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Which and Whose Rules Rule? Chinese Agribusinesses and the Challenge of Compliance in Rural Tajikistan

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Correspondence: Irna Hofman (irna.hofman@ouce.ox.ac.uk)**Received:** 30 May 2024 | **Revised:** 3 January 2025 | **Accepted:** 23 February 2025**Funding:** This work was supported by Horizon Europe European Research Council.**Keywords:** agriculture | China | compliance | law | legal geography | Tajikistan

ABSTRACT

Chinese investments in Tajikistan have significantly increased since the early 2010s. In rural Tajikistan, Chinese companies make up the majority of foreign investors. However, Tajikistan's rural landscape is no easy terrain for foreigners. It is characterized by legal complexity, namely weak regulatory capacity, as well as various elites' unofficial requirements. What does compliance mean in such a setting, and how do Chinese companies navigate this environment? Engaging with the literature on compliance and legal geography scholarship, this article examines these questions through the lens of a Chinese agribusiness operating in Tajikistan's cotton economy. I focus on environmental law and the governance of cotton procurement and illuminate a stark contrast: compliance with state law can be claimed relatively easily, but also questioned. On the contrary, compliance with elites' informal requirements is indispensable and requires adaptation. In this context, Chinese companies adjust and comply with laws and norms in locally specific ways.

1 | Introduction

All land in the republic of Tajikistan is state-owned. It is state property. In the situation that, [actors] violate the law, if [they're] Chinese, or another... they have a contract. In the contract is written that they have to comply (*rioya*) with all laws of the Republic of Tajikistan. They have to comply [with the laws] (state official, interview April 22, 2020).

The Chinese presence in Tajikistan has grown significantly in recent years. It has manifested in the various investments made by private and state actors, such as the financing and construction of Tajikistan's new government buildings, as well as in less pronounced ways, for instance in the proliferation of Chinese cotton seed (Hofman 2024). In part, these developments have

been driven by dynamics in China's domestic economy and the Chinese state's policies, but pull factors related to developments in Tajikistan, also play important roles.

The Tajik state's national development program running through to the year 2030 enumerates ambitious goals. The agricultural sector receives considerable attention in the program. After all, it is important to Tajikistan's economy. In recent years, agriculture has contributed to around 20% of the country's gross domestic product (GDP)¹ and the sector employs around 50% of the country's labour force.² Among other plans, the national development program includes the ambition to transform the “agrarian-industrial based economy to [an] industrial-agrarian based economy” (Government of Tajikistan 2016, 6). To this end, the state actively aims to attract investors, both domestic and foreign, and presents Tajikistan as a country rich in opportunities and natural resources, and with an investment friendly

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legal regime. Significantly, the country was one of the countries with the most notable improvement in the World Bank's Doing Business 2020 report (World Bank 2020), and the 2021 report by the Organization for Economic Co-operation and Development (OECD 2021) on the legal environment for business and investment in Central Asia also highlighted improvements in Tajikistan. On top of this, Tajikistan ranked highest in the 2023 law and order index of Gallup (Gallup 2023).³

However, it is not uncommon for investors to encounter challenges in Tajikistan, as this article will address. In order to facilitate Chinese actors' operations in Tajikistan, the Chinese Ministry of Foreign Trade and Commerce issues a yearly guide on Tajikistan's business climate. Among other topics, it gives information on Tajikistan's regulatory framework and alerts Chinese actors to the importance of familiarizing themselves with Tajik regulations, and advises companies to hire Tajik legal advisers and study cases of dispute resolution involving foreign enterprises. As a publicly available resource issued by the Chinese state, the guide's discourse is highly diplomatic. However, it does hint at intricacies: "Tajikistan's law enforcement environment remains suboptimal, characterized by inconsistent enforcement and arbitrary interpretation of laws" (Ministry of Foreign Trade and Commerce of the PRC 2020, 66).

In this article, I depart from these public documents and analyze the ways in which Chinese agribusinesses in Tajikistan navigate rural Tajikistan. I focus on environmental regulations and encounters revolving around cotton procurement. As a guiding thread throughout the analysis, I juxtapose the importance of written law in Tajikistan, as conveyed in official dialogues and documents, with everyday law, and address that while state law in Tajikistan is uniform, law enforcement differs across localities. Two aspects are of particular importance. Firstly, the ambiguities involved in the enforcement of state law. This results, not only from the fact that "formal rules are frequently changed at the national level and then re-interpreted by local officials [...]" (Kuehnast et al. 2008, 25), but also from the relatively low regulatory capacity of the state at the subnational level. Secondly, elites' informal regulations sometimes supersede state law, as, at times, elites claim the right to impersonate the state, "precisely to override the law" (Reeves 2014a, 63). Chinese actors operating in this context face questions: whose interpretation of law prevails, when and where?

Engaging the literature on compliance (Liu et al. 2018; van Rooij 2021), state and society (Mitchell 1999; Heathershaw 2011; Reeves 2014a, 2014b), legal geography (Delaney 2015; Bennett 2021; Blomley 2021), and Global China (Sun and Xiaoyang 2016; Carrai 2021) I examine these questions using the case of a Chinese agribusiness operating in Tajikistan's cotton economy. This is an instructive case to examine compliance and particularly to illuminate the spatial dimension of law, as Chinese agricultural enterprises operate in different districts across rural Tajikistan, where they encounter locally-specific regulations. I primarily focus on issues related to land use; dynamics in and revolving around the company's factories are beyond the scope of the analysis.

Empirically, this article exposes unique insights into Chinese companies' operations in Tajikistan. I provide a granular analysis of

micro-level dynamics. Theoretically, I contribute to the literature on Global China, compliance, and, legal geography, and respond to calls to extend legal geography research to "other-than-liberal" settings (cf. Delaney 2017, 5; Gillespie 2016). While the scholarship on compliance in China's domestic economy has grown in recent years (cf. Liu et al. 2018; van Rooij 2021), studies examining Chinese actors' legal behavior in foreign economies are still few, particularly with regard to the Central Asian context (for some exceptions in Central Asia see Nurgozhayeva 2020; O'Neill 2014; van der Kley and Yau 2021; for other settings see Sun and Xiaoyang 2016; Carrai 2021; Tan-Mullins and Mohan 2013; Haglund 2008). I shed light on the spatially specific interaction between law and power, and illuminate that Chinese companies adapt, rather than break or shake laws and norms. Complying with Tajik elites' interests is key to staying afloat.

This article is based on an extensive period of fieldwork in Tajikistan between January 2020 and August 2021, as part of a post-doctoral research project at the University of Oxford. I entered Tajikistan in the first week of January 2020 and decided to stay when Covid-19 spread to Tajikistan. Notably, the Tajik state did not impose a lock down during the pandemic. However, I took precautionary measures, adhering to the ethics regulations of the University of Oxford. In the summer of 2020, I gradually returned to residing in rural areas and visiting rural households and Chinese companies' bases on a regular basis. I undertook ethnographic research in four districts in southwest Tajikistan, engaging with rural households, farmers, and laborers who interacted with Chinese agribusiness and frequented the fields and bases of a Chinese company on a regular basis during the agricultural season, where I interacted with diverse staff members (mostly Tajik). In urban areas, I held 10 semi-structured interviews with lawyers working for international law firms (four law firms, all of which I visited twice, and two individual lawyers). I predominantly worked alone, being fluent in the Tajik language. For conversations with Chinese actors, I asked a Chinese acquaintance or company translators to join the conversation and assist with communication. This study also builds on dissertation research undertaken in rural Tajikistan between 2012 and 2015.

In the following (second) section, I discuss the scholarship on compliance and legal geography. In the third section, I analyze law enforcement and the spatial dimension of law in Tajikistan. Section four contains the heart of the empirical analysis. I examine the ways in which Chinese companies navigate Tajikistan. In addition, I analyze how their practices with regard to compliance are perceived and assessed by diverse Tajik actors. I address the licenses to operate, the spatial dimension of law, and regulatory capacity. The fifth section concludes.

2 | Theorizing Compliance and the Spatial Dimension of Law

2.1 | Compliance

Compliance refers to "the interaction between rules and behaviour" (van Rooij and Sokol 2021, 2). Following this definition, compliance can refer to activities and practices in various contexts and involving diverse actors and institutions, not only state law, but also informal rules or requirements, codes of

conduct, and social norms. As such, it is an apt definition to analyze dynamics revolving around law, broadly construed.

Whether and to what extent legal subjects obey laws and meet requirements—either with or without monitoring or inspection—depends on a number of factors and dynamics, as for instance Liu et al. (2018) and van Rooij (2021) explained. Compliance can be driven by self-interest; other factors of importance are, for instance, the perceived integrity of law; the probability of inspection; and regulators' political commitment. As such, legal behavior is not only or necessarily shaped by cost–benefit analyses (cf. Becker 1968); cognitive dimensions may be equally important (Liu et al. 2018; Wu and van Rooij 2021; van Rooij 2021), and compliance is situational (Liu et al. 2018). Whether and to what extent compliance can be seen, observed or easily measured in practice depends, in part, on the activities or practices involved and reactions to practices. For example, consent or protest can shed light on perceptions of actors' respect for law or norms (i.e., compliance), which I highlight further below.

Studies on Chinese companies' practices in foreign jurisdictions have addressed the importance of the host country's government, including the local institutional fabric and policies in shaping Chinese companies' operations (Carrai 2021; Haglund 2008; Sun and Xiaoyang 2016; Tan-Mullins and Mohan 2013). Sun and Xiaoyang (2016) analyzed Chinese companies' compliance with environmental standards in various African countries and addressed that factors such as ownership, firm size, and sector play a role. When it comes to ownership, state-owned enterprises appear to operate with more attention to social and environmental standards, particularly because they are under strict(er) scrutiny of the Chinese state.⁴

In recent years, the Chinese government has issued various documents for Chinese companies, in order to address the importance of compliance with laws in foreign countries (Tan-Mullins 2020). An example specific to Tajikistan is the guide mentioned earlier above. Among other issues, the guide calls for companies to “assume corporate social responsibility” (Ministry of Foreign Trade and Commerce of the PRC 2020, 66). Yet, one of my Chinese interlocutors questioned the guide's use. While it recommends to hire legal advisors and addresses the importance of knowledge of state law, he considered connections with elites much more important.

2.2 | The Spatial Dimension of Law

For actors new to a certain jurisdiction, intermediaries and brokers, or legal professionals may be indispensable to navigate the socio-political, legal environment. Here, brokers' own perceptions of law shape what they transmit: “[t]hey construct the meaning of compliance” (van Rooij 2021, 484). Insider information is indispensable in settings where state law coexists with informal requirements, and where law enforcement differs across localities, in one jurisdiction. Attention to geography can refine insights into the relative importance and role of law. While legal pluralism scholarship (von Benda Beckmann and Turner 2018) focuses on coexisting, and sometimes conflicting, rules and norms in a given context, allowing legal subjects to draw on different institutions, legal geography scholars direct attention

to specific differences across space. “Attending to the legal with greater scrutiny allows [...] to discern how [dynamics] happen (or fail to happen), and ... this can open up fruitful lines of inquiry that foregoing the legal forecloses” (Delaney 2015, 97).

As such, legal geography scholarship addresses the spatial dimension of law (cf. Bennett 2021; Blomley 2021). The “territorial diversity and flexibility of state practices” (Arnold 2012, 743) can result from various factors, including the physical presence of the state and the relative isolation of a place⁵; state functioning in specific localities; and, the interests of powerful elites. Thus, law and space are mutually constitutive (Delaney 2015). While law in the books may give the impression of a unified state with a consistent law, across localities the importance of certain laws often varies. This may apply to any jurisdiction, but it seems particularly apposite to countries like Tajikistan with significant geographic differences, and with subnational elites' private interests in specific sectors of the economy such as agriculture. Thus, while Chinese actors operating overseas encounter diverse (political, economic, social and natural) environments (Tan-Mullins 2020), variation also exists within countries. As a result, compliance takes on different meanings, as the analysis below will demonstrate. Yet before analyzing Chinese companies' challenges with compliance, the following section sets the scene and describes law enforcement in Tajikistan, with particular attention to regulatory capacity, and the geographic dimension of law.

3 | Navigating Rural Tajikistan

3.1 | Law Enforcement

Tajikistan has an extensive and complex bureaucracy. In part, this is a legacy of the Soviet past (Marat and McCarthy 2021). According to state officials, procedures have become more cumbersome in recent years. There are various agencies engaged in law enforcement. The primary authorities engaged with land, agricultural, and environmental policies and regulations in Tajikistan are the Committee of Environmental Protection, the Ministry of Agriculture, and the State Committee on Land Management and Geodesy. However, other departments within the state administration are also mandated to monitor agricultural producers. State officials in rural Tajikistan tend to have a high workload, and they are often assigned tasks outside of their expertise or specialization. For instance, in some localities, officials from various departments are stationed at cotton gins during the cotton harvesting season to monitor the delivery of cotton. As such, mandates are sector-specific, but they tend to overlap, and the division of tasks is complex. After all, the agricultural sector is important for the economy, and many political and economic elites have private interests in the agricultural sector, particularly in the cotton economy (Hofman 2021).

Law in the books is transparent in Tajikistan. As a law enforcement official explained when I met him a second time: “We have the codex on administrative offenses, remember.” Offenses are assessed and penalties are determined based on a system of indicators (*nishondihanda*). “One indicator is 58 somoni [in the year 2020, equalling approximately 0.60 US dollar]. Violating the rules can be three to five indicators, or 5-10, etcetera [...]” (interview September 22, 2020). A system

of indicators makes offenses measurable: it is a transparent making practice (cf. Mathur 2012). However, law enforcement officials enjoy quite some discretionary power to determine fines. As a Tajik lawyer, working for an international law firm, explained:

It is up to the authorities. There are no clear instructions. [...] It depends on how you communicate, what kind of documents you have, for example... if you communicate, talk rudely... [there are a] lot of obstacles (interview December 9, 2020).

As a result, law enforcement is indeterminate and sometimes comes down to a power play between officials and legal subjects. It opens up opportunities for corruption and favor some actors over others. At the same time, the “institutional strength of the regulatory state” (Lavenex et al. 2021, 450) in Tajikistan is low. Regulatory capacity consists of, “[at] a minimum, ... regulatory expertise, coherence, and the extent of statutory sanctioning authority” (Bach and Newman 2007, 831). The regulatory capacity of state departments and agencies in Tajikistan, particularly at the sub-national level, is structurally constrained, as a result of budget deficits and a shortage of skilled personnel. For instance, environmental protection agencies often lack the time and expertise and equipment to carry out analysis. One of the districts of my fieldwork in which the Chinese company planted cotton on a large-scale, had a population of over 185,000 people in 2016 and a surface of around 900 km² (TajStat 2017). The environmental protection agency in the area listed only a couple of employees: The director, the secretary, and three specialists. Together they were responsible for a broad range of issues related to the environment, such as transport, waste, land use, and air quality. Controls are often undertaken reactively. Achievements are of great importance to stay in office and the high workload entices officials to adopt a reactive approach, for instance, reacting in response to citizens’ complaints, and focus on eye-catching actors and activities, such as visible forms of pollution. As such, enforcement is uneven and often weak, depending on the availability of expertise in specific localities. Furthermore, power configurations affect state functioning, as will follow later below.

3.2 | Understanding Spatiality

Scholarly work on the state in Central Asia, including Tajikistan, has discussed the varied conceptualizations of the state, whether weak or strong, overbearing or fragmented (Reeves 2014a, 2014b; Heathershaw 2011). The Tajik state might be both, as Heathershaw (2011, 152) also stated. Spatiality comes into play, for instance, as a result of differences in the capacity of district-level state officials and where (subnational) economic or political elites affect law enforcement and influence regulators to protect their interests. Whereas law in the books in Tajikistan, such as the Land Code and the Criminal Code, triggers the idea of a unitary state, the state’s varying capacity and local power configurations affect the role of state law in a given area.

Elites sometimes instrumentalize law for specific needs or gains. This “regulatory capture” (Cafaggi and Pistor 2015, 96) differs across geographies, and the power of elites and their impact on state functioning—in specific realms of the economy and country—makes defining what the state is, complicated, and addresses the fact that “the power to regulate and control is not simply a capacity stored within the state, from where it extends out into society” (Mitchell 1999, 84). Elite approval can act as a license that exists alongside the state’s license to operate. In the case described further below, I highlight that complying with elite requirements is indispensable for a Chinese company’s operations. These requirements are locally specific and are not spelled out on paper.

A publicly available report on a trial between the World Bank’s International Finance Corporation (IFC) and an Italian company engaged in Tajikistan’s textile sector (Bransten 2016), gives insights into specific pressure and peculiar interferences affecting foreign entities in Tajikistan. The Italian company solicited IFC to provide financial support to secure against interferences by Tajik actors, as disclosed in the trial report (Bransten 2016). Concerns included the Tajik government’s “thinly veiled requests for bribes, the imposition of excessive taxes, reduced access to infrastructure such as electricity, and the forced transfer of key employees to other businesses,” and during work hours, the authorities obliged the Italian company’s employees to work on the cotton fields (Bransten 2016). Tajik individuals are aware of such dynamics. As a farmer once stated ironically: “[The state] provides investors with the road to enter, but as soon as they arrive, [the state and elites] start milking them” (September 20, 2020). This speaks to the theory of obsolescing bargaining (Vernon 1971) referred to by O’Neill (2014, 148) in his analysis of Chinese investment in Kazakhstan: Foreign investors “are at a disadvantage once their assets are in place.”

Apart from state licenses and elite approval, there is a third license⁶: The social license, or the social contract (see Wooden 2015, on the social contract and consent in Kyrgyzstan). However, societal actors do not have much influence in Tajikistan in regulating the business environment.⁷ This is not to say that legitimacy is not important, but (rural) society lacks the power to mobilize and call for transparency or interventions. How do Chinese actors navigate this terrain? In what follows, I examine a Chinese company’s challenges in the legal landscape of Tajikistan.

4 | The Challenge of Compliance

As mentioned above, the Tajik state actively reaches out to attract investors. Agriculture is one of the state’s priority sectors. Within the agricultural economy, cotton is a key subsector. Foreign investment in the cotton sector was little until the early 2010s, when Chinese investors entered (Hofman 2016, 2024). The Chinese companies have concentrated activities in southwest Tajikistan. The first company entered in 2011 (Hofman 2024); two other companies entered some two years later. In this article I focus on the most prominent company, a state-owned enterprise (SOE) that entered the country in 2014.⁸ It is unique in three respects. First, it partners with the presidential family, and its primary base is located in the village of birth of Tajikistan’s president, Emomali Rahmon. Second, the

company's activities span the entire cotton value chain: From cotton production to manufacturing of fabrics. Third, it operates in various localities across Tajikistan's lowlands, where it interacts with the rural population at large (farmers, labourers, rural households, bureaucrats, and elites). In what follows, I examine complexities around compliance with environmental regulations, followed by an analysis of dynamics revolving around cotton procurement. Yet before doing so, let us briefly look into what steps Chinese companies take in order to familiarize themselves with Tajikistan's legal culture.

4.1 | Entering the Field and Acting Upon the Legal Culture

Chinese companies operating in Tajikistan are subject to state law that they, like other (foreign) companies, have to follow, as the official quoted at the start of this article addressed. Companies take diverse steps to familiarize themselves with the country's legal culture. They consult Tajik law firms, employ juridical experts, and some of them partner with ruling elites. Particularly the relatively large companies tend to consult law firms. In interviews, lawyers shared that Chinese companies make up a large share of their clients nowadays, and stated that:

Chinese... their work rules are different from other [investors]. In the first stage, they work closely with us, but after fifteen days, they contact officials, and they are open to bribes. ... [then] they do not need our services [any longer]. We are glad to work with Chinese. It is not bad money, but our cooperation does not last long (interview December 22, 2020).

More often than consulting law firms, Chinese companies employ an in-house juridical expert. While these experts can be resourceful when it comes to state law, they are not necessarily aware of locally specific rules or requirements, for instance, in rural areas. During fieldwork, I observed that Tajik interpreters were sometimes tasked with duties outside of their expertise, including legal issues such as translating legal documents and advising about day-to-day affairs. The growing reliance on Tajik interpreters is a salient development; in earlier years (i.e., in the early 2010s), Chinese companies predominantly entered Tajikistan with their own Chinese interpreters. While the shift to Tajik staff may partially be driven by financial considerations, the change testifies to Chinese companies' investment in acquiring local knowledge.

An important difference exists between smaller (private) Chinese companies and larger SOEs. Due diligence has to be undertaken for projects financed by Chinese state banks, often implemented by large Chinese companies.⁹ As such, there are more safeguards in place for larger, often state-owned, companies. Regarding the agribusiness analyzed below, a regional law firm undertook due diligence when the company tried to receive finance from the China Development Bank. This regional law firm was contracted by a Chinese law firm (interview December 9, 2020). [Correction added on 05 June 2025, after first online publication: The preceding sentence has been amended in this version.] The company had an agreement with Tajikistan's

Ministry of Industry and New Technologies; it did not collaborate (directly) with Tajikistan's Ministry of Agriculture nor with the State Committee on Investment and State Property Management, which has a single window for foreign investors (interview August 27, 2020). The enterprise staffed jurists for relatively mundane bureaucratic procedures. Yet presumably more important has been the company's partnership with Tajikistan's presidential family, as mentioned above. While the partnership benefits the family, connections also help surmount difficulties and expedite bureaucratic issues.

On some of the company bases in the rural areas, the company also staffed relatively powerful actors. Ties with well-connected individuals are by many in Tajikistan, including by foreigners, considered essential, and powerful actors, acting as patrons, are often referred to as a roof (*krisha*) or an uncle (*tagho*). However, such partnerships do not always last and can also cause troubles. Quotes from Chinese individuals operating in Tajikistan in an article in the *South China Morning Post* (Huang 2017) testify to such experiences: "[Chinese companies hope] to solve economic and legal problems by building up a good relationship with local or national officials. But when true problems come, governmental officials cannot help them, and instead, prey upon them" (Huang 2017, no pagination). Furthermore, elites with local power bases can complicate operations, as we will see below, and problems can also arise with a reshuffling of power and elite infighting: The company analyzed below initially partnered with two national-level elite actors and comprised two branches: In addition to the presidential family, an individual (former banker and bureaucrat) was involved. In fact, the latter was reportedly key in the initiation of the project. Yet in 2020 he was convicted of criminal charges with his companies declared bankrupt, and property transferred to the state (Asia-Plus 2020). After that happened, the company's two branches merged.

Thus, Chinese companies rely on various institutions, both formal and informal, to secure their presence and address knowledge gaps.

4.2 | Environmental Concerns: Claiming and Questioning Compliance

Globally, the impact of Chinese overseas activities on local environments has been under a magnifying lens, and the environmental impact of Chinese companies is under particular scrutiny (see also Tan-Mullins and Mohan 2013; Nurgozhayeva 2020). Concerns have also been raised about China's growing role in transnational regulation and organizations, including the United Nation's Food and Agriculture Organization (FAO) (Baumann 2023). At the same time, the Chinese state increasingly attempts to take the lead in global initiatives on the environment and biodiversity (see, for instance, Sun 2022) and—at least on paper - "green" the Belt and Road Initiative (BRI) (see for instance, Secretariat of BRI International Green Development Coalition 2021).

In Tajikistan, the dominant perceptions about Chinese companies' operations resonate with the global discourse, namely that Chinese companies operate with disregard for the environment. Countering criticism, the agribusiness analyzed in this article, as well as state officials, have pointed to measurements taken

by the company, such as the construction of large drip irrigation systems and small reservoirs on and around a part of the cotton fields, the application of agro-chemicals through the drip irrigation system, and the use of plastic mulch to sustain soil moisture and speed up the germination of seed.

However, the varied concerns and complaints expressed by people in Tajikistan illuminate that, in their view, Chinese companies do not comply with environmental regulations. In recent years, people have protested because they experienced health issues and attributed those to agro-chemicals used by the Chinese (Hofman [Forthcoming](#)). More generally, according to a lawyer (serving Chinese companies in Tajikistan), the operations of Chinese companies have triggered environmental awareness among the population (interview December 9, 2020):

[M]ost of the companies [engaged in] mining or agriculture are Chinese companies. Because of the Chinese companies [the Committee of Environmental Protection] started working much better Because [Chinese] built the factories... they [affect] the environment... and our [Committee of Environmental Protection] just now realizes that they have to work much better because [these companies affect the environment.] [Authorities] got a wake-up call The Chinese are raising awareness, making our authorities actually work: 'Hey, they are actually polluting... we should pay more attention to that.' [And, there were cases] where environmental officers were fining Chinese mining companies.

One issue heightening concern among the population is that, in many localities, the Tajik state has not consulted the population about the Chinese agribusinesses' plans. Instead, Chinese companies settled by surprise and there was no information disclosure. Furthermore, the state occasionally downplays concerns without providing any evidence. In a press conference in Tajikistan's capital city, a journalist once inquired about the Chinese companies' land use practices: "Is it correct that, after cultivation, there is ... no weed growing on the fields used by Chinese companies?" In response, the Ministry of Agriculture responded that the Chinese companies use advanced sowing techniques and use resources efficiently (Qaraev [2020](#)). Among these state officials there was little urgency to respond to citizens' demands.

Agricultural scientists and some farmers interviewed during fieldwork did not express concerns about the Chinese companies' use of agro-chemicals. Instead, some expressed wariness and speculated about the sowing of genetically modified (GM) cotton, and criticized Chinese companies' use of plastic mulch on the fields. While Tajik farmers also increasingly apply the plastic film for vegetable production, the Chinese companies' use of plastic for cotton production implies that the soil is covered for several months during the growing season. In a conversation, an agricultural scientist relayed concerns: "What would happen to you, when you would wear [a thick dress] in summer? The fields cannot breathe! All living organisms slowly [die]. The fields [are] destroyed, you know! (*zamin, kharob, medoned!*). In

Russia... there were many Chinese in 1994, 1995." According to him, the Russians "kicked" them out ("*zad berun kard, Rusiya!*") (interview March 31, 2021). The Chinese company staff held that the plastic was dissolvable, but inhabitants of villages around the fields have questioned this statement, complaining that plastic scattered around the fields. In an interview at an environmental protection agency, an employee shared that the use of plastic is an issue of attention, yet he referred only to Tajik farmers. They are required to remove the plastics from the field. He remained silent when the Chinese companies' use of plastic was mentioned and stated that the Chinese companies bring in their own materials, as if it was not on him to intervene (interview April 22, 2020).

As such, responses and perceptions vary. A few aspects are of importance in order to understand the diversity of responses, in addition to the lack of transparency and information disclosure. Firstly, agricultural production in Tajikistan is (still) underpinned by Soviet-era agricultural knowledge, and some state officials and agricultural scientists addressed that Tajik farmers do not apply the recommended quantities of agro-chemicals because of capital constraints. Instead, they point to Chinese companies' ability to apply required quantities of inputs. Secondly, an issue little addressed in the concerns revolving around Chinese companies is that the trade, sales and use of agrochemicals is not well regulated across Tajikistan more generally. During fieldwork, various farmers shared that they also applied toxic pesticides to combat pests upon advice of small agro-shop owners. However, laborers, and the rural population more generally, more easily protest Chinese companies' activities than their neighboring farmers' practices. Thirdly, and relatedly, Tajikistan's state registry of approved pesticides and agrochemicals has not been updated for many years: "The management of highly hazardous pesticides in Tajikistan, which should cover the control, handling, import, supply, transport, storage, use and disposal of pesticides, has not yet been adequately addressed in the country" (IPEN [2020](#), 3), and there is no registry of pesticides and chemicals "that are officially prohibited/permitted for production and/or restricted use in accordance with the requirements of the Stockholm Convention on POPs" (GAHP [2021](#), 21). Notably, Tajikistan has no internationally accredited laboratories "capable of analyzing soil for concentrations of substances listed in the Stockholm Convention" (GAHP [2021](#), 52; see also World Health Organization [2020](#)). As such, while Tajikistan's Criminal Code lists almost 20 articles related to land use, the environment, and nature protection, and the Code of Administrative Offenses contains around 20 articles that explicitly relate to land and environmental issues, it is a relatively loose regulatory framework for agricultural producers, including Chinese companies. It is a context in which economic interests trump environmental concerns, which "reflects upon the status of the environmental agency" (GAHP [2021](#), 22). Local-level state officials' tenure hinges on local economic growth, tax revenues, and meeting agricultural production targets. At the same time, interactions with Chinese, and other foreign, actors, offer an impetus to embody the state, and encourage some local-level state officials to "hyper-follow" the law (see also Hofman [Forthcoming](#)). Financial interests can also incentivize more strict monitoring and law enforcement, particularly focused on capitalized actors such as Chinese companies. Chinese companies can be easy targets. In an interview, one state official shared that the

Chinese company's activities (including manufacturing) were of great importance to the budget in his locality: "The Chinese pay 40000 to 50000 somoni for a license per year (circa 4 to 5000 US dollar). For everything: air, water, etcetera, they have diverse licenses" (interview July 2, 2020). Yet when standards and regulatory capacity are low, licenses might have little value, except for contributing to the local budget. [Correction added on 5 June 2025, after first online publication: The preceding sentence has been added in this version.]

Thus, it is essential to situate Chinese companies' practices in the local legal culture, and in the local political economy. As such, my findings resonate with Hensengerth's (2011) observation of dynamics in Ghana, as he wrote: "[T]he low standing of regulatory authorities in this sector is a threat to strict environmental supervision and leaves room for speculation as to how closely [the Chinese company] is adhering to the environmental conditions attached to the permits..." (Hensengerth 2011, 44). In this context, compliance with environmental law can easily be claimed, but also questioned. As Sun and Xiaoyang (2016, 84), noted in their analysis of Chinese companies' impact on the environment in various African countries: "Under such circumstances, the principle of abiding by local regulations may sound like empty words." The weakness of society and the *laissez faire* by the state contrast with the importance to adhere to informal requirements imposed by elites, as described below.

4.3 | Cotton Politics and Rigid Requirements

In the first years after the arrival of the Chinese agribusiness introduced above, the company did not actively engage with Tajik farmers. It produced cotton on fields leased from the Tajik state, elites, and some smaller-scale farmers. This changed in later years. Around 2018, the company circulated its interest in procuring seed cotton from Tajik farmers, offering relatively high prices—higher than the prices offered by local cotton gins. Another difference was that the company paid in US dollars, while local gins paid out in the local currency (Tajik somoni), often with a delay. As a result, farmers turned to the Chinese, and local ginners saw their supplies dwindling.

Tajik farmers are, by law, free to sell seed cotton throughout the country (see also Hofman 2017, 2021). However, the reality is different. As noted above, the cotton harvest is closely monitored by various state agencies, and in some districts, state officials are stationed at ginners at harvest time (observed during fieldwork in 2020). While district borders are always policed, the transport of cotton receives particular attention during the harvesting season. After all, in addition to generating private revenues for ginners, cotton processing also implies tax revenues for the district. As a result, there are both public and private incentives to restrict the transport of seed cotton outside of the district.

Indeed, Tajikistan's cotton economy is complex (see also Hofman 2017). There are over 120 cotton gins across Tajikistan (interview January 11, 2021), but their activity fluctuates year by year. There is no state body controlling cotton processing, something state officials condemn (interview August 14, 2021). What

is more, ownership and competition is opaque. For instance, in at least four of the southernmost districts of Tajikistan, one individual married into the presidential family has monopoly power over the cotton sector. These issues are not penned down in official data or statistics, but they are widely known by domestic actors (see also Boboyorov 2013). As one befriended farmer described (interview November 27, 2020): "The ruling elite and state officials in this district convene on a monthly basis to discuss issues at play: It is a government within a government." In other words, the locality has its alternative legality (cf. Delaney 2017; see also Cowley et al. 2015), where elites "claim many of the state's functions and modes of operation for themselves" (cf. Cowley et al. 2015, 186, who referred to the law in Kyrgyzstan). Yet the elite in Tajikistan does not act as a monolith, as the vignette below illuminates. As a result, legal subjects may face challenges: how to comply, and what to comply with, differs across localities.

As the cotton harvest season took off in 2020, I frequented Chinese company bases and farmers cotton fields on (at least) a biweekly basis. While chatting with personnel in the parking area of the big ginners of the Chinese company in September 2020, I observed farmers passing by after harvesting had commenced. They inquired when they could come to sell their cotton. At the time of their visit, they received a negative reply, and they left. In the weeks that followed, I recorded different explanations as to why sales had not started. One employee informed farmers that sales would commence later. A few other individuals stated that sales would only take place on Saturdays. In response to my own curiosity, one employee relayed that no farmers had shown interest this year. However, I had seen and heard that various farmers were eager to sell their cotton to the Chinese company. One of the farmers I met in those weeks candidly stated that the Chinese company treated farmers better than local cotton gins did, and he regretted the Chinese had stopped procuring.

One interlocutor later explained that the district government did not permit the company to buy farmers' cotton (interview September 6, 2020), suggesting that elites' requirements had been turned into a quasi-official decree. Indeed, law and power are—at times—mutually constitutive (cf. Delaney 2015). Later that season another interlocutor revealed that a local elite, who owned a few gins in the area, had pressured the district authorities to forbid the Chinese company from buying up cotton. "You know, we have ginners here and that is why [authorities] did not give permission" (interview October 5, 2020). Thus, authorities had pressured various parties involved: the Chinese company had been forbidden to buy up cotton from farmers in the vicinity, and farmers had been told that the Chinese company had not shown interest. It illuminates that the gin owner in this area—related to the governor of the district, could appeal "to the authority and coercive power of the state [...] used efficaciously to override the law" (cf. Reeves 2014a, 145, writing about authority and the state in a border area between Kyrgyzstan and Tajikistan).

Significantly, the dynamic unfolded differently in two other areas in the region. In a lowland locality towards the southeast of Tajikistan, which is considered within the presidential family's realm of power, some cotton gins were rented out to the Chinese

company to serve as cotton collection points (see Ashurov 2018). While some gin owners complained in the media, there were no constraints imposed on the Chinese company. The prominent role of the ruling regime in this area can explain the specific way in which the dynamic unfolded. In another district located in a central part of the country, the Chinese company continued to buy up cotton, but an important difference in 2020 with the situation in earlier years was that prices had been leveled: In 2020–2021, prices offered by the Chinese company and local ginneries were on par. The dynamic in this latter area might be explained by the fact that various ginneries competed with each other (already) prior to the Chinese arrival (fieldwork insights, 2012–2015). As a result, the Chinese appeared less of a threat to one specific actor. Yet across localities, the procurement of cotton by the Chinese was closely followed, even on a daily basis, as I observed myself when my visit to Chinese bases coincided twice with that of the local authorities.

This case illuminates the spatial dimension of law and the situational nature of compliance (Liu et al. 2018). It also sheds light on conflicts and competition between various (subnational) elites, and the fact connections with key actors are no guarantee that problems do not arise. The importance of requirements or regulations differs across localities, as does compliance.¹⁰ Informal requirements are not penned down in books or on websites, yet can be more impactful than state law is.¹¹ In response to my observations, which I shared in an interview (December 9, 2020) at a law firm, my interviewee, a lawyer, stated:

That [concerns] a very specific cultural thing we have. We have unofficial requirements [...]. That are not set in law but mandatory to follow. It is not a surprise to say, it is region or district-specific. They [authorities] will set a restriction that is not stipulated by the law, it doesn't have a law backing, but you have to follow it. It comes from the authorities.

I asked: "What would you do, as a law firm, when a company approaches you with this experience?"

Lawyer: "We cannot go against the government. They will just say: 'you have to comply [with the rules]!' ... "You can't argue with [such rules]"

It is interesting to compare the Chinese company's approach with the Italian company mentioned earlier on; instead of partnering with ruling elites and soliciting support from local actors, the company "hired attorneys [when it got into problems] and involved ... officials, including the U.S. Ambassador and officials at the Tajik Embassies, to dissuade the Tajik Government from interfering with [the company's operations]" (Bransten 2016, 12).

Tajikistan's legal landscape, characterized by an unevenness and weakness in the enforcement of state law alongside locally specific elite requirements, is difficult to navigate for foreign actors. Society's expressions of concern can be sidelined by the state and elites, and state law does not always pose challenges,

as compliance can be claimed fairly easily. It is the compliance with informal regulations that more profoundly affects Chinese companies' operations and requires them to adjust.

5 | Conclusion

[O]ne challenge for Chinese companies entering new markets is dealing with complex environments of heterogeneous legal and social demands that often do not make it clear which specific economic activities and practices can be considered legitimate and acceptable (Tan-Mullins 2020, 216).

In this article, I have examined how Chinese companies navigate Tajikistan's rural, legal landscape. I examined: which and whose rules rule in rural Tajikistan? Which and whose laws do Chinese companies comply with? What does compliance entail? I centred the analysis on environmental law and cotton procurement, so as to highlight various laws, requirements, and licenses, and distinguished three types of actors that shape Chinese business' operations: The state, elites, and social actors. In this landscape, written law and unofficial requirements co-exist. I spotlighted that, where environmental regulations are weakly enforced and standards are relatively low, licenses to operate can be obtained relatively easily, and compliance can be claimed but also questioned. Instead, ignorance or violation of elites' interests can have more repercussions. In this context, Chinese companies' compliance with state law remained a point of contention, while their compliance with elite requirements was assumed a given.

Thus, I shed light on ambiguities revolving around compliance and law. As Reeves (2014b) noted: "[It] is often precisely the multiplicity of competing authorities that makes social life fraught: the problem, not just of knowing what the rules are, but of knowing 'whose rules rule'" (Reeves 2014b, 215). While the jurisdiction of Tajikistan appears uniform in the books, the reality is different. Thus, whereas the documents issued by international agencies and the guide issued by the Chinese state, mentioned in the introductory section of this article, might provide relevant information about Tajikistan's legal framework and bureaucracy, standard booklets fall short when it comes to unofficial requirements, and when the regulatory capacity is uneven across localities. As the lawyer above addressed: "you cannot argue with elites' requirements." Their rules rule. Indeed, "[t]he apparent boundary of the state does not mark the limit of the processes of regulation" (Mitchell 1999, 84), and as Heathershaw (2009, 68) noted: "authority is impersonated by elites across Tajikistan's local and regional political spaces." It is continuously produced and reproduced, that is, co-constituted as a result of everyday practices involving citizens, elites, and bureaucrats (Cowley et al. 2015, 186; Heathershaw 2009, 2011; Mitchell 1999). "Political or socio-economic power [is] a key driver in the materialisation of law into space (and thereby its constitutive role in creating places)" (Bennett 2021, 2).

Unpacking these diverse spaces is indispensable to understand and explain the operations of companies; both domestic and

foreign, both private and state-owned. Importantly, Chinese companies are not unique in their experiences in Tajikistan, as the case of the Italian company earlier referred to, testified. The encounters are also not unique to Tajikistan, as Weng and Buckley (2016, 21) noted, with reference to Mozambique, Uganda and Kenya's policy-implementation gaps: "[In] such an environment, unwritten governance factors such as political connections, loopholes and bribery play a major role in dictating business operations, Chinese or otherwise." Indeed, "flows of capital ... from China are as conflict ridden as those from other countries, [and] they are played out with historical and cultural specificities of [the specific societies] as much as those of the Chinese actors" (Lee 2022, 321). Chinese investment and foreign investment more generally, does not unfold in a political vacuum. The Chinese agribusiness analyzed experienced difficulties and adapted, in diverse ways. This requires a more broadly construed understanding of compliance, beyond reference to state law alone. Future research should, where possible, provide more systematic insights into Chinese companies' perceptions and their legal behavior in Tajikistan and beyond, to inform debate and discussion, and enrich the scholarship on compliance by providing insights from settings with nascent or weakly developed compliance systems.

On a general level, we may ask to what extent Global China, and more specifically, Chinese actors operating in foreign jurisdictions, trigger transformations of the legal landscape in those countries. Do they take, shake, or make norms, that is: Are they, or do they become "regime-transforming rule-makers, regime-undermining rule-breakers, resentful rule-fakers, or regime-strengthening rule-promoters..." (Lavenex et al. 2021, 445)? I addressed that Chinese companies localize and adapt to the power configurations in place.

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Conflicts of Interest

The author declares no conflicts of interest.

Data Availability Statement

The data that support the findings of this study are available on request from the corresponding author. The data are not publicly available due to privacy or ethical restrictions.

Endnotes

¹ <https://data.worldbank.org/indicator/NV.AGR.TOTL.ZS?view=chart> [Accessed December 10, 2024].

² https://ilostat.ilo.org/data/country-profiles/?ref_area=TJK [Accessed December 21, 2024].

³ The results are based on "telephone or face-to-face surveys of approximately 1000 or more respondents" (Gallup 2023, 16). This is a questionable method, particularly in an authoritarian setting where people fear intelligence services.

⁴ During fieldwork, I observed that private Chinese companies more than the large state-owned enterprises relied on local informants. In two cases, directors of private companies reportedly turned a blind eye to regulations, which raised anxiety among Tajik staff. One former employee shared that he even resigned because he feared he would be implicated once the company would run into troubles in Tajikistan (October 30 2020).

⁵ The relative isolation of a place may also affect legal subjects' knowledge of regulations and their access to the judiciary (cf. Pruitt 2008), and remoteness may enable powerful actors to mask regulations that could threaten their interests (see Schaffner 1995).

⁶ The three-partite classification of licensing in Tajikistan resonates with the typology identified by Gehman et al. (2017): the legal license, the economic license, and the social license.

⁷ Some Chinese companies active in Tajikistan have engaged in philanthropy, for instance, engaging in building education facilities (see also van der Kley and Yau 2021; van der Kley 2020). The agribusiness analyzed in this article reportedly trained employees of the factory; as for farm work, I have not observed such activities.

⁸ Officially, the company is a joint (Tajik-Chinese) venture, with the majority of shares owned by the Chinese company involved. In this paper, I refer to the company as Chinese, as this is how the company is referred to in daily parlance in Tajikistan, and also because all the capital invested is Chinese, and agricultural practices are determined by the Chinese company. As for the labor force, the situation is different: most of the staff is Tajik.

⁹ I do not refer to Chinese companies undertaking projects financed by international financial institutions here.

¹⁰ This is also seen, in addition to the geographic dimension of Chinese agribusiness' activities, in other foreign actors' activities in the cotton sector. In recent years, foreign involvement has concentrated in areas relatively close to Tajikistan's capital city and in the country's northern Sughd region; there has not been any substantial activity (in cotton) in the more remote, southernmost districts of Tajikistan's Khatlon region (fieldwork observations 2015–2021) where, as noted earlier in this section, some high-level elites control the cotton economy.

¹¹ In its adaptive practices, the Chinese company differed from another enterprise that operated in one of these localities in earlier years. In 2014, a Swiss commodity trading company, which had initially entered in earlier years in partnership with the European Bank for Reconstruction and Development (EBRD), left Tajikistan. Local actors have said that local elites pressured the company to leave, as these elites considered the Swiss company a threat to their own businesses. In 2021, Tajik media reported that the director of this Swiss company was indebted to the Tajik state—approx. 1.5 million Tajik somoni, equalling about 170.000 US dollars in that year (Nazriev 2021).

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