

Methodology of the inter-Tajik negotiation process

by Elena Rigacci Hay

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The inter-Tajik negotiations were conducted under UN auspices. UN staff conducted more than a year of preparatory consultations and then facilitated three years of difficult negotiations between the delegations of the government of Tajikistan and the United Tajik Opposition (UTO). These efforts culminated in the signing of the General Agreement on the Establishment of Peace and National Accord in Tajikistan in 27 June 1997 and the subsequent initiation of the work of the Commission on National Reconciliation in Dushanbe.

The progress of the negotiations

UN involvement was initiated in September 1992 at the appeal of Uzbek President Islam Karimov to the UN Secretary-General. This was supported a few days later by a similar letter from Mauno Koivisto, President of Finland. In April 1994 the first round of inter-Tajik negotiations was held in Moscow, followed by a second round in Tehran in June. A comprehensive agenda was adopted at the first round of the talks. Its main issues were measures aimed at a political settlement, the problem of refugees and internally displaced persons, and consolidation of Tajikistan's statehood. At a consultative meeting in Tehran that September, an agreement on a temporary ceasefire was signed. The third round of negotiations, in Islamabad in October 1994, resulted in a protocol establishing the Joint Commission for monitoring the ceasefire. At the fourth round of negotiations in Almaty in May 1995, agreement was reached on the exchange of prisoners of war and the repatriation of refugees. The UTO also presented its proposal for a transitional governing Council of National Reconciliation composed of both government and UTO representatives. The government delegation rejected this.

In August 1995, President Rakhmonov and UTO leader Nuri signed a Protocol on Fundamental Principles for Establishing Peace and National Accord in Tajikistan and agreed to a continuous round of negotiations. This



protocol became an important blueprint for all subsequent talks, providing the main parameters for future agreements in all key areas. Three phases of this 'continuous round' of negotiations took place from November 1995 to July 1996 in Ashgabat, Turkmenistan. They consisted of detailed discussions on the modalities for integrating opposition representatives into the government and opposition military units into the Tajikistan armed forces. These negotiations were interrupted in May by large-scale fighting that violated the ceasefire agreement.

An important turning point was reached in December 1996, when Rakhmonov and Nuri met in Khos Deh, Afghanistan and agreed to cease hostilities. During the following rounds of talks, held between January and May 1997 in Tehran, Moscow, Meshed (Iran) and Bishkek, the two sides agreed on a range of key substantive issues: the modalities of disarmament and reintegration of the UTO armed groups into national armed forces; legalization of the Islamic Renaissance Party (IRP); a 30 per cent quota for UTO representatives in executive power structures; and guarantees for the implementation of agreements reached. On 27 June 1997, the General Agreement was signed in the Kremlin and witnessed by Russian President Boris Yeltsin, eight foreign ministers from the observer countries and the Secretaries-General of the Organization for Security and Cooperation in Europe (OSCE) and the Organization of the Islamic Conference (OIC).

Reasons for breakthrough

The breakthrough leading to the 1997 General Agreement was stimulated by several factors. First, the government and the opposition were both exhausted by

the war (depletion of supplies and financial resources, and destruction of the country). Second was the convergence of Russian and Iranian interests to promote peace in Tajikistan. Each wanted to keep the US at a distance from the peace process and to minimise Taliban, Pakistani or Saudi involvement in Tajikistan. Third, changes in northern Afghanistan caused by the military advance of the Pushtun-dominated Taliban undermined the security of UTO forces based in the region. Although UTO leaders had contacts with Taliban officials, the Taliban were suspicious of the UTO's close links with Iran and its affiliation with the predominantly ethnic Tajik and Uzbek political and military leaders in northern Afghanistan. As a result, the UTO armed groups lost their important operational bases in Afghanistan. In addition, Afghan President Rabbani and Commander Masoud became dependent on cooperation with the Tajik government and Russia for arms, administration, fuel, food and routes of re-supply and consequently ceased their alliance with the UTO. The combination of these factors provided the catalyst for the agreement facilitated through the inter-Tajik negotiation process.

The role of foreign governments

Several governments in the region had considerable interest in the future of Tajikistan and provided political, military, financial and other support to the Tajik faction they thought would best secure their goals. The UN mediation team took these political realities into account. Representatives of Afghanistan, Iran, Kazakhstan, the Kyrgyz Republic, Pakistan, Russia, Uzbekistan and, later, Turkmenistan as well as the OSCE and the OIC were invited to participate as observers in the inter-Tajik negotiations. Important objectives were achieved by

involving them actively in the process. It helped neutralize the potentially destructive influence of foreign governments on the parties. Their leverage was instead used to help soften the positions of the Tajik parties, first to bring them to engage in direct negotiations and then to make compromises.

It is worth mentioning a few examples. The Deputy Foreign Ministers Vaezi and Chernishev of Iran and Russia, respectively, were instrumental in convincing the respective Tajik delegations to sign the Draft Agreement on a Temporary Ceasefire prepared by the UN negotiating team for the Tehran round in September 1994. The personal commitment of Pakistan's Foreign Minister Asef Ali made it possible to extend the ceasefire agreement. President Niyazov and Foreign Minister Shikhmuradov of Turkmenistan participated in the three rounds of talks in Ashgabat in person. Their moderating influence helped to sustain the negotiating process at a critical juncture, opening the way to a breakthrough for the entire process. The personal contribution of Russian Foreign Minister Primakov and his deputy, Mr. Pastukhov, were invaluable for reaching agreement on the Protocol on Military Issues in March 1997, one of the most important documents of the process. The direct involvement of Iranian Foreign Minister Velayati facilitated the signing of the Protocol on Refugees in January 1997. The good offices of Kyrgyz President Akayev were instrumental in achieving agreement on the Protocol on Political Issues during the consultations in Bishkek in May 1997.

Regular consultations with the observer countries in their capitals provided an opportunity for the UN negotiating team to inform the governments on the negotiations, to coordinate plans and actions, and to prepare for future rounds of talks. The respect and trust demonstrated by the UN mediators generated reciprocal confidence and a positive attitude towards the process among the governments of observer countries. The UN negotiating team regularly consulted with important members of the Security Council – including the US and China – as well as other non-observer countries in the region, such as Turkey and Saudi Arabia. Another mechanism established to keep lines of communication permanently open was the *ad hoc* 'Group of Friends of Tajikistan' established at UN headquarters in New York. The time and effort invested by the UN negotiating team in contacts and consultations with interested governments yielded an important return in the form of strong support from the Security Council for the Secretary-General's mediation efforts in Tajikistan. It also facilitated the moderating influence of the governments of Turkey and Saudi Arabia on Islamicist groups in their own countries that had a militant agenda in Tajikistan.

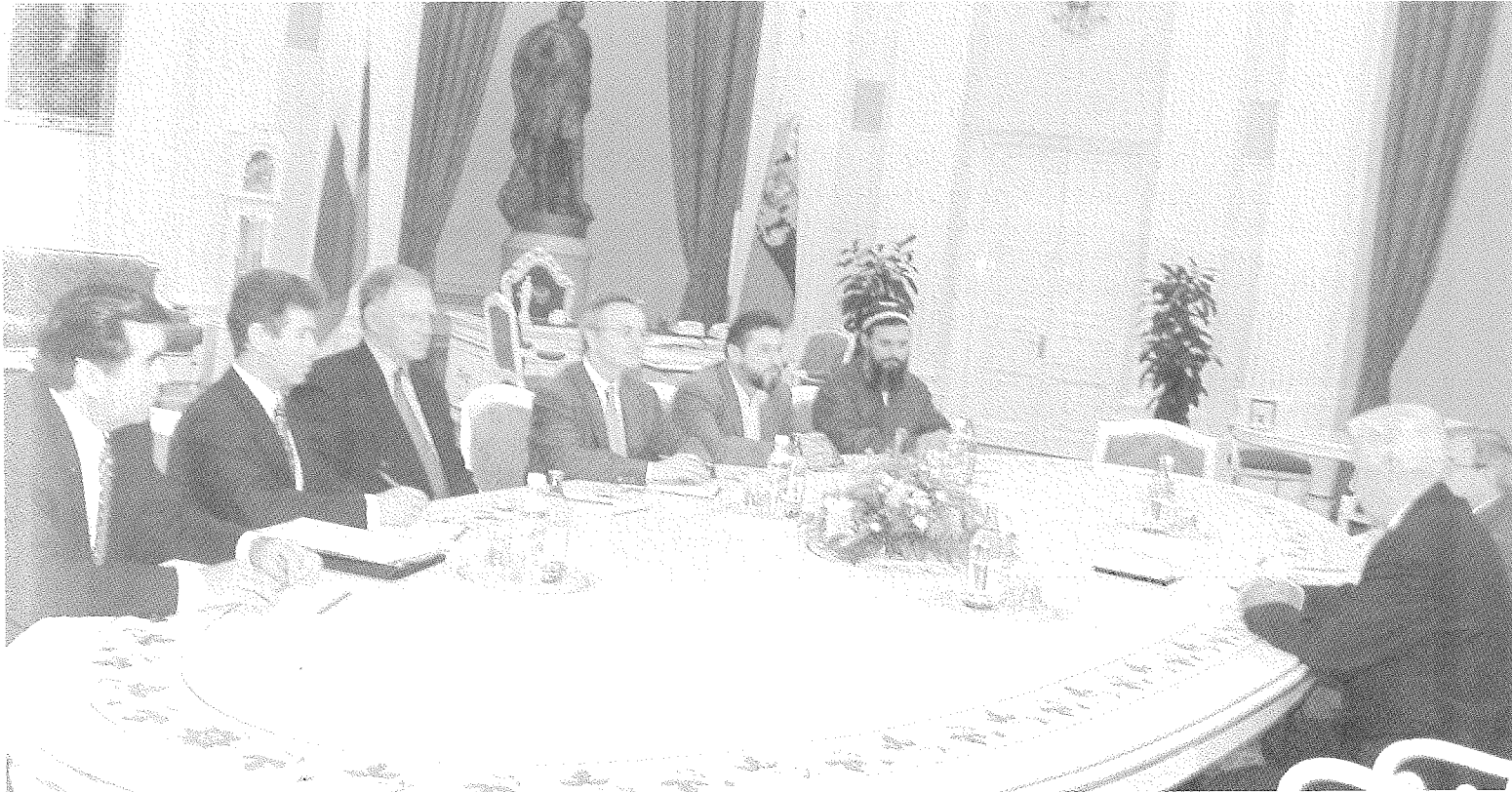
Venues for the negotiations

The selection of the venue for the talks had political connotations and was an important procedural element. Each observer country government wanted to host the negotiations and aspired to achieve success in its capital. Therefore the UN negotiating team had to calculate precisely which of the eight capitals (Moscow, Tehran, Islamabad, Ashgabat, Almaty, Bishkek, Kabul, Tashkent) was the most appropriate and effective for achieving the concrete goals of the particular round. If the UN team predicted that more concessions were needed from the UTO delegation, for example, then Islamabad, Kabul or Tehran were appropriate locations because the host government would have more leverage with the opposition because of its closer relations with UTO leaders. It could consequently put more pressure on them than the 'unfriendly governments' of Russia, Kazakhstan and the Kyrgyz Republic. Both Tajik sides were conscious of this tactical nuance and often fought fiercely to schedule the following round of talks in the country that better served their interests. This often led to prolonged delays and painful mediation efforts by the UN representatives to resolve the 'technical issue' of the venue. During the later stage from October 1996 to June 1997, when most of the protocols were signed, the venue rotated between the capitals of the two principal observer countries: Russia and Iran.

Consultations and 'shuttle negotiations'

Preliminary consultations were an important part of the inter-Tajik negotiating process. The UN representatives were the only ones who maintained contact with all the parties directly or indirectly involved in the conflict. They had preliminary consultations with the Tajik government and the opposition, including their respective field commanders, as well as the governments of the observer countries. The UN mediators also conducted preliminary consultations with their international partners, including heads of the relevant UN bodies, NGOs, and regional organizations (the OSCE and the OIC). Preliminary consultations were conducted to prepare the ground for each round of talks. They explored the positions of the parties, identified potential stumbling blocks, developed possible compromise solutions, and prepared everyone concerned to achieve a concrete result.

Which partners were consulted before each round depended on the issues included in the agenda for that round as well as on its venue. Preliminary consultations always included contacts with the government of Tajikistan (President, Foreign Minister, and members of the delegation), usually in Dushanbe. Consultations with opposition leaders usually took place in Tehran or Islamabad, where many had been granted political asylum and maintained political offices. On several



occasions the UN team met with Tajik opposition leaders in Afghanistan. The UN team would meet with other actors as needed but always had extensive consultations with the host of the next round of talks.

One period of consultations became, in effect, an important stage of the indirect negotiation process. In July and August 1995 the UN team flew five times between Dushanbe and Kabul to carry out 'shuttle diplomacy' between Rakhmonov and Nuri. These efforts resulted in the Protocol of Fundamental Principles of Peace and National Accord in Tajikistan. This agreement provided a road map for the following rounds of talks and set the parameters for future protocols on political, military, refugee and other problems. These consultations turned out to be one of the most important stages in the negotiating process. They broke the deadlock between the two leaders, who at the time were not yet willing to negotiate face to face.

Host country agreements and invitations

The UN and the host government – usually represented by the UN Under-Secretary-General for Political Affairs and the country's permanent representative to the UN – signed a host country agreement before the round of talks. The document defined the logistical arrangements for the round and specified the diplomatic privileges and immunities that would be enjoyed by the members of each Tajik delegation. This document was particularly important for the UTO delegation in the early rounds. Tajik courts had indicted many of them on serious criminal charges. They feared extradition by the governments of Kazakhstan, the Kyrgyz Republic, Russia, and Turkmenistan – all of which had bilateral extradition agreements with Tajikistan. The host country agreements also provided privileges and immunities to the UN

negotiating team. The provisions of these agreements were fully respected by the host governments and became a source of confidence for the negotiators, thus contributing greatly to the negotiating process.

Following the preliminary consultations and the host agreement, the Special Envoy/Representative of the UN Secretary-General sent official invitations to the heads of the respective Tajik parties. The invitation was an important and substantive legal document that outlined the modalities of the round of negotiations. The mediators gave significant attention to drafting the invitation as it marked the beginning of the talks, navigating the delegations in the desired direction on substantive issues. It also included the time, venue, agenda, objectives, privileges and immunities of the delegations, and logistical arrangements. The invitations defined the number of members and advisers that could be included in each delegation. This served the practical purposes of letting the parties know how many people the host country government would provide with accommodation and other forms of logistical support.

Composition of the negotiating teams

Each of the two Tajik delegations usually included up to ten members and up to five advisers and consultants. The government delegation was led successively by the Minister of Labour, the Deputy Speaker of Parliament, the First Deputy Prime Minister and finally by the Minister of Foreign Affairs. After the first two rounds, the UTO delegation was led by Khoji Akbar Turajonzoda. On seven occasions, President Rakhmonov and UTO leader Nuri led their respective delegations. The government delegation generally included senior cabinet officials and influential political personalities. The UTO team also included key political figures. The rank of delegation members affected

the negotiation process. Delegations composed of high-ranking leaders could make important decisions on the spot, which greatly facilitated the negotiating process particularly in the final stage.

The delegations did not generally reflect the diversity of Tajikistani society but tended to be composed of senior male members of the warring factions. There were a few exceptions. Although UN mediators made an effort to convince the two Tajik parties to include representatives of civil society in their delegations, the effort had only partial success. The government delegation included Professor Saidov, Chairman of the Association of Uzbeks of Tajikistan, in the first two rounds. The UTO delegation included Ulfathonum Mamadshoyeva, a woman who was Coordinator of the Political Council of Opposition Movements of Badakhshan, during the high-level consultations in Moscow in April 1995.

Modalities

Each round of inter-Tajik negotiations was organized in a way that helped foster an atmosphere of confidentiality, trust and efficiency. The mediators made efforts to limit the potentially destructive influence of the press on the Tajik parties, observer and other countries and the public at large. They believed that if opposing positions were announced publicly, it would be very difficult for the parties to compromise. They therefore sought to preserve the confidentiality of the process.

The UN mediators never substituted themselves for the two sides in the negotiations. At all levels they stressed that the responsibility for settling the inter-Tajik conflict rested with Tajikistanis. For their part, the Tajik delegations worked diligently to reach a negotiated agreement. The negotiations were based on a flexible structure that used several meeting formats:

a) Plenary sessions with the Tajik delegations, the UN mediation team, and the official observers. The press was often allowed to observe these sessions. Plenary meetings usually opened and concluded a round of negotiations but were also convened by the UN mediators at difficult points when it was necessary to draw public attention to one or other intransigent party. Sometimes this method was used either to generate public pressure or to publicize important intermediate results. Observer countries had no direct role in the plenary sessions and could not take the floor, offer opinions, or otherwise intervene.

b) Plenary sessions without observers or the press.

This format was used when the parties needed to present their initial positions on the agenda items, when the UN team needed to present its drafts of important agreements, or when important understandings reached

during the working consultations between the leaders of the two delegations had to be 'sold' to their members.

c) Consultations between delegation leaders and UN mediators. This small-team arrangement, bringing together two or three representatives from each delegation, was probably the most important way to discuss outstanding problems in depth and to search for compromise solutions. This format occupied about 80 per cent of the time and was generally the most effective and productive negotiation structure.

d) Interaction with the representatives of the observer countries and host governments. This form of negotiation was an important and effective way to solicit the support of observer countries and to channel their political influence with the Tajik parties. In critical circumstances, the UN mediators would adjourn a round of talks for a few days to consult with senior government officials of the relevant observer countries on specific issues. Sometimes this required travel to other capitals. For example, Special Representative Piriz-Ballon went to Moscow for consultations with high-ranking Russian officials in January 1996 when there was a renewal of military hostilities in Tavildara during the Ashgabat round of 'continuous negotiations'. On other occasions, senior representatives of observer countries travelled to the negotiation venue, as when Russian Deputy Foreign Minister Chernishev came to Islamabad in November 1994 for consultations. The consultations with observer governments kept them informed, engaged and confident that the Tajik delegations and the mediators were taking their views and interests into account. The UN team also maintained active communication with the host governments during the talks.

Drafting protocols

The UN negotiating team always drafted the initial texts of agreements. This task required the mediators to develop a deep understanding of the positions advocated by the Tajik parties on each issue on the agenda and to sense the possible margin of each party's flexibility. They also needed expertise in preparing legal documents. In the course of preparing the draft agreements, the mediators introduced compromise options to address disputed issues. This proved to be a highly pragmatic approach. Because the UN team presented a draft text, it helped to avoid the pitfall of lengthy and heated debates by the Tajik parties on their own drafts – documents that would understandably have promoted the interests of one party over the other.

In the course of the negotiations, the parties accepted about 95 per cent of the UN's initial draft texts. The Tajik negotiators then concentrated on overcoming the remaining difficulties on a few substantive points. While

suspicious initially, Tajik negotiators gradually became confident that the UN's drafts were not intended to favour one party over the other but to reflect areas of possible compromise. Although drafting agreements was a serious responsibility and a complex task, it allowed the UN mediation team to keep charge of the process and move it forward – as well as to ensure that the principles of the UN Charter were incorporated and respected.

When the gap between the positions of the two parties was too wide or the political will to compromise was absent, the UN mediators sometimes shared their drafts with the most influential observers, requesting them to use their leverage with the parties to encourage them to compromise. The UN mediators often coordinated the compromise solutions they proposed with the observers. This helped the observers to feel a sense of ownership over the negotiating process. As a consequence, the observers contributed substantively to finding mutually acceptable formulas and acted decisively *vis-à-vis* the Tajik parties in advocating those solutions. The draft agreements were usually presented at the plenary sessions but the main negotiating task was conducted in small group meetings with delegation leaders. It was subsequently the responsibility of these senior representatives to convince their respective delegations of the merits of the compromise solutions. In this way, the leaders of the two delegations were co-owners of the agreements and vigorously defended them to their delegations.

Continuity

Most rounds of the inter-Tajik negotiations took place against the backdrop of continued civil war or major

violations of the ceasefire agreement. The negotiations were therefore an extension of the battleground. The two parties tried to use the negotiating process when it was to their advantage and interrupted it when developments on the battlefield made it advantageous. Continuity of the process was therefore critical. The UN mediators paid special attention to reaching agreement on the timing, venue and agenda of the next round of talks before concluding the current round. The current and future host country representatives were actively involved in the decision-making process on those issues. The UN mediators and the heads of the two delegations often made joint announcements regarding the next round of talks at the end of the current one. In that way, the political reputations of the leaders of the two sides were tied to honouring their commitment to attend the negotiations. Although developments on the ground interrupted the negotiations several times, in general, the two Tajik parties honoured their commitments.

Conclusion

The sustained and vigorous peacemaking efforts of the 'international community' in Tajikistan serve as an example of applied diplomatic action. It was matched with the commitment of negotiators to reach an agreement that adequately reflected the political and military situation on the ground and thus facilitating effective settlement of the conflict. The UN involvement in Tajikistan stands as an effective example of its peacemaking and peacekeeping efforts in the turbulent history of the 1990s.

Inter-Tajik Negotiations	MEETING	DATE	VENUE
	I Round	4-19 April, 1994	Moscow
	II Round	18-28 June 1994	Tehran
	Consultative Meeting	12-17 Sep. 1994	Tehran
	III Round	20 Oct.-1 Nov. 1994	Islamabad
	Consultative Meeting	20-26 Apr. 1995	Moscow
	Meeting between Rakhmonov and Nuri	16-17 May 1995	Kabul
	IV Round	22 May-2 June 1995	Almaty
	Meeting between Rakhmonov and Nuri	19 July 1995	Tehran
	V Round	30 Nov.-22 Dec. 1995	Ashgabat
		26 Jan.-18 Feb. 1996	Ashgabat
		26 Jan.-21 July 1996	Ashgabat
	Meeting between Rakhmonov and Nuri	10-11 Dec. 1996	Khos Deh
	Meeting between Rakhmonov and Nuri	10-23 Dec. 1996	Moscow
	VI Round	5-19 Jan. 1997	Tehran
	Meeting between Rakhmonov and Nuri	20-21 Feb. 1997	Meshed
	VII Round	26 Feb.-8 Mar. 1997	Moscow
	VIII Round. Part 1	9-16 Apr. 1997	Tehran
	Meeting between Rakhmonov and Nuri	16-18 May 1997	Bishkek
	VIII Round. Part 2	21-28 May	Tehran
	Meeting between Rakhmonov and Nuri	26-27 June 1997	Moscow