown in the region, characterising it as a clear violation of human rights.

International stakeholders and partners consulted noted that there is also a general deterioration of freedom of speech and persecution of independent journalists across all Central Asian countries linked to the Russian military invasion of Ukraine's sovereign territories that started in February 2022. Many protests against the war in Ukraine across Central Asia and Russia have been quelled and protesters detained. The governments in Central Asia seem to be in fear of potential uprisings or coups in their countries and thus are limiting media freedoms.

Civil society stakeholders consulted emphasised that two years of the COVID-19 pandemic and periodical lockdowns had significantly affected the work of the CSO Coalition in the EITI. Many NGOs in the country had closed down their activities due to lack of funding, inability to meet in person and to organise events, poor internet connection and the tragic death of some civil society members from COVID-19.

The Gorno - Badakhshan Autonomous Oblast (GBAO) conflict

It is worth noting that most of the documented suppression of freedoms in Tajikistan in the last three years are linked to the protests in GBAO. The protests began in November 2021 over the killing of Gulbiddin Ziyobekov, a Pamiri youth leader, by Tajik security forces during an operation in the village of Tavdem. The Tajik authorities claimed that Gulbiddin Ziyobekov, who was under criminal investigation for allegedly harassing a Tajik prosecutor, [resisted arrest and was killed in a shootout](#). This killing incident sparked widespread protests. The [government responded forcefully](#), sending military reinforcements and implementing other measures such as shutting down the internet. According to the [Human Rights Watch](#), the authorities have arrested and detained more than 200 people in Tajikistan's GBAO in relation to the incident.

None of the stakeholders consulted mention that any CSO Coalition members were involved in the protests or that these protests were connected with public debate on natural resources. It was mentioned that a member of the EITI CSO coalition is able to operate freely in the region. However, it should be noted that GBAO is a region rich in natural resources, including gold, silver and lead, and is dependent on mining for its economy. There are [reports](#) that the mining industry in the region is plagued by corruption, environmental degradation and poor working conditions for laborers due to lack of regulatory oversight and weak governance structures. In view of this, some stakeholders noted that it is reasonable to assume that the political issues in the region

are intertwined with issues on natural resource governance and therefore, any suppression of freedom of expression in the region would necessarily affect expressions of dissent on issues relating to natural resource governance, specifically the issue of how revenues in the region are spent.

Expression (Requirement 1.3.a,b,e.i and Civil Society Protocol provision 2.1)

Requirement: There is an enabling environment for freedom of expression and civil society is actively engaged in expression on EITI (#1.3.a,b,e.i and CSP 2.1)

Broader context

A Law on Countering Extremism came into force in January 2020 which, [according to reports](#), have been used by authorities to curb free expression as it allows the government to block websites without court order. Authorities are also allowed under a 2017 law to monitor citizens' online behaviour and prescribes fines and prison sentences for those who visit "undesirable websites." Freedom House documented in [its 2023 Country Report](#) that "the government controls nearly all media outlets and broadcasting facilities. The state shuts out independent outlets and encourages self-censorship. Independent journalists face harassment and intimidation. Civil libel charges have been used to incapacitate outlets that criticize the government. Authorities routinely block critical websites, news portals, and social media platforms, while using periodic wholesale blackouts of internet and messaging services to suppress criticism." Independent bloggers were required in 2021 to register with tax authorities – a demand that observers noted stifled the few remaining independent voices. Some foreign media outlets were [reported](#) to have been denied accreditation, allegedly, in an attempt by the authorities to control them.

The Human Rights Watch (HRW) noted in its [2023 World Report](#) that "journalists and bloggers outside GBAO were targeted for their coverage of the events and the "anti-terrorist" special operation in GBAO that followed in June, as well as for critical reportage of the government." [In 2022, HRW reported](#) that websites that post information critical to the government were blocked – a move that was considered an indication of the deteriorating human rights record and crackdown on freedom of expression in the country

Civicus monitor [noted the occurrence of self-censorship](#) among NGOs, activists, human rights lawyers, bloggers and public figures who have been subjected to threats and intimidation by authorities to pressure them to refrain from commenting on politically sensitive issues or cases.

Links to EITI process

Civil society EITI Council members stated during consultations that they are able to freely express their views and propose any topic for MSG meetings. Many stakeholders acknowledged that civil society was driving the EITI process, encouraging other constituencies to be more engaged. There are examples of publications in Russian in online outlets. In particular, the CSO Coalition has co-

authored two articles at the Asia Plus – an independent media portal in Tajikistan. One article from 4 June 2022 is on beneficial ownership transparency³ and the other one from 17 August⁴ is on the Global Movement for International Accountability Standards in the Extractive Sector. The CSO Coalition prepares an annual work plan and annual activity report that are accessible on their website⁵.

Civil society EITI Council representatives confirmed that they did not feel restricted in expressing their views and in participating in EITI activities, nor were they restricted from liaising with their broader constituency. The CSO Coalition regularly holds meetings online or when possible, in-person and communicates via list-serve group and Facebook page. Many CSO representatives confirmed that the EITI provided access to information and a platform for informed public debate. The reported internet shutdowns have not hindered them from liaising with one another.

At the same time, a few stakeholders observed that there was self-censorship on some topics, such as on allegations of corruption against high-level government officials. It was noted that engaging publicly on these issues could trigger retaliation, and that civil society in the MSG does not raise this issue for discussion. Some stakeholders further noted that while they could potentially discuss issues related to corruption in the EITI context, they feel they are better placed to do so if there is a law, regulation or international commitment that will back up these discussions.

There are mixed views on the accessibility of data on gold production, which was considered a state secret in previous Validations. In the last Validation, it was found that the EITI had enabled discussions around this issue. Some stakeholders consulted for this Validation confirmed that the situation remains the same, while others noted that gold production data is still not included in the government's routine disclosures.

Operation (Requirement 1.3.a,b,e.ii and Civil Society Protocol provision 2.2)

Requirement: There is an enabling environment for freedom of operation and civil society is freely and proactively operating in relation to EITI (#1.3.a,b,e.ii and CSP 2.2)

Broader context

Reports from Civicus Monitor and ICNL note the increasing burdensome requirements imposed on civil society organisations' registration and reportorial requirements over the last five years. Amendments to the Public Association Law in 2019 requires public associations to post their financial information on websites, which, [according to the International Center for Not for Profit Law \(ICNL\)](#) is "expensive and time-consuming and potentially dangerous if personally or financially sensitive data must be shared." Further amendments require that the staff members of foreign CSOs be "registered" with the Ministry of Foreign Affairs. CSOs have to provide a

³ Asia Plus news article on BO, available [here](#) in Russian.

⁴ Asia Plus news articles on the CSO Coalition work, available [here](#) in Russian.

⁵ CSO Coalition website <https://tfd.tj>.

financial report to the registering body (Ministry of Justice) that includes detailed information about income and expenditures. CSOs also need to comply with new requirements on the retention of records about their internal and international financial operations for five years; and reporting on information about the activities and tasks of CSOs, including information about governance bodies, staff, and members of their organizations. All grants received by CSOs must also be reported to the MOJ within ten days. The MoJ has also been authorized to provide information to law enforcement agencies if it finds any risks regarding financing of terrorism and extremism.

[Civicus Monitor reported](#) that “due to burdensome and complicated reporting obligations for NGOs, in particular with respect to their funding, many groups have been subjected to intrusive inspections of their activities by the Tax Committee, national security services, the Ministry of Justice and various other state bodies. In addition to being time-consuming and stressful for the targeted organisations, such inspections have often resulted in warnings and sanctions because of alleged violations of the law, and some NGOs have also been liquidated. Human rights observers see this as part of a governmental strategy aimed at intimidating and repressing independent media and civil society in order to silence critical voices and to deliberately discredit and criminalise the legitimate peaceful work of human rights defenders (HRDs).” This increasing number of state audits, according to the report, has caused uncertainty for CSO staff and has resulted in the imposition of fines in some instances. The same report noted that according to Tajikistan's Ministry of Justice, some 500 NGOs were liquidated in the country in 2022, which is 3,5 times more than the year before, when 138 NGOs were closed down.

Tajikistan adopted a new Civil Code at the end of December 2022, which took effect on 1 July 2023. According to [ICNL's preliminary analysis](#), the Code will not have any significant impact on civil society organizations.

Links to EITI process

Civil society organisations engaged in the EITI process in Tajikistan are represented by the CSO Coalition “Transparency for Development”, hereinafter ‘the CSO Coalition’⁶. Currently, the CSO Coalition is part of the global Publish What You Pay (PWYP) coalition⁷ and includes 17 members.

Public associations need to register with the Ministry of Justice, whereas other NGOs, such as foundations and institutes are registered with the local tax authorities. Although, registration procedures for public associations tend to be bureaucratic, there is no evidence of restrictions on registration of CSOs involved in the EITI process. With regards to civil society's operations in relation to EITI, all CSOs engaged directly and indirectly in EITI implementation appear duly registered and seem to operate freely in relation to EITI issues. CSO representatives confirmed that there were no obstacles to access to funding but they lamented the lack of donors operating in Tajikistan and the lack of donor interest in funding EITI-related activities. The only

⁶ CSO Coalition website, available [here](#) in Russian.

⁷ Tajikistan PWYP Coalition webpage is [here](#), includes a list of members.

source of funding for the CSO Coalition in 2022 was a small grant from PWYP International. Civil society also confirmed that their members have not been the subject of any intrusive inspections or unreasonable shutdowns and they are not aware of any issue being raised by their members regarding administrative burdens. They explained however, that a few of their coalition members have voluntarily ceased operations due to lack of funding.

During stakeholder consultations, CSO representatives did not voice concerns with regards to the new civil code.

Association (Requirement 1.3.a,b,e.iii and Civil Society Protocol provision 2.3)

Requirement: There is an enabling environment for freedom of association and civil society is freely and proactively associating in relation to EITI (#1.3.a,b,e.iii and CSP 2.3)

Broader context

The [Tajikistan Constitution](#) and the [2014 Law on Assemblies](#) include provisions that recognise freedom of assembly. Article 29 of Tajikistan's Constitution states that "Each citizen has the right to participate in lawfully established meetings, protests, demonstrations, and peaceful marches. No one may be forced to participate in these activities." The Law on Assemblies lays down the requirements for staging peaceful assemblies including the notices required, allowable purposes, and restrictions on venues to prevent violence and obstruction of access to public places. A 2014 amendment of the law restricts foreign citizens from participating in meetings, rallies, demonstrations and marches. [The Law on Public Associations](#) state that public associations have the right to hold meetings, rallies, demonstrations, processions and other public events in compliance with the procedure established by the legislation of the Republic of Tajikistan.

Despite these legal provisions, [Civicus Monitor reported](#) that the environment for freedom of association remained restricted in 2022, due in part to internet shutdowns which have affected the ability of CSOs to associate freely through formal and informal channels, especially in GBAO. Self-censorship appears to extend to the staging of protests. [Civicus monitor](#) observed that "protests remain rare in Tajikistan due to risks faced by protesters, including criminal prosecution. The implementation of restrictive laws and excessive use of force by the authorities against protesters makes it virtually impossible for citizens to gather to peacefully express their dissatisfaction. In recent years, large-scale protests have only taken place in the GBAO region and have often been met with excessive use of force by security forces and with repressive measures aimed at preventing new protests. This has resulted in an environment of fear inhibiting the right to peaceful assembly."

Links to EITI process

In August 2011, 21 civil society organizations established a coalition called “Transparency for Development” (hereafter “the CSO Coalition”) to lead CSO participation in the EITI. Currently, the CSO Coalition is part of the Global Publish What You Pay (PWYP) Coalition⁸ and includes 17 members.

Stakeholder consultations have highlighted that CSOs engaged in the EITI process are freely collaborating with each other as well as with other local CSOs not directly represented on the EITI Council and with international groups. The Coalition uses its international affiliation with the Publish What You Pay global network for peer-learning with other coalitions in Eurasia.

The COVID-19 pandemic affected the constituency's ability to meet in person until 2022, when the government lifted all restrictions to public events, meetings and travel. The CSO Coalition did not have sufficient funds to conduct extensive outreach activities in 2022. During the stakeholder consultations, the CSO representatives stressed that keeping the coalition afloat and maintain the membership was the main achievement during the pandemic.

The coalition coordinator kept civil society members well-informed, through regular meetings, and sought their feedback on aspects of EITI implementation, such as work plan objectives, scope of reporting and follow-up on recommendations. The CSO Coalition also followed PWYP's guidelines on gender balance, engagement of youth organisations and rotation of EITI Council members. The CSO Coalition also took part in multiple online webinars and events, organised by PWYP Global Coalition as well EITI, including consultations on the refinements to the EITI Standard.

While there are no known cases of civil society being prevented from participating in protests, some stakeholders explain that this could be attributed to self-censorship, noting that in Tajikistan's context, protests are considered as last resort due to fear of reprisal.

Engagement (Requirement 1.3.a,b,e.iv and Civil Society Protocol provision 2.4)

Requirement: There is an enabling environment for freedom of engagement and civil society is freely and proactively engaging in relation to EITI (#1.3.a,b,e.iv and CSP 2.4)

Broader context

[According to ICNL](#), there is no legal barrier limiting the ability of NGOs to engage in advocacy or public policy activities. All forms of public associations may participate in advocacy and lobbying activities. There are [reports](#), however, that it has become increasingly difficult for journalists to obtain information from local authorities in the country. According to the National Association of Independent Mass Media of Tajikistan (NANSMIT), this has resulted in an information gap which

⁸ Tajikistan PWYP Coalition webpage is [here](#), includes a list of members.

leads to disinformation and unreliable information, thereby affecting civic engagement on matters involving public interest.

Links to EITI process

The Coalition is actively involved in the design, implementation, monitoring and evaluation of the EITI through participation in the EITI Council meetings, CSO events, capacity-building workshops, dissemination and outreach activities etc. CSO members are part of EITI Council working groups that oversee the preparation of EITI reports and Validation. Stakeholder consultations confirmed that CSO Coalition provided feedback to the 2022-2023 work plan and ToR for the IA. A few members contributed inputs to the contextual information in the 2019-2021 EITI Report. In March 2022, together with the Financial Services Volunteer Corps (FSVC), the CSO Coalition organised an in-person BO capacity-building workshop for CSOs and media to discuss and review the new BO portal. In September 2022, the CSO Coalition held an online webinar on BO work in Tajikistan. The CSO Coalition was also engaged in the development of the BO register in collaboration with FSVC and the government.

Some stakeholders noted that access to beneficial information is difficult now than compared to three years ago. This has prompted some civil society members to stop requesting for BO information and to tone down their BO campaign.

During consultations, CSOs repeatedly lamented the lack of funding to support their activities. The CSO Coalition did not have sufficient funds to conduct extensive outreach activities in 2022. Some stakeholders noted that civil society engagement in the EITI is limited to doing the basic requirements rather than pushing the boundaries for more relevant topics. They explained that this could be attributed to the CSO's pragmatic view that there are limits to what EITI could achieve given the wider political context in the country.

Public decision-making (Requirement 1.3.a,b,e,v and Civil Society Protocol provision 2.5)

Requirement: There is an enabling environment for access to public decision-making and civil society is freely and proactively accessing public decision-making in relation to EITI (#1.3.a,b,e,v and CSP 2.5)

Broader context

Article 24 of the [Law on Public Associations](#) states that public associations have the right to pursue the realization of their goals, and to participate in policy-making by government and regulatory authorities in the manner and within the scope established by the law and other laws. Associations also have the right to put forward initiatives on various aspects of community life and submit proposals to the Government.

Public participation in decision-making is further mentioned under the [Law on Legal Acts](#) which states that that the government may provide drafts of laws or other legal/regulatory documents for public input and consideration, but it is not obligated to do so and there is likewise no obligation to consider comments of CSOs on these laws.

In practice, however, [ICNL observes](#) that the public is often not aware of the mechanisms for public participation in decision-making. The public portal, i.e. [Legal Information Internet Portal of the Republic of Tajikistan](#) where draft laws are supposed to be uploaded for consultation is often inaccessible due to technical issues. It was further noted that consultations often happen in major cities, thus restricting wider participation. ICNL further stated that “because of a worsening environment for civil society in recent years, including increased pressure on civic activists and media, CSOs are less and less likely to undertake participation opportunities out of fear it will put them at increased risk. As a result, even though Tajikistan adopted the law on Equality and the Elimination of All Forms of Discrimination in 2022 and the government has spoken positively about its implementation, the groups that the law seeks to protect continue to face increased barriers to public participation.”

Links to EITI process

Since Tajikistan joined the EITI, the CSO Coalition had been the most active constituency on the EITI Council. EITI Council CSO members took active part in discussing amendments on beneficial ownership transparency as documented in the MSG meeting minutes. During stakeholder consultations, the CSO representatives confirmed that they contributed to the EITI Council discussions on the legal changes to enable BO disclosures as well as removing secrecy from information on precious metals and license coordinates. Civil society in the MSG also engages in broader policy discussions on gender.

Corrective actions and recommendations

In accordance with Requirement 1.3 and the EITI protocol: Participation of civil society, Tajikistan should ensure that civil society is able to express their views on natural resource governance without fear of reprisal. The government should ensure that the EITI process provides a safe space for CSOs to engage in debates on natural resource governance related to the extractive sector including in MSG meetings, EITI activities and other platforms for debate. To address issues on self-censorship, civil society is encouraged to raise through the MSG any concerns related to constraints on their engagement in public debate on natural resource governance. Tajikistan should monitor and discuss any legal and regulatory reforms to ensure that there continues to be an enabling environment for civil society participation and ensure that the MSG is discussing the status of CSO participation in the EITI regularly. The civil society constituency should reinvigorate full active and effective engagement in the EITI process. This could include active engagement in discussions to make EITI implementation more relevant, development of a capacity-building plan for civil society organisations, and fundraising.

Assessment of the Multi-stakeholder group oversight (Requirement 1.4)

Findings from the previous validation

Previous Validations have assessed progress on this requirement as satisfactory with no outstanding corrective actions.

Summary of progress since last Validation

The Secretariat's assessment is that Requirement 1.4 is partly met. The EITI Council was reconstituted in 2022 but gaps in implementation and MSG governance, which became evident starting 2020, continue to persist. Even though oversight on work planning and EITI reporting exists, there is limited evidence that the MSG exercises active and meaningful oversight on *all* aspects of EITI implementation. Specifically, it is unclear to what extent the MSG is working collectively to ensure wide dissemination of EITI Reports and effectively conduct outreach activities, as well as engage in Validation to address corrective actions and recommendations. There is also lack of clarity on the inclusiveness of decision-making processes and on the procedures for nomination and replacement of MSG representatives. There are also gaps relating to considerations for gender and diversity. The Statute that serves as the Terms of Reference (ToR) for the EITI Council is largely followed in practice, however, it does not fully address the requirements of the EITI Standard. Key omissions in the ToR include provisions on changing EITI Council members, per diem policies, term limits and certain roles and responsibilities such as appointment of the Independent Administrator and provisions on representation of wider constituency. The record of MSG meetings minutes is publicly accessible on the website of the Ministry of Finance⁹. According to stakeholders, the discussions at the EITI Council are mostly limited to preparation of EITI documents and do not touch on aspects that would lead to more impactful implementation.

Representation on the MSG (Requirement 1.4.a)

Outreach to stakeholders prior to the establishment of the MSG (#1.4.a.i)

Tajikistan EITI Council membership was renewed in the fourth quarter of 2022. Prior to renewing the Council's membership, the Ministry of Finance sent letters to all constituencies requesting for nominations. Since there is no extractive companies' association in Tajikistan, the Ministry of Finance approached the biggest taxpayers in the sector. Representatives from CSOs coalition confirmed during the consultation that they had transparent elections without interference from the government. The company constituency also did not have any objection to the proposed

⁹ MSG meeting minutes are published [here](#) on the website of the Ministry of Finance of Tajikistan

approach of election to the EITI Council but raised concerns about the lack of wider coordination with the broader constituency.

Codification of the process by which each stakeholder group nominated their representatives (#1.4.a.ii)

According to provision 5 of the ToRs, the EITI Council shall include representatives of the state authorities, civil society organizations, and extractive enterprises and shall be established through an open and transparent procedure. The ToRs do not provide a further description of election procedures and do not comment on CSOs' independence. Currently, the MSG consists of 19 representatives, including seven from government, six from industry, and six from civil society. The TORs does not outline the constituency nomination procedures for industry and civil society.

Appointment of CSO and company representatives (#1.4.a.ii)

During consultations, CSOs representatives mentioned that they conducted an independent election of the EITI Council members and sent the nominees to the Ministry of Finance. The government accepted the list without any interference.

The company constituency received letters from the Ministry of Finance with a request to nominate representatives to the EITI Council. The approached companies provided their nominees to the MoF. The MoF accepted all provided candidates from companies without any objection.

Internal rules for changing MSG representatives (#1.4.a.ii; #1.4.b.vi)

The ToRs does not specify the rules for the rotation of the EITI Council representatives. In practice, the Council is renewed when there is a major reshuffle in the government constituency and previous members change their positions. The recurring changes in government representatives have posed challenges to the sustainability of the EITI process.

Gender balance in each constituency's representation on the MSG (#1.4.a.ii) .

The EITI Council consists of 37% women and 73% men. The gender balance within constituencies is not even. Women represent 83% of the CSO constituency, in the contrast to 14% and 17% of the government and companies' members respectively. According to stakeholders, the nomination procedures for different constituencies did not take gender consideration into account.

MSG composition and capacity to carry out their duties (#1.4.b.i)

The ToRs include provisions on the responsibilities of EITI Council members. Section II addresses the main roles/functions of the Council. Among the responsibilities of the EITI Council is engagement with the central and local authorities, civil society organizations, international

organizations operating in Tajikistan and the international community for the purpose of EITI strengthening and development.

Since the EITI Council was renewed in Q4 2022, some members do not have previous experience to implement EITI. This has resulted in gaps in implementation and challenges in sustaining the EITI process for the period under review. Capacity-building activities were included in the 2022-2023 EITI work plan, including a study tour in Armenia and a workshop on 3 March 2023 jointly with EITI International Secretariat and local stakeholders, with financial support of FSVC. The workshop was devoted to best practice experience sharing on legislation, systematic disclosures, beneficial ownership and contract transparency.

MSG's Terms of Reference (Requirement 1.4.b)

Abiding by the EITI Code of Conduct (#1.4.b.iv)

There is no evidence of lack of adherence to the EITI Code of Conduct by EITI stakeholders in Tajikistan.

Decision-making (#1.4.b.vii)

According to Provision 12 of the ToRs, the MSG's decisions should be approved by consensus and recorded in the meeting minutes. During consultations, stakeholders did not mention any issues related to voting at the EITI Council meetings in practice. The company constituency lamented that they lacked influence on the final decisions of the government on the tax regime, licensing policies, and other broader issues which were discussed outside of the EITI Council meetings.

The MSG's ToRs outline the role and responsibilities of MSG members and MSG members are effectively carrying out their tasks, including outreach with constituency (#1.4.b.i-iii)

The MSG's ToRs includes provisions related to MSG members' roles and responsibilities for each constituency, and according to shareholders these are followed in practice. The CSO constituency maintains effective communications among coalition members.

The absence of an extractive company association and the fact that some representatives from the industry are quite new to EITI pose limitations on effective communications with the wider company constituency. The stakeholders are considering establishing an extractive company association that would support full and effective participation of companies in the EITI.

The government constituency communicates inside the EITI Council as well as with other governmental institutions that are currently not included in MSG but engaged in EITI. However, such engagement appears to be mostly related to EITI reporting and not to broader national policies where the EITI could potentially contribute.

The MSG's ToRs give the MSG a mandate to approve work plans, the appointment of the Independent Administrator, EITI Reports and annual activity reports (#1.4.b.v-vi)

Sections II and III of the ToRs cover roles and responsibilities of the EITI Council, such as developing and revising workplans, appointment of the IA, and approval of EITI Reports.

The ToRs do not have provisions for the approval of the ToRs for the IA and approval of an annual progress report. However, stakeholder consultations indicated that the Council members discuss and approve the work plan, appointment of IA, and EITI Reports in practice. The 2019-2021 EITI Report was approved by MSG at the end of May 2023. There is room for improvement on the quality of the recent report. It contains detailed description of the current legislative framework related to EITI requirements but has significant gaps on disclosures on licensing processes, beneficial ownership and SOE transactions.

Internal governance rules and procedures, per diem policy

The EITI Council's ToRs do not include information about governance policies, including per diem policy. According to stakeholders, the Council members do not receive per diems for attending meetings, considering that all EITI Council members are based in the capital city of Dushanbe.

Corrective actions and recommendations

In accordance with Requirement 1.4, Tajikistan should ensure that the EITI Council exercises oversight of all aspects of EITI implementation beyond the production of EITI Reports, including active engagement in the design of the EITI process, outreach and dissemination of EITI findings and follow-up on EITI recommendations to strengthen the governance of the extractive industries. The EITI Council is required to review its Terms of Reference and other governance documents to ensure their alignment with provisions of the 2019 EITI Standard, including with regard to gender considerations in the process for nominating EITI Council members and per diem policies. The MSG is required to address capacity and resource constraints to ensure they have the capacity to carry out their duties.

Assessment of the work plan (Requirement 1.5)

Findings from the previous Validation

The previous Validation in 2020 did not find backsliding on Requirement 1.5 on the work plan. The progress on this requirement since the first Validation had been satisfactory.

Summary of progress since last Validation

The Secretariat's assessment is that Requirement 1.5 is partly met. The 2022-2023 EITI work plan is publicly accessible and produced in a timely manner. The work plan objectives are aligned with national priorities but there is limited evidence on the extent to which these national objectives are achieved through work plan activities. The work plan also includes activities

related to preparation for the targeted assessment of Requirement 1 and Validation. However, the work plan does not include activities related to addressing the corrective actions from previous Validation and activities related to recommendations from previous EITI Reports. The work plan does not include plans towards systematic disclosure and contract transparency. The activities aimed at addressing capacity constraints lack details to be fully actionable.

Work plan objectives (Requirement 1.5.a)

Requirement: The work plan includes objectives for implementation linked to the EITI principles and national priorities and steps to mainstream EITI implementation (#1.5.a)

The [work plan for 2022-2023](#) is linked to [two national priorities](#), namely, attracting quality investments in the extractive sector by enhancement of the legal framework to ensure sustainable economic development and social growth and awareness- raising about activities in the extractive sector through public access to information and involvement of the public to extractive sector improvement. All the work plan activities were designed in line with these national priorities but according to stakeholders the alignment between priorities and EITI implementation is not always evident in practice.

The work plan does not include any steps toward EITI mainstreaming. However, a BO portal¹⁰ was developed in 2021, with support from the US Embassy and FSVC using data from the Tax Committee. The EITI Council and the Ministry of Finance are working on the legal amendments to enable regular and up-to-date BO disclosures of extractive companies. The updates will be recorded on the BO portal. The government is also interested in expanding the EITI BO Portal to an EITI Reporting Portal that would include data submissions from companies as well as their contracts. The ownership of the BO portal has been transferred from FSVC to the Ministry of Finance to further expand the portal for all reporting needs under the EITI.

Consultations on the work plan (Requirement 1.5.b)

Requirement: The work plan reflects consultations with key stakeholders on objectives for implementation (#1.5.b)

The work plan was prepared in consultation with stakeholders from EITI Council and EITI CSO Coalition. The EITI Council's meeting minutes dated 30 December 2022 describe the discussions and approval of the work plan and are available on the website of the Ministry of Finance¹¹.

¹⁰ EITI BO Portal in Tajikistan, available [here](#).

¹¹ The EITI Council meeting minute is available [here](#).

Measurable and time-bound activities (Requirement 1.5.c)

Requirement: The work plan includes measurable and time-bound activities to achieve the agreed objectives (#1.5.c)

The work plan contains time frames for each activity as well as the expected outcomes. Currently, all work plan activities are on track and are in line with deadlines for EITI Report publication.

Capacity constraints (Requirement 1.5.c.i)

Requirement: The work plan includes activities aimed at addressing any capacity constraints identified (#1.5.c.i)

The work plan includes capacity-building activities for the EITI Council members. Activities related to the targeted assessment of Requirement 1 and some activities related to the preparation for Tajikistan's third Validation are also included. However, these activities are couched in general terms without mentioning specific EITI Requirements where technical assistance is required.

Scope of EITI implementation (Requirement 1.5.c.ii)

Requirement: The work plan includes activities related to the scope of EITI implementation, including plans for strengthening systematic disclosures (#1.5.c.ii)

The work plan does not include any activities related to strengthening systematic disclosures. The Independent administrator collects data manually from the industry and government agencies for EITI Reports.

During consultations, stakeholders expressed interest in creating an online EITI data collection system, although the tax authority did not express readiness to disclose tax revenues systematically and noted that it would provide data only upon official request from the Ministry of Finance.

The company constituency mentioned that they had already some data sets published on respective companies' websites and lamented the duplication of data requests, as they submit similar data to the government's statistics agency.

Legal and regulatory obstacles (Requirement 1.5.c.iii)

Requirement: The work plan includes activities aimed at addressing any legal or regulatory obstacles identified (#1.5.c.iii)

The work plan contains activities on the preparation of a Presidential Degree on disclosing information about precious metals for 2019-2021 which is categorised as a state secret. Production contracts and licensing agreements remain undisclosed.

EITI recommendations (Requirement 1.5.iv)

Requirement: The work plan includes plans for implementing the recommendations from Validation and EITI implementation (#1.5.c.iv)

The work plan includes activities related to preparations for the targeted assessment of Requirement 1 in the first quarter of 2023 and activities related to preparations for the third Validation of Tajikistan. The work plan does not include activities related to recommendations of prior EITI Reports.

Costings and funding sources (Requirement 1.5.d)

Requirement: The work plan includes costings and funding sources, including domestic and external sources of funding and technical assistance (#1.5.d)

Most activities in the work plan are costed. Activities are financed either by the government or by the US Embassy in Tajikistan. The work plan does not contain CSO-led activities related to the EITI Report's dissemination or thematic discussions.

During stakeholder consultations, representatives of the CSO Coalition mentioned that they have no funding for EITI activities. Previously, EITI activities for CSOs in Tajikistan were supported mostly by International Renaissance Foundation, but the donor ceased their activities in the country in 2022.

Timetable for implementation (Requirement 1.5.g)

Requirement: The work plan includes a timetable for implementation (#1.5.g)

The work plan includes timetable for implementation for each activity. The timetable is reasonable and in line with the EITI Report publication and Validation deadlines.

Public accessibility (Requirement 1.5.e)

Requirement: The work plan has been made widely available to the public (#1.5.e)

The 2022-2023 work plan is published on the EITI website ¹²

¹² 2022-2023 EITI work plan is published [here](#)

Scope of EITI reporting (Requirement 1.5.f)

Detail and scope of EITI reporting (#1.5.f)

The EITI Council does not appear to have considered extending the scope of EITI reporting in the 2022-2023 EITI work plan. However, during stakeholder consultations, it was noted that the EITI Council might discuss the possibility of including the hydropower sector in the next EITI Report or produce pilot research related to the hydropower sector in Tajikistan.

Corrective actions and recommendations

In accordance with Requirement 1.5, Tajikistan's EITI work plan should include detailed actions related to contract transparency, systematic disclosures and addressing corrective actions identified during the last Validation of Tajikistan. It should also clearly identify needs to address capacity constraints and be the product of consultations with key stakeholders in the broader constituencies beyond the MSG. To strengthen implementation, the MSG could consider extending the scope of EITI reporting and reflect this in the work plan. The linkages between national objectives and actual implementation of activities related to these objectives should be further strengthened.

Background

Overview of the extractive industries

Rich in natural resources, Tajikistan's extractive sector is relatively undeveloped with a need for technology, exposure to market-oriented management, increased human capacity, better transportation links and comprehensive geological surveys.

EITI reporting has identified more than 600 mineral deposits that have already been explored, with some positioned for industrial development. In addition to considerable reserves of coal and gold, Tajikistan hosts Bolshoi Konemansur, one of the largest silver deposits in the world.

Tajikistan uses the EITI to strengthen the investment climate, public knowledge and debate about the extractive sector. EITI reporting remains the sole source for information on the extractive industries in Tajikistan.

More information on Tajikistan's extractive industries is available on the [country page of the EITI website](#).

History of EITI implementation

Tajikistan joined the EITI in February 2013 with the objective to attract foreign investment and develop the extractives sector, which remain the priorities of EITI implementation. The country was suspended in April 2015 as it was unable to produce its first EITI Report by the reporting deadline. The 2014 EITI Report was published in November 2015, lifting the suspension. The first Validation of Tajikistan commenced on 1 July 2016. On 8 February 2017, the EITI Board suspended Tajikistan due to inadequate progress overall in implementing the 2016 EITI Standard. The second Validation of Tajikistan concluded in January 2020 when the EITI Board found that the country had made meaningful progress overall in implementing the 2016 EITI Standard. In 2022, Tajikistan was suspended for missing a reporting deadline. EITI Tajikistan published the 2019, 2020 and 2021 EITI Report in June 2023.

More information on the history of Tajikistan's EITI implementation is available on the [country page](#) of the EITI website.

Confidentiality

The practice in attribution of stakeholder comments in EITI Validation reports is by constituency, without naming the stakeholder or its organisation. Where requested, the confidentiality of stakeholders' identities is respected, and comments are not attributed by constituency. This report is shared with stakeholders for consultation purposes and remains confidential as a working document until the Board takes a decision on the matter.

Timeline of assessment

The assessment of Tajikistan commenced in January 2023. Stakeholder consultations were held virtually on 2-3 March 2023. The assessment was finalised on 24 October 2023.

Resources

- [List of MSG members](#)
- [Civil society activity report for 2022](#)
- [2022-23 EITI work plan](#)
- [MSG ToRs](#)
- [MSG meeting minutes](#)