

Key texts

Documents relating to the Tajikistan peace process

All texts listed are available on Conciliation Resources website, <http://www.c-r.org/accord>.

Titles listed in bold appear only on the website.

Source: *News About Peace (Documents)*, Compiled by Abdunabi Sattorzoda and Ibrohim Usmon, Published by the Tajikistan Commission on National Reconciliation (CNR) and the United Nations Mission of Observers in Tajikistan (UNMOT). Conciliation Resources has reproduced these documents directly from the original.

- Protocol on the Fundamental Principles of Establishing Peace and National Accord in Tajikistan, 17 Aug 1995.
- Protocol of the Meeting of the Delegation of the State Commission of the Republic of Tajikistan and Field Commanders of Karategin [Qarateghin] Administration, held in Garm [Gharm] on 15-16 Sept 1997.
- Protocol on Settlement of the Political and Military Situation in the Areas of Confrontation, 11 Dec 1996.
- **Joint Statement of the President of the Republic of Tajikistan, E. S. Rakhmonov, and the Leader of the United Tajik Opposition, S. A. Nuri. 11 Dec 1996.**
- Agreement between the President of the Republic of Tajikistan, E. S. Rakhmonov, and the Leader of the United Tajik Opposition, S. A. Nuri, on the results of the meeting held in Moscow on 23 Dec 1996.
- Protocol on the Main Functions and Powers of the Commission on National Reconciliation, 23 Dec 1996.
- Protocol on Refugee Issues, 13 Jan 1997.
- **Joint Statement by the Delegation of the Government of the Republic of Tajikistan and the Delegation of the United Tajik Opposition on the results of the talks held in Tehran, 5-19 Jan 1997.**
- Statute of the Commission on National Reconciliation, 21 Feb 1997.
- Additional Protocol to the Protocol on the Main Functions and Powers of the Commission on National Reconciliation, 21 Feb 1997.
- Joint Statement [between E. S. Rakhmonov and S. A. Nuri] of 21 Feb 1997.
- Protocol on Military Issues, 8 March 1997.
- **Joint Statement by the Delegation of the Government of the Republic of Tajikistan and the delegation of the United Tajik Opposition on the outcome of the round of inter-Tajik talks held in Moscow from 26 February to 8 March 1997.**
- Protocol on Political Issues, 18 May 1997.
- Bishkek Memorandum, 18 May 1997.
- Protocol on the Guarantees of Implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan, 28 May 1997.
- Tehran Declaration, 28 May 1997.
- General Agreement on the Establishment of Peace and National Accord in Tajikistan, 27 June 1997.
- Protocol on Mutual Understanding between the President of the Republic of Tajikistan, E. S. Rakhmonov, and the Leader of the United Tajik Opposition, S. A. Nuri, 27 June 1997.
- Moscow Declaration, 27 June 1997.
- Act on Mutual Forgiveness.
- Law on Amnesty for Participants in the Political and Military Confrontation in the Republic of Tajikistan.

Protocol on the fundamental principles of establishing peace and national accord in Tajikistan

17 August 1995

The President of the Republic of Tajikistan, Emomali Rakhmonov, and the leader of the Tajik opposition, Abdullo Nuri, strongly determined to ensure observance of the highest interests of the Tajik people, affirm that dialogue and cooperation are the essential ways to achieve stable peace in the country. To this end, the Government undertakes to refrain from carrying out any acts that run counter to the provisions of the protocols being concluded and from adopting such laws or measures which may be incompatible with these protocols. The Tajik opposition, for its part, undertakes to wage a political struggle by exclusively peaceful means in accordance with the laws in force in the Republic of Tajikistan and in conformity with the conditions and guarantees laid down in a general agreement on the establishment of peace and national accord in the country. In this connection, the parties have agreed:

1. To conduct, beginning on 18 September 1995, a continual round of negotiations aimed at concluding, at the earliest possible date, a general agreement on the establishment of peace and national accord in Tajikistan. The venue for the negotiations shall be agreed upon by the parties through the mediation of the Special Envoy of the United Nations Secretary-General.
2. The general agreement referred to shall consist of separate protocols on the following groups of problems
 - (a) Political problems, including a consultative forum of the peoples of Tajikistan, the functioning of all political parties and political movements and the participation of their representatives in the power structures, as well as the deepening of the democratisation process in Tajik society;
 - (b) Military problems, including reforms of the governmental power structures, and the disbandment, disarmament and reintegration of the opposition's armed formations into the Government's armed forces or Tajikistan's civilian sector, in accordance with a timetable to be agreed upon at subsequent negotiations;
 - (c) The voluntary, safe and dignified repatriation and reintegration of refugees, including legal, economic and social guarantees for their protection;
 - (d) A commission to monitor and verify compliance by the parties with the general agreement;
 - (e) Guarantees for implementing the general agreement, including a possible role to be played by the United Nations, States and international organisations acting as observers at inter-Tajik negotiations;

(f) A donors' conference for financing the programmes to reintegrate refugees, displaced persons and persons demobilized during the national reconciliation process, and also for providing necessary assistance in restoring the national economy, which has been destroyed by the civil war.

3. The protocols on these groups of problems shall be integral parts of the general agreement, and this document shall be incorporated into it as the first protocol.
4. Acting in the spirit of this Protocol and with a view to creating the necessary conditions for conducting further negotiations, the parties have agreed to extend the period of validity of the Agreement on a Temporary Cease-Fire and the Cessation of Other Hostilities on the Tajik-Afghan Border and within the country for the next six months until 26 February 1996.
5. The texts of this Protocol, which were signed by Mr. Rakhmonov, the President of the Republic of Tajikistan, and Mr. Nuri, the leader of the Tajik opposition, were exchanged on 17 August 1995, through the intermediary of the Special Envoy of the Secretary-General, Mr. Ramiro Piriz-Ballon.

(signed) *E. Rakhmonov, President of the Republic of Tajikistan*

(signed) *A. Nuri, Leader of the United Tajik Opposition*

Protocol on the meeting of the delegation of the state commission of the republic of Tajikistan and field commanders of Karategin administration, held in Garm from 15-16 September 1996

At the negotiations the Government of Tajikistan was represented by the Government Commission under the chairmanship of the Security Council Chief Mr. Amirkul Azimov, consisting of the Minister of Interior, Gen. Saidamir Zukhurov, the Chief Military Commander of the Ministry of Interior troops, Gen. Saidamirov, the Deputy Minister of Defence, Gen. Chubarov, the Presidential Guard Commander, Gen. Gaffor Mirzoev, the Deputy Minister of Security, Gen. Bakhodur Abdulloev, the State Adviser, Mr. M. Kabirov and the Military Prosecutor, Mr. A. Olimov; the Delegation of the United Tajik Opposition was headed by the Chief Military Commander of the Karategin Front, Mr. Mirzokhuja Nizomov and consisted of the Commander of Tajikobad, Mr. Makhmadruzi, the Deputy Commander of Komsomolobad, Eshoni Aziz, the Commander of Garm, Mr. Mirzokhuja Akhmadov, the Commander of Garm, Mr. Sirodjiddin and the Commander of Komsomolobad, Mr. Kosimdjon.

Negotiations were mediated by the United Nations Organisation represented by Gen. Hasan Abaza and the Joint Commission for the Implementation of the Tehran Agreement.

With the view to provide the implementation of the agreements reached during the third phase of the fifth round of inter-Tajik talks in Ashgabad, to ensure effective cease-fire and cessation of military actions in Komsomolobod, Garm, Tajikabad and Djirgatal districts, to stabilise the situation in these areas and to make them a peaceful zone, participants of the meeting agreed to complete the following prior before finding the solution to political problems during the upcoming rounds of inter-Tajik talks:

1. To remove check points set up by the military formations of both sides in the area of Djirgatal and Tajikabad.
2. To re-instate Government Interior and Security bodies in Djirgatal and Tajikabad districts and create conditions for their effective work.
3. To allow the UTO members to travel without arms in the district centres of Tajikabad, Garm and Djirgatal.
4. As an exception and in concurrence with the appropriate bodies of Tajikabad, Garm and Djirgatal districts to give an opportunity to UTO commanders to have two armed bodyguards.
5. For the period of redeployment of the check point of the Government armed forces in Langari Shoh (Tajikabad district) to other place, with the view of monitoring to create a joint commission which will include two representatives of each side and one representative of the Military Prosecutor's Office of Tajikistan.
6. Control over the Government check points in Labi Jar and Chorsada rests with the Military Prosecutor's Office, the Ministry of Defence, the Ministry of Interior, the Presidential Guard and two UTO representatives.
7. The sides agreed to provide free movement of transport and people along the Dushanbe-Djirgatal road.
8. Disputable issues will be jointly considered and investigated.
9. The Protocol will enter into force on 17 September 1996.
10. Control over implementation of this Protocol rests with the Joint

Commission for the Implementation of the Tehran cease-fire Agreement and UN military observers.

(signed) *Amirkul Azimov, Chairman of the Government Commission*

(signed) *Mirzokhuja Nizomov, Head of the Delegation of UTO Field Commanders in Komsomolobod, Garm, Tajikabad and Djirgatal districts*

(signed) *General Hasan Abaza, UNMOT Chief Military Observer*

Garm, 16 September 1996

Protocol on settlement of the military and political situation in the areas of confrontation, 11 December 1996

The President of the Republic of Tajikistan, Mr. E. Sh. Rakhmonov, and the leader of the United Tajik Opposition, Mr. S. A. Nuri, condemn the recent marked deterioration in the military and political situation in the Karategin Valley and Tavildara areas of the Republic on the eve of their Moscow meeting, and have agreed as follows:

1. Before the signing of the Agreement in Moscow, to halt all military action starting at 00 hours on 12 December 1996;
2. The parties shall withdraw their armed units and formations from the Dushanbe-Khorog highway. Towards Tavildara, they shall establish their posts respectively on both sides of the Karanak pass (the government post in sector N1 and the opposition post in the village of Saridasht). They request the United Nations Mission of Observers in Tajikistan to assign representatives to these posts as observers. Simultaneously, the armed formations of the United Tajik Opposition shall withdraw from the centre of Tavildara to the village of Dashti-Sher. The government forces shall remain on the summit of the Khaburobot pass and in the Labi-Djar locality;
3. The parties shall remove their armed posts on the Dushanbe-Djirgatal highway. The United Tajik Opposition shall withdraw its armed formations from the regional centres of Komsomolobod, Garm, Tajikabad and

Djirgatal. The Ministry of Internal Affairs battalion shall remain at Garm at the location where it was previously stationed;

4. As a confidence-building measure, the United Tajik Opposition shall release the military personnel of the government forces taken prisoner or hostage in the course of the recent events in the Tavildara, Komsomolobod, Garm, Tajikabad and Djirgatal regions. The United Nations Mission of Observers in Tajikistan and the International Committee of the Red Cross shall be requested to assist in the conduct of this humanitarian action;

5. For purposes of preventing valuables, weapons, narcotic substances and other items prevented by law from being smuggled in and out, a customs control post shall be established on the border between the Djirgatal region and the Republic of Kyrgyzstan, and also, by the forces of the Government and the United Tajik Opposition, a joint border post;

6. The functioning of the lawful authorities in the territory of Tavildara, Komsomolobod, Garm, Tajikabad and Djirgatal regions shall be restored. In selecting and deploying troops and offices of the organs responsible for internal affairs, preference shall be given to local professionally trained personnel. The United Tajik Opposition accepts and will not impede the normal functioning of the structures of power;

7. Monitoring of the application of the present Protocol shall be the responsibility of the Joint Commission. The United Nations Mission of Observers in Tajikistan shall be requested to assist in this respect;

8. The Protocol shall enter into force at the time of its signature.

E. Sh. Rakhmonov, President of the Republic of Tajikistan

S.A. Nuri, Leader of the United Tajik Opposition

G.D. Merrem, Special Representative of the Secretary-General of the United Nations for Tajikistan

Northern Afghanistan, 11 December 1996

Agreement between the President of the Republic of Tajikistan, E. Sh. Rakhmonov, and the leader of the United Tajik Opposition, S. A. Nuri, on the results of the meeting held in Moscow on 23 December 1996

The President of the Republic of Tajikistan, Emomali Sharipovich Rakhmonov, and the leader of the United Tajik Opposition, Said Abdullo Nuri, understanding the ruinous nature of the military and political confrontation and aware of the high responsibility for the future of the Tajik people and State, having met in Moscow on 23 December 1996, have agreed as follows:

The inter-Tajik talks and the implementation of the agreements reached during them must be completed within 12 to 18 months from the date of signature of the present Agreement;

Bearing in mind that the signature of the present Agreement marks the beginning of a qualitatively new phase in the attainment of peace and national accord, they have taken the policy decision to establish for the above-mentioned transition period a Commission on National Reconciliation. A representative of the Tajik opposition will serve as Chairman of the Commission. The delegations to the talks are instructed to determine in the course of the next round, which is to begin in Tehran on 5 January 1997, the quantitative and personal composition of the Commission and its specific functions and powers;

There is a need to implement a universal amnesty and reciprocal pardoning of persons who took part in the military and political confrontation from 1992 up to the time of adoption of the Amnesty Act;

To conduct within the shortest possible time a full exchange of prisoners of war and other prisoners. They requested the United Nations Mission of Observers in Tajikistan and the International Committee of the Red Cross to extend the necessary

assistance for the conduct of this humanitarian activity;

From the date of signature of the present Agreement, to proclaim a cease-fire and the cessation of other hostile activities for the entire period of the inter-Tajik talks;

For the purposes of establishing peace in the country, they have given instructions to the delegations to the talks to conclude them by 1 July 1997 through the signature of the documents provided for in the Protocol on the fundamental principles for establishing peace and national accord in Tajikistan of 17 August 1995.

The President of the Republic of Tajikistan and the leader of the United Tajik Opposition express their gratitude to the representatives of the Russian Federation, the Islamic Republic of Iran, the Islamic State of Afghanistan, the other observer States at the inter-Tajik talks and the Secretary-General of the United Nations, Mr. B. Boutros-Ghali and his Special Representative, Mr. G. Merrem, for their hospitality and their cooperation in organising the meeting in Moscow.

E. Sh. Rakhmonov, President of the Republic of Tajikistan

SA. Nuri, Leader of the United Tajik Opposition

G. Merrem, Special Representative of the United Nations Secretary-General for Tajikistan

Protocol on the main functions and powers of the Commission on National Reconciliation, 23 December 1996

In connection with the beginning of a qualitatively new phase in the attainment of peace and national accord in Tajikistan and in accordance with the Agreement between the President of the Republic of Tajikistan, E. Sh. Rakhmonov, and the leader of the United Tajik Opposition, S. A. Nuri, the parties have taken the decision to establish for the transition period a Commission on National Reconciliation.

The main purposes of the Commission are the attainment of national

reconciliation through the implementation of the agreements reached in the course of the inter-Tajik talks, the creation of an atmosphere of trust and mutual forgiveness, and the institution of a broad dialogue among the various political forces in the country in the interests of the restoration and strengthening of civil accord in Tajikistan.

For these purposes, the Commission is assigned the tasks of:

Devising a monitoring mechanism and monitoring compliance by the Parties with the agreements on the establishment of peace and national accord in the country jointly with the other organs established for that purpose;

Implementing measures for the safe and appropriate return of the refugees, their active involvement in the social, political and economic life of the country and the provision of assistance in reconstruction of the housing and industrial and agricultural facilities destroyed by the war;

Developing proposals for amending the legislation on the functioning of political parties and movements and the mass media.

During the transition period the President and the Commission on National Reconciliation will exercise the following functions and Powers;

Submission to a nationwide referendum of proposals for amendments and additions to the existing Constitution;

Preparation and submission for approval by Parliament, and if necessary also by a nationwide referendum, of a new law on elections to Parliament and the local representative bodies;

Establishment for the transition period of a Central Commission on Elections and the Conduct of the Referendum;

Reform of the Government – inclusion of representatives of the opposition (the United Tajik Opposition) in the structures of executive authority, including ministries, departments, local authorities, judicial bodies and law enforcement agencies, in proportion to the representation of the parties in the Commission on National Reconciliation and taking into account the regional principle;

Guidance and monitoring of the disbandment, disarmament and reintegration of the armed units of the opposition, and conduct of activities to reform the authorities responsible for the maintenance of law and order and the agencies of the Office of the Public Prosecutor;

Monitoring of the conduct of a full exchange of prisoners of war, other prisoners and forcibly detained persons;

Adoption of a Reciprocal Pardon Act and drafting of an Amnesty Act to be adopted by Parliament and the Commission on National Reconciliation;

Development of a mechanism for converting the military-political movements into political parties;

Submission for consideration by Parliament of proposals regarding the date for the holding of elections to a new professional Parliament, to be monitored by the United Nations and the Organisation for Security and Cooperation in Europe (OSCE), with the participation of the observer countries at the inter-Tajik talks;

Decision adopted by the President and the Commission regarding issues of national reconciliation shall be binding on the authorities. The activities of the Commission on National Reconciliation shall be conducted in close cooperation with the United Nations Mission of Observers and the OSCE Mission in Tajikistan. The Commission on National Reconciliation shall cease its activities after the convening of the new Parliament and the establishment of its authorities.

The present Protocol forms an integral part of the Agreement signed in Moscow on 23 December 1996 by
E. Sh. Rakhmonov, S. A. Nuri and G. D. Merrem.

E. Sh. Rakhmonov, President of the Republic of Tajikistan

SA. Nuri, Leader of the United Tajik Opposition

G. D. Merrem, Special Representative of the United Nations Secretary-General for Tajikistan

23 December 1996

Protocol on refugee issues, 13 January 1997

With a view to overcoming the consequences of the civil war and achieving peace and national accord in the country, and in accordance with the protocol on the fundamental principles for establishing peace and national accord in Tajikistan of 17 August 1995, the joint statement on the results of the fourth round of inter-Tajik talks in Almaty and the appeal by the President of the Republic of Tajikistan, Mr. E. Sh. Rakhmonov, and the leader of the United Tajik Opposition, Mr. S. A. Nuri, to their fellow countrymen who had been forced to leave the country, adopted in Moscow on 23 December 1996, the delegations of the Republic of Tajikistan and the United Tajik Opposition (hereinafter referred to as "the Parties"), have agreed as follows:

1. To step up mutual efforts to ensure the voluntary return, in safety and dignity, of all refugees and displaced persons to their homes, and to complete this process within 12 to 18 months from the date of signature of this Protocol. With a view to ensuring their safety, honour and dignity, the Parties also call upon the United Nations, the Organisation for Security and Cooperation in Europe (OSCE) and the Office of the United Nations High Commissioner for Refugees (UNHCR) to provide assistance in order to ensure the safety of returning refugees and displaced persons and to establish and expand their presence at places where such persons are living.

2. The Government of the Republic of Tajikistan assumes the obligation to reintegrate returning refugees and displaced persons into the social and economic life of the country, which includes the provision to them of humanitarian and financial aid, assistance in finding employment and housing and the restoration of all their rights as citizens of the Republic of Tajikistan (including the return to them of dwellings and property and guaranteed uninterrupted service), and not to institute criminal proceedings against returning refugees or displaced persons for their participation in the political confrontation and the civil

war, in accordance with the legislative acts in force in the Republic.

3. The Parties have decided to resume the work of the Joint Commission on problems relating to refugees and, within one month from the date of signature of this Protocol, with the assistance of UNHCR, to draw up a statute of the Commission.

4. The Parties have decided to instruct the Joint Commission, with the participation of representatives of local *hukumats* (executive committees) and the United Tajik Opposition for the period during which this Protocol is being implemented, to visit on a regular basis, in accordance with a separate timetable, refugee camps in the Islamic Republic of Afghanistan, places in the Commonwealth of Independent States (CIS) where there are concentrations of refugees and districts in the Republic of Tajikistan to which refugees and displaced persons intend to return. Similar visits shall be organised by the Joint Commission to places where displaced persons live in large numbers. The above-mentioned timetable shall be agreed by the Joint Commission within one month from the date of signature of this Protocol.

5. The Parties appeal to the Government of the CIS States to consider issuing temporary identity documents to refugees from Tajikistan and to assist UNHCR in carrying out additional measures to ensure the safety of refugees and to defend their honour and dignity.

6. The Parties express their sincere gratitude to the United Nations, UNHCR, OSCE, donor countries and the Aga Khan Foundation for their assistance and at the same time make an urgent appeal to them and to the International Monetary Fund, the World Bank, the European Development Bank, the Islamic Bank and the Aga Khan Foundation to provide additional and substantial financial and material support to refugees and displaced persons and to the Joint Commission on problems relating to refugees, and also for the purpose of rehabilitating the national economy destroyed by the war and improving the well-being of the population.

(signed) *Talbak Nazarov, Head of the Delegation of the Government of the Republic of Tajikistan*

(signed) *Khoja Akbar Turajonzodah, Head of the Delegation of the United Tajik Opposition*

(signed) *Gerd Dietrich Merrem, Special Representative of the Secretary-General of the United Nations for Tajikistan*

13 January 1997, Tehran

Statute of the Commission on National Reconciliation, 21 February 1997

I. GENERAL PROVISIONS

1. The President of the Republic of Tajikistan, E. Sh. Rakhmonov, and the leader of the United Tajik Opposition, S. A. Nuri, guided by the highest interests of the peoples of Tajikistan for the purpose of achieving a stable peace and national accord in the country, have adopted a political decision to establish a Commission on National Reconciliation (hereinafter referred to as the Commission), signing an Agreement and a Protocol in Moscow on 23 December 1996.

2. The purview of the Commission includes the whole range of problems associated with national reconciliation. Its tasks shall be to implement the agreements reached in the course of the inter Tajik talks, to promote the creation of an atmosphere of trust and mutual forgiveness and to institute a broad dialogue among the various political forces in the country with the view to restoring and strengthening civil accord in Tajikistan.

3. The Commission is a temporary body, established for the transition period. It shall cease its activity after the convening of the new Parliament and the formation of its leadership structures. The Commission on National Reconciliation shall begin its work two weeks after the signing of the Protocols on military and political issues.

II. COMPOSITION OF THE COMMISSION AND PROCEDURAL ASPECTS OF ITS ACTIVITY

4. The members of the Commission shall be appointed on a basis of parity by the Government of the Republic of

Tajikistan and the United Tajik Opposition. The Commission shall comprise 26 members. It shall be headed by a Chairman, a representative of the United Tajik Opposition, who shall have one deputy, a representative of the Government of the Republic of Tajikistan (the individual membership of the Commission shall be announced 10 days before the Commission starts work). The leaders and members of the Commission shall work full-time, and may not be removed by the parties, except in circumstances which make it impossible for them to discharge their duties.

5. The Commission shall comprise four subcommissions: (a) On political issues (b) On military issues (c) On refugee issues (d) On legal issues

The Commission shall have the right where necessary to disband or combine subcommissions or establish new ones. Each subcommission shall elect its chairman, with two subcommissions being headed by representatives of the Government and two by representatives of the United Tajik Opposition. The Commission shall where necessary create working bodies – expert groups, a press service and others. The joint commissions established in the course of the inter-Tajik talks shall become working bodies of the Commission.

6. The quorum for meetings of the Commission shall be two thirds of its membership. Substantive issues shall be decided by consensus. Should this method prove inconclusive after 10 meetings, the procedure for deciding on the substantive issue shall thereafter be taken by the Chairman of the Commission. Procedural issues shall be decided by simple majority. Decisions adopted by the President and the Commission on issues of national reconciliation shall be binding on the authorities.

III. FUNCTIONS AND POWERS OF THE COMMISSION

7. The Commission shall have the following functions and powers:

Devising a monitoring mechanism and monitoring compliance by the parties with the agreements on the establishment of peace and national accord in the country jointly with the other organs established for that purpose; Implementing measures for the safe

and appropriate return of the refugees and their active involvement in the social, political and economic life of the country, and provision of assistance in reconstruction of the housing and industrial and agricultural facilities destroyed by the war;

Developing proposals for amending the legislation on the functioning of political parties and movements and the mass media.

During the transition period, the President and Commission on National Reconciliation will exercise the following functions and powers:

Submission to a nationwide referendum of proposals for amendments and additions to the existing Constitution;

Preparation and submission for approval by Parliament, and if necessary also by a nationwide referendum, of a new law on elections to Parliament and the local representative bodies;

Establishment for the transition period of a Central Electoral Commission on the Elections and the Conduct of the Referendum;

Reform of the Government – inclusion of representatives of the opposition (UTO) in the structures of executive authority (members of the government), including ministries, departments, local authorities, judicial bodies and law enforcement agencies, taking the regional principle into account;

Guidance and monitoring of the disbandment, disarming and reintegration of the armed units of the opposition armed forces and conduct of activities to reform the authorities responsible for the maintenance of law and order and the agencies of the Office of the Public Prosecutor;

Monitoring of the conduct of a full exchange of prisoners of war and other prisoners and the release of forcibly detained persons;

Adoption of a Reciprocal Pardon Act and drafting of an Amnesty Act to be adopted by the Parliament and the Commission on National Reconciliation;

Submission for consideration by Parliament of proposals regarding the date for the holding of elections to a new professional Parliament, to be

monitored by the United Nations and the Organisation for Security and Cooperation in Europe (OSCE), with the participation of the observer countries at the inter-Tajik talks.

IV. GUARANTEES OF SECURITY

8. The members of the Commission shall possess immunity. The Government of the Republic of Tajikistan and the United Tajik Opposition guarantee the security and immunity of members of the Commission in the discharge of their duties and in their free time. The members of the Commission may not be detained, arrested or tried for actions committed prior to their appointment to the Commission or for actions in connection with the discharge of their duties. The Government of the Republic of Tajikistan guarantees the inviolability of the office and residential accommodation in which the members of the Commission and their families will work and live.

In order to ensure the security of members of the Commission and their families, a special unit with a strength of up to 80 personnel comprising representatives of the Government and UTO, on a basis of parity, shall be established by the Government within the Ministry of Security.

V. LOCATION OF THE COMMISSION

9. The Commission shall be located in the capital of the Republic, Dushanbe.

VI. MATERIAL AND TECHNICAL SUPPORT FOR THE WORK OF THE COMMISSION

10. Expenses associated with the maintenance and work of the Commission (salaries, communications, transportation) shall be financed out of the State budget, special provision being made for this purpose.

VII. PROCEDURE FOR PUBLICIZING THE WORK OF THE COMMISSION

11. For purposes of facilitating the process of national reconciliation and creating an atmosphere of trust and mutual understanding, the press service of the Commission shall conduct press conferences and briefings and issue press releases and bulletins. The mass media of the Government of the Republic of Tajikistan and the United Tajik

Opposition shall regularly publicise the work of the Commission.

VIII. THE ROLE OF THE UNITED NATIONS AND OSCE IN PROMOTING THE WORK OF THE COMMISSION

12. In accordance with the Protocol signed in Moscow on 23 December 1996 by the President of the Republic of Tajikistan and the leader of the United Tajik Opposition, the work of the Commission shall be conducted in close cooperation with the United Nations Observer Mission and the OSCE Mission in Tajikistan. The Special Representative of the Secretary-General of the United Nations and the United Nations Observer Mission in Tajikistan shall render advisory assistance to the work of the Commission, and also such other assistance as may be provided for in its possible future mandates. Decisions of the Commission on issues related to the activity of the United Nations Observer Mission in Tajikistan shall be taken in consultation with the Special Representative of the Secretary-General.

E. Sh. Rakhmonov, President of the Republic of Tajikistan

S. A. Nuri, Leader of the United Tajik Opposition

G. D. Merrem, Special Representative of the United Nations Secretary-General for Tajikistan

Additional protocol to the protocol on the main functions and powers of the Commission on National Reconciliation, 21 February 1997

In the light of the problem which has arisen in the negotiations, and in order to ensure that the Commission on National Reconciliation starts to function as quickly as possible, the President of the Republic of Tajikistan, E. Sh. Rakhmonov, and the leader of the United Tajik Opposition, S. A. Nuri, following their meeting in Mashhad in the Islamic Republic of Iran on 20 and 21 February 1997, have decided as follows:

1. The words "in proportion to the representation of the parties in the

Commission on National Reconciliation" shall be omitted from the paragraph dealing with reform of the Government in the Protocol on the main functions and powers of the Commission on National Reconciliation dated 23 December 1996.

2. Thirty per cent of positions in executive structures, including ministries, departments, local authorities, and judicial bodies and law enforcement agencies, shall be assigned to representatives of UTO, the regional principle being taken into account.

3. The phrase "development of a mechanism for converting the military-political movements into political parties" in the Protocol on the main functions and powers of the Commission on National Reconciliation dated 23 December 1996 shall be deemed null and void from the date of signing of the Protocol on Military Issues, since this matter will be discussed under the heading of military issues.

Mashhad, 21 February 1997

E. Sh. Rakhmonov, President of the Republic of Tajikistan

S. A. Nuri, Leader of the United Tajik Opposition

G. D. Merrem, Special Representative of the United Nations Secretary-General for Tajikistan

Joint statement of 21 February 1997

We, Emomali Rakhmonov, the President of the Republic of Tajikistan, and Said Abdullo Nuri, Leader of the United Tajik Opposition, met in the city of Mashhad, Islamic Republic of Iran, on 20 and 21 February 1997 and discussed various issues relating to recent incidents in our country, Tajikistan. Following the signing of the Moscow Agreement and the establishment of the Commission on National Reconciliation, we came to realise that the enemies of peace and stability in Tajikistan are striving to impede its implementation. For, regrettably, there still exist individuals whose interests are served more in war than in peace. Taking the representatives of international organisations, government employees,

members of the opposition and correspondents hostage as well as acts of terrorism carried out by the Rezvon Sadirov Group are instances of such reprehensible acts which have damaged the credibility of our State, nation and Government. In the light of the fact that no individual or group should violate the inalienable rights of human beings, we condemn such acts. Today, once again we address ourselves to the world and to our own nation and hereby announce that the Government of Tajikistan and the United Tajik Opposition condemn the hostage taking and terrorism in whatever form it is manifested, and undertake to do our utmost to prevent the recurrence of such acts that may impede the efforts of the Commission on National Reconciliation. We hope that the Commission on National Reconciliation, along with the President and all government officials of Tajikistan, would soon restore the country to the conditions we wish for and that the independent Republic of Tajikistan would gain fame as one of the peace-loving countries. We invite all our dear compatriots, irrespective of their political views, to gain a clear understanding of our efforts in this respect and to assist us wholeheartedly.

E. Sh. Rakhmonov, President of the Republic of Tajikistan

S. A. Nuri, Leader of the United Tajik Opposition

21 February 1997, Mashhad

Protocol on military issues, 8 March 1997

In order to achieve peace and national reconciliation and form unified national armed forces and in accordance with the Protocol on the Basic Principles for Establishing Peace and National Accord in Tajikistan of 17 August 1995, the Moscow Agreements and Protocol of 23 December 1996 and the Statute of the Commission on National Reconciliation of 21 February 1997, the delegations of the Government of the Republic of Tajikistan and the United Tajik Opposition (hereinafter referred to as the Parties) have agreed on the following fundamental military issues:

I. GENERAL PROVISIONS

1. The reintegration, disarmament and disbandment of the armed units of the United Tajik Opposition as well as the reform of the governmental power structures of the Republic of Tajikistan shall be carried out during the transition period by the President of the Republic of Tajikistan and the Commission on National Reconciliation in close cooperation with the United Nations Mission of Observers in Tajikistan (UNMOT) and in accordance with the timetable set forth in paragraphs 5, 9 and 11 of this Protocol.

2. The practical implementation of the provisions of this Protocol shall be carried out by a subcommission on military issues of the Commission on National Reconciliation and also by a joint central review board established on the basis of parity.

3. The Government and the United Tajik Opposition shall exchange the necessary information concerning the reintegration of the Opposition's military units and the reform of the power structures of the Government of the Republic of Tajikistan.

4. Armed units which are not included in the information provided by the Parties shall be obliged to make themselves known to the subcommission on military issues of the Commission on National Reconciliation and provide it with the necessary information within two months from the date on which the Commission begins work. Armed units which do not cooperate in carrying out the provisions of this protocol shall be considered illegal and shall be subject to forcible disarmament.

II. THE REINTEGRATION, DISARMAMENT AND DISBANDMENT OF THE ARMED UNITS OF THE UNITED TAJIK OPPOSITION

5. The reintegration, disarmament and disbandment of the armed units of the United Tajik Opposition shall be carried out in stages.

(a) During the first stage, the United Tajik Opposition shall assemble its armed units in the assembly points agreed upon by the Parties in the Vanj, Garni, Djirgatal, Komsomolobod, Kofarnigan, Rushan, Tavildara and Tajikabad districts and the towns of Khorog and Magmurud in the Lenin

district, where personnel shall be registered and counted and given medical examinations. At the assembly points, an inventory shall be taken of weapons, military equipment and ammunition, which shall be stored in separate, securely guarded premises. This stage shall be carried out within two months of the date on which the Commission on National Reconciliation begins its work.

(b) During this stage, the armed units of the United Tajik Opposition situated in the territory of the Islamic State of Afghanistan, shall be transferred in stages to the territory of Tajikistan to previously determined assembly points from among those specified above through the Ishkashim and Nizhny Pyanj passage points. The armed units of the United Tajik Opposition shall cross the border without weapons or ammunition. With the consent of Afghan authorities, the subcommission on military issues of the Commission on national Reconciliation and UNMOT shall travel to the Islamic State of Afghanistan and draw up a register of the weapons and ammunition. The collective peacekeeping forces of the Commonwealth of Independent States (CIS) shall, under the supervision of UNMOT, accompany the personnel, weapons and ammunition to the assembly points, where the weapons and ammunition on the register shall be stored in separate, guarded premises. The base camps and training centres of the armed units of the United Tajik Opposition situated outside Tajikistan shall be dismantled and closed simultaneously with the transfer of the units referred to the assembly points in the territory of Tajikistan.

(c) During the second stage, no later than one month after the assembling of the armed units of the United Tajik Opposition in the assembly points has been completed, those units shall be made into corresponding units of the regular armed forces of Tajikistan. They shall take a military oath and shall be given new uniforms, be assigned to the corresponding governmental power structures of Tajikistan in separate units and be subordinated to the corresponding chain of command. The relevant laws and military regulations of Tajikistan shall apply to them. The leadership of

the United Tajik Opposition shall publicly announce the disbandment of its armed units.

(d) During the third stage, the Joint Review Board shall certify the personnel of the reintegrated units of the United Tajik Opposition, determining, on an individual basis, fitness for further military service and the nature of such service and shall also make recommendations for appointments to command positions. Persons who do not express the wish to continue service or who are found unfit for service for reasons of health or found to be incompetent and persons having a criminal record prior to May 1992 shall be demobilized and returned to civilian life.

(e) The measures provided for in the first, second and third stages of the reintegration of the armed units of the United Tajik Opposition into the power structures of the Government of Tajikistan shall be carried out within six months of the date on which the Commission on National Reconciliation begins its work.

(f) In the fourth stage of reintegration, the former units of the United Tajik Opposition will be completely merged with the governmental power structures. This process must be fully completed by the end of the transition period, i.e. before 1 July 1998.

6. The reintegrated units of the United Tajik Opposition shall be sent to their places of permanent assignment and quartered in separate barracks. A separate unit, the strength of which shall be determined by the President of Tajikistan and the United Tajik Opposition, shall be stationed in Dushanbe a week before the Commission on National Reconciliation begins its work.

7. Former members of the governmental power structures who were compelled to quit their posts because of the civil conflict and have expressed the wish to continue their service shall on the recommendation of the Joint Review Board be reinstated into their former or equivalent positions.

8. Persons who were members of the armed units of the United Tajik Opposition and expressed the wish to receive military training shall be afforded equally with other nationals

of Tajikistan the possibility of attending the relevant training institutions.

III. REFORM OF THE POWER STRUCTURES OF THE GOVERNMENT OF TAJIKISTAN

9. The reform of the power structures of the Government of Tajikistan shall take place on the basis of a re-evaluation of the personnel, including command personnel. This shall be conducted by the Joint Central Review Board within six months from the time when the Commission on National Reconciliation begins its work.

10. The Joint Central Review Board shall take its decisions on assignment to reserve status and reintegration into civilian life on the basis of three criteria: state of health, record of convictions prior to May 1992 and acknowledged professional unfitness.

11. Units formed by local authorities during the civil conflict (as civil defence forces, guard units, unsupervised formations, etc.) shall be disbanded within six months from the time when the Commission on National Reconciliation begins its work, and the formation of new units shall be halted. Persons expressing the wish to continue their service shall be integrated into the power structures of the Government of Tajikistan in accordance with the principles and procedures specified in paragraph 5 of the present Protocol. Members of these units not expressing the desire to continue their service, possessing a record of convictions prior to May 1992 or unfit for service on grounds of health shall be disarmed and reintegrated into civilian life.

IV. CONFIDENCE-BUILDING MEASURES

12. While the measures provided in the present Protocol are being implemented, the Government of Tajikistan and the United Tajik Opposition shall comply strictly with the provisions of the Tehran agreement and prevent any attempts to destabilise the situation in Tajikistan. At all stages of the reintegration of the governmental power structures, joint measures shall be taken to combat crime in the country. For purposes of building mutual trust during the first, second and third stages of reintegration, constant contacts shall

be established and maintained at the level of unit commanders, contacts among personnel shall be organised and special measures for joint training shall be conducted.

V. THE ROLE OF INTERNATIONAL ORGANIZATIONS

13. In order to ensure the full and effective implementation of the provisions of the present Protocol, the Parties request the United Nations, through its Observer Mission in Tajikistan, to monitor the process of implementation of the agreements indicated above, and to provide expert advisory assistance and good offices at all the stages specified in the present Protocol.

Talbak Nazarov, Head of the Delegation of the Government of the Republic of Tajikistan

Khoja Akbar Turajonzodah, Head of the Delegation of the United Tajik Opposition

Gerd Dietrich Merrem, Special Representative of the Secretary General of the United Nations for Tajikistan

Protocol on political issues, 18 May 1997

In order to achieve peace and national accord in the country and in accordance with the Protocol on the fundamental principles for establishing peace and national accord in Tajikistan, of 17 August 1995, and the Agreement and Protocol on the Basic Functions and Powers of the Commission on National Reconciliation, of 23 December 1996, which was signed by the President of the Republic of Tajikistan, E. Sh. Rakhmonov, and the leader of the United Tajik Opposition, S. A. Nuri, the delegations of the Government of the Republic of Tajikistan and the United Tajik Opposition (hereinafter referred to as "the parties"), in implementation of instructions by the President and the leader of the United Tajik Opposition, have drawn up and adopted the Statute on the Commission on National Reconciliation, which is an integral part of this Protocol. The Agreement and Protocol of 23 December 1996, which were signed in Moscow, are also an essential part of it. The parties also

reached agreement on the following basic political questions:

1. The President and the Commission on National Reconciliation shall adopt the reciprocal-pardon act as the first political decision to be taken during the initial days of the Commission's work. No later than one month after the adoption of the reciprocal-pardon act, the amnesty act shall be adopted.
2. The Central Electoral Commission on Elections and the Holding of a Referendum shall be established for a transitional period with the inclusion in its membership of 25 per cent of the representatives of the United Tajik Opposition and shall conduct the elections and referendum before the beginning of the work of the new professional Parliament and the establishment of the new Central Electoral Commission of the Republic of Tajikistan.
3. The reform of the Government shall be carried out by incorporating representatives of the United Tajik Opposition into the structures of the executive branch, including ministries, departments, local government bodies and judicial and law-enforcement bodies on the basis of a quota. The candidates put forward shall be appointed in accordance with a proposal by the United Tajik Opposition following consultations between the President and the Chairman of the Commission on National Reconciliation.
4. The bans and restrictions on activities by the political parties and movements of the United Tajik Opposition and the mass information media shall be lifted by the authorities of Tajikistan after the completion of the second phase of the implementation of the Protocol on Military Issues. The political parties and movements of the United Tajik Opposition shall function within the framework of the constitution and the laws in force of the Republic of Tajikistan and in accordance with the norms and guarantees set forth in the general agreement on the establishment of peace and national accord in the country.

E. Sh. Rakhmonov, President of the Republic of Tajikistan

S. A. Nuri, Leader of the United Tajik Opposition

G. D. Merrem, Special Representative of the United Nations Secretary-General for Tajikistan

18 May 1997

Bishkek memorandum, 18 May 1997

The President of the Republic of Tajikistan, E. Sh. Rakhmonov, and the leader of the United Tajik Opposition, S. A. Nuri, met from 16 to 18 May 1997 in the capital of the Republic of Kyrgyzstan, Bishkek, in order to conduct an in-depth discussion of the issues being considered within the framework of the inter-Tajik talks.

The President of the Republic of Tajikistan and the leader of the United Tajik Opposition, who are committed to the highest national interests of the Tajik people, unanimously agreed that the previous negotiation process and the agreements concluded during it constitute a solid basis for bringing the political situation in the Republic to the level of peaceful, creative development. In this context, the next serious step forward was taken in solving the problems on the agenda of the inter-Tajik talks – a protocol on political issues was signed, which includes agreements on such basic issues as the adoption of the reciprocal-pardon act and the amnesty act; the inclusion of 25 per cent of the representatives of the United Tajik Opposition as members of the Central Electoral Commission for a transitional period; reforming the Government by including Opposition representatives in it on the basis of a quota; lifting the bans on activities by the political parties and movements of the United Tajik Opposition and the mass information media after the completion of the second phase in the implementation of the Protocol on Military Issues. In the context of the provision of the Protocol on Military Issues, agreement was also reached on deploying in Dushanbe a contingent of the armed units of the United Tajik Opposition numbering 460 persons and also 40 persons to protect the members of the Commission on National Reconciliation.

The President of the Republic of Tajikistan and the leader of the United

Tajik Opposition agreed in subsequent talks held in Tehran and Moscow to solve the problem of exchanging prisoners of war and imprisoned persons in all its aspects and devise an appropriate mechanism for that purpose.

The President of the Republic of Tajikistan and the leader of the United Tajik Opposition agreed that, as a result of the Bishkek meeting, the obstacles that had arisen recently in the negotiation process had been eliminated and the prerequisites for successfully continuing the talks had been met. They agreed that the Commission on National Reconciliation would begin its work immediately after the signing of the general agreement on peace and national accord in Tajikistan.

The President of the Republic of Tajikistan, E. Sh. Rakhmonov, and the leader of the United Tajik Opposition, S. A. Nuri, and the Special Representative of the Secretary-General for Tajikistan, G. Merrem, expressed their profound appreciation to the President of the Kyrgyz Republic, A. Akaev, and the people of Kyrgyzstan for their hospitality and cordiality, the outstanding organisation of the talks and the active assistance provided for their fruitful completion.

E. Sh. Rakhmonov, President of the Republic of Tajikistan

S. A. Nuri, Leader of the United Tajik Opposition

G. D. Merrem, Special Representative of the United Nations Secretary-General for Tajikistan

18 May 1997

Protocol on the guarantees of implementation of the General Agreement on Establishment of Peace and National Accord in Tajikistan, 28 May 1997

Pursuant to the Protocol on the Main Principles of Establishment of Peace and National Accord in Tajikistan of 17 August 1995 and in order to ensure full and strict implementation of the General Agreement on Establishment of Peace and National Accord in

Tajikistan (hereinafter referred to as the General Agreement), which includes as its integral parts:

- Protocol on the Main Principles of Establishment of Peace and * National Accord in Tajikistan of 17 August 1995; * Protocol on Political Issues of 18 May 1997;
- Agreement between the President of the Republic of Tajikistan, Emomali Sharipovich Rakhmonov, and the Leader of the United Tajik Opposition, Said Abdullo Nuri, based on the results of their meeting in Moscow on 23 December 1996;
- Protocol on the Main Functions and Powers of the Commission on National Reconciliation of 23 December 1996;
- Charter of the Commission on National Reconciliation of 21 February 1997;
- Additional Protocol to the Protocol on the Main Functions and Powers of the Commission on National Reconciliation of 21 February 1997;
- Protocol on Military Issues of 8 March 1997;
- Protocol on Refugee-related issues of 13 January 1997

The delegations of the Government of the Republic of Tajikistan and of the United Tajik Opposition (UTO), in consultations with the Special Representative of the Secretary-General of the United Nations for Tajikistan and Representatives of the Organisation for Security and Cooperation in Europe (OSCE), the Organisation of the Islamic Conference (OIC), the Islamic State of Afghanistan, the Islamic Republic of Iran, the Republic of Kazakhstan, the Kyrgyz Republic, the Islamic Republic of Pakistan, the Russian Federation, Turkmenistan and the Republic of Uzbekistan agreed as follows:

1. The good will of the Government of the Republic of Tajikistan and the Leadership of the United Tajik Opposition (hereinafter referred to as the Parties) and their commitment to achieving peace and national accord in the country shall be considered as the most important guarantees of strict implementation of the General Agreement. In this context, the material guarantees shall be deemed to be the agreements laid down in the above-mentioned Protocols and Agreements, in particular, to establish the Commission on National

Reconciliation with equal representation of the Parties and headed by a representative of UTO; to reserve for representatives of the Opposition (UTO) thirty (30) per cent of posts in the executive power structures and twenty-five (25) per cent of seats in the Central Electoral Commission; to carry out the reintegration, disarmament and disbanding of the UTO armed units, as well as the reform of the power structures of the Republic of Tajikistan; to ensure the voluntary return, in safety and dignity, of all refugees and displaced persons to their homes; to provide amnesty for persons who took part in the civil conflict and political confrontation, as well as to lift the bans and limitations on the activities of political parties and movements that are part of UTO and on the mass media which shall function within the framework of the Constitution and effective laws of the Republic of Tajikistan, and in accordance with the norms and guarantees established in the General Agreement.

2. The parties agreed to request the United Nations to provide guarantees of implementation of the General Agreement through possible adoption by the Security Council of the United Nations of a new mandate of the United Nations Mission of Observers in Tajikistan (UNMOT) which would take into account the successful completion of the inter-Tajik talks and might provide for monitoring of the implementation of the General Agreement by the Parties, provision of expertise, consultations and good offices at all stages of its implementation and, possibly, other functions.

3. At the request of the Parties, the Governments of the Islamic State of Afghanistan, the Islamic Republic of Iran, the Republic of Kazakhstan, the Kyrgyz Republic, the Islamic Republic of Pakistan, the Russian Federation, Turkmenistan and the Republic of Uzbekistan agreed to act as political and moral guarantors of comprehensive and strict implementation of the General Agreement by the Parties. In this connection, it may be desirable to have periodic meetings of the Ministries for Foreign Affairs of the guarantor States in Dushanbe.

4. In order to monitor the implementation of the General Agreement by the Parties and to provide them with expertise, consultations and other good offices, the guarantor States agreed to establish, for the period of the implementation of the General Agreement, a Contact Group which shall be stationed in Dushanbe and shall consist of the ambassadors of the guarantor States accredited there or of specially appointed representatives. The Contact Group shall also include the Special Representative of the Secretary-General of the United Nations for Tajikistan, the head of the OSCE mission in Tajikistan and a representative of the Organisation of the Islamic Conference (OIC). With the consent of the guarantor States, OSCE and OIC, the Special representative of the Secretary-General of the United Nations for Tajikistan shall perform the functions of the Contact Group coordinator. Besides the above-mentioned monitoring and good offices, the Contact Group shall inform the Governments of the guarantor States, the Secretary-General of the United Nations through his Special Representative for Tajikistan and the decision-making bodies of the OSCE and OIC about any violations of the General Agreement by the Parties and shall forward recommendations on the ways of ensuring compliance. The Contact Group shall begin its work in Dushanbe concurrently with the commencement of the functioning of the Commission on National Reconciliation. Rules of procedure of the Contact Group shall be established by its members within one week following the beginning of its work.

5. OSCE, through its mission in Dushanbe, shall facilitate the implementation of the General Agreement in the areas related to the observance of human rights and the establishment of democratic political and legal institutions and processes in the Republic of Tajikistan.

The present Protocol has been executed in the Russian and English languages, both language versions being equally valid.

Talbak Nazarov, Head of the Delegation of the Government of the Republic of Tajikistan

Khoja Akbar Turajonzodah, Head of the Delegation of the United Tajik Opposition

Gerd Dietrich Merrem, Special Representative of the Secretary-General of the United Nations for Tajikistan.

Representative of the Organisation for Security and Cooperation in Europe; Representative of the Organisation of the Islamic Conference; For the Government of the Islamic State of Afghanistan; For the Government of the Islamic Republic of Iran; For the Government of the Republic of Kazakhstan; For the Government of the Kyrgyz Republic; For the Government of the Islamic Republic of Pakistan; For the Government of the Russian Federation; For the Government of Turkmenistan; For the Government of the Republic of Uzbekistan.

28 May 1997, Tehran

• The Republic of Uzbekistan signed later, in September 1997.

Tehran declaration, 28 May 1997

From 9 to 16 April and from 22 to 28 May 1997 the final round of the inter-Tajik negotiations on national reconciliation was held in Tehran under United Nations auspices. The delegation of the Republic of Tajikistan (RT) was headed by Mr. T. Nazarov, Minister of Foreign Affairs of the RT. The delegation of the United Tajik Opposition (UTO) was headed by Mr. A. Turajonzoda, First Deputy Leader of the UTO. Mr. G. Merrem, Special Representative of the United Nations Secretary-General for Tajikistan, served as mediator during the negotiations. Representatives of the Islamic State of Afghanistan, the Islamic Republic of Iran, the Republic of Kazakhstan, the Kyrgyz Republic, the Islamic Republic of Pakistan, the Russian Federation, Turkmenistan, the Republic of Uzbekistan, the Organisation for Security and Cooperation in Europe (OSCE) and the Organisation of Islamic Conference (OIC) took part in the negotiations as observers. The two stages of the final Tehran round of negotiations produced remarkable progress: agreement was reached on most of the provisions of the Protocol

on Political Issues which was signed at the meeting of President of the RT, E. Rakhmonov and the Leader of the UTO, A. Nuri in Bishkek on 18 May 1997, as well as the Protocol on the Guarantees of Implementation of the General Agreement on Establishment of Peace and National Accord in Tajikistan was agreed and signed.

The Protocol on the Guarantees registers an important agreement of the observer States at the inter-Tajik talks to act as political and moral guarantors of implementation of the General Agreement by the Tajik parties in a comprehensive manner and good faith. In this context, the Tajik parties expressed the desirability of meetings of the Ministers of Foreign Affairs in Dushanbe and agreed to include in the Protocol a provision about the establishment in Dushanbe of a Contact Group which would be made up of the Ambassador of the observer States accredited there or of Specially appointed representatives, as well as the Special Representative of the Secretary-General of the United Nations for Tajikistan, the Head of OSCE Mission in Tajikistan and a representative of the OIC. The Protocol on the Guarantees provides for an important role for the United Nations and the OSCE in the process of implementation of the General Agreement which is also regarded as a serious guarantee of its full implementation. At the same time, the delegations of the Government of the RT and the UTO expressed clearly their political position in the Protocol by having included a provision stating that the most important guarantees of implementation of the General Agreement were their good will and commitment to achieving peace and national accord in the country.

In view of the successful conclusion of the inter-Tajik negotiations on peace and national accord, the delegation of the UTO, in the course of the second stage of the Tehran round, raised an issue with regard to the future of the Collective Peace-keeping Forces of the Commonwealth of Independent States in Tajikistan, their role and functions. In this connection, the delegation of the Government of the RT stated that the consideration of these issues raised by the UTO delegation was beyond the

competence of the inter-Tajik talks.

In connection with the successful conclusion of the inter-Tajik negotiating process, the delegations of the Government of the RT and the UTO, as well as the Special Representative of the Secretary-General of the United Nations, note with profound satisfaction and sincere gratitude that since June 1994 the hospitable capital of Iran has hosted four rounds of the inter-Tajik talks and two full-fledged rounds of consultations with the participation of the delegations of both parties and the Special Representative of the Secretary-General of the United Nations. One can also hardly overstate the significance for the peace process of two meetings between President of the RT, E. Rakhmonov and the Leader of the UTO, A. Nuri that took place in July 1995 in Tehran and in February 1997 in Mashhad. On 17 September 1994 in Tehran visible advance towards peace and national accord in Tajikistan began when the two Tajik sides signed the Agreement on a Temporary Cease-fire and the Cessation of other hostile Acts on the Tajik-Afghan Border and within the country. Another important milestone was the signing in Tehran on 13 January 1997 of the Protocol on Refugee-related issues. Today's signing of the Protocol on the Guarantees concludes successfully the inter-Tajik negotiating process. In this context, the delegations of the Government of the RT and the UTO, as well as the Special Representative of the Secretary-General of the United Nations, express their heartfelt gratitude to the Government and the people of the Islamic Republic of Iran for their unflagging hospitality, assistance and support rendered in the course of a long and difficult search for the peace formula for Tajikistan. The sincere appreciation to the Islamic Republic of Iran is shared by the entire people of Tajikistan.

The delegations of the Government of RT and the UTO express their profound gratitude to the representatives of the observer States and observer international organisations at the inter-Tajik talks for the support given during the current round of negotiations and their agreement to act as political and moral guarantors of implementation of the General Agreement.

The delegations of the Government of RT and the UTO express their sincere appreciation to Mr. G. Merrem, Special Representative of the Secretary-General of the United Nations for his valuable and tireless efforts that facilitated the successful conclusion of the negotiations.

Talbak Nazarov, Head of the Delegation of the Government of the Republic of Tajikistan

Khoja Akbar Turajonzodah, Head of the Delegation of the United Tajik Opposition

Gerd Dietrich Merrem, Special Representative of the Secretary-General of the United Nations for Tajikistan
28 May 1997, Tehran

General Agreement on the Establishment of Peace and National Accord in Tajikistan, 27 June 1997

For the purpose of achieving peace and national accord in Tajikistan and overcoming the consequences of the civil war, inter-Tajik talks on national reconciliation have been conducted from April 1994 up until the present time under the auspices of the United Nations. In the course of eight rounds of talks between delegations of the Government of the Republic of Tajikistan and the United Tajik Opposition, hereinafter referred to as the Parties, six meetings between the President of Tajikistan and the leader of the United Tajik Opposition, and also three rounds of consultations between the delegations of the Parties, which took place in Almaty, Ashgabad, Bishkek, Islamabad, Kabul, Meshhed (Islamic Republic of Iran), Moscow, Tehran and Khusdekh (Afghanistan), protocols were agreed and signed which, together with the present document, constitute the General Agreement on the Establishment of Peace and National Accord in Tajikistan (the General Agreement). It includes the following documents:

- the Protocol on the Fundamental Principles for Establishing Peace and National Accord in Tajikistan of 17 August 1995;
- the Protocol on Political Issues of 18

May 1997 and the related Agreement between the President of Tajikistan, Emomali Sharipovich Rakhmonov, and the Leader of the United Tajik Opposition, Said Abdullo Nuri, on the results of the meeting held in Moscow on 23 December 1996; the Protocol on the Main Functions and Powers of the Commission on National Reconciliation of 23 December 1996; the Statute of the Commission on National Reconciliation, of 21 February 1997; the Additional Protocol to the Protocol on the Main Functions and Powers of the Commission on National Reconciliation, of 21 February 1997;

- the Protocol on Military Issues;
- the Protocol on Refugees of 13 January 1997;
- the Protocol on the Guarantees of Implementation of the General Agreement on the Establishment of Peace and National Accord in Tajikistan, of 28 May 1997.

The President of Tajikistan and the leader of the United Tajik Opposition have agreed that the signing of the present General Agreement marks the beginning of the phase of full and interconnected implementation of the agreements reached, which will put an end once and for all to the fratricidal conflict in Tajikistan, ensure mutual forgiveness and amnesty, return the refugees to their homes, and create the conditions for the democratic development of society, the holding of free elections and the restoration of the country's economy destroyed by the many years of conflict. The highest national priorities of the country are peace and the national unity of all nationals of Tajikistan, regardless of their ethnic origin, political orientation, religion or regional affiliation.

The President of Tajikistan and the leader of the United Tajik Opposition have agreed to request the Secretary-General of the United Nations to provide assistance and cooperation in the comprehensive implementation of the General Agreement. They have also agreed to request the Chairman-in-Office of the Organisation for Security and Cooperation in Europe (OSCE), the Organisation of the Islamic Conference (OIC) and the Governments of the guarantor States to provide cooperation in the implementation of the relevant provisions of the General Agreement.

The President of Tajikistan and the leader of the United Tajik Opposition have agreed to register the General Agreement with the United Nations Secretariat in accordance with Article 102 of the Charter of the United Nations.

E. Sh. Rakhmonov, President of the Republic of Tajikistan

S. A. Nuri, Leader of the United Tajik Opposition

G. D. Merrem, Special Representative of the United Nations Secretary-General for Tajikistan

27 June 1997, Moscow

Protocol on mutual understanding between the President of Tajikistan, E. Sh. Rakhmonov and the leader of the United Tajik Opposition, S. A. Nuri, 27 June 1997

The President of Tajikistan, E. Sh. Rakhmonov, and the leader of the United Tajik Opposition, S. A. Nuri, held a separate meeting in Moscow on 27 June 1997, to discuss issues associated with the strengthening of confidence-building measures between the Parties in the interests of advancing the process of national reconciliation in Tajikistan.

As a result of the meeting, the following agreements were reached:

- (1) To convene in Moscow by 7 July 1997 the first meeting of the Commission on National Reconciliation to discuss and transmit for consideration by the Parliament of Tajikistan the draft of the General Amnesty Act;
- (2) In implementation of the provisions of the Bishkek Memorandum of 18 May 1997 regarding solution of the problems of exchanging prisoners of war and imprisoned persons as an act of goodwill, to exchange by 15 July 1997 50 prisoners of war and 50 imprisoned persons, including all those detained since February 1997;
- (3) Firmly condemning terrorism and confirming that their positions regarding joint action to combat it remain unchanged, the Parties have

agreed that they will not use the existing known facts and suspicions to discredit one another politically.

(signed) *E. Sh. Rakhmonov, President of the Republic of Tajikistan*

(signed) *S. A. Nuri, Leader of the United Tajik Opposition*

In the presence of:

Special Representative of the Secretary-General of the UN for Tajikistan, Mr.

G. D. Merrem Minister of Foreign

Affairs of the Russian Federation, Mr.

E. M. Primakov Minister of Foreign

Affairs of the Islamic Republic of Iran,

Mr. A. A. Velayati

27 June 1997, Moscow

Moscow declaration, 27 June 1997

We, the President of Tajikistan, E. Sh. Rakhmonov, the Leader of the United Tajik Opposition, S. A. Nuri, and the Special Representative of the Secretary-General of the United Nations, G. D. Merrem, have signed today in Moscow the General Agreement on the Establishment of Peace and National Accord in Tajikistan. Thus, after five years of civil confrontation which became one of the most tragic pages in the centuries-long history of our country, the inter-Tajik talks on national reconciliation have been successfully concluded and the long-awaited day of the triumph of reason and hope for a peaceful future has dawned.

The President of Tajikistan and the Leader of the United Tajik Opposition express their sincere gratitude to the United Nations, under the auspices and with the mediation of which the negotiating process has been proceeding for the past three years. They express their conviction that the United Nations will provide Tajikistan with assistance and cooperation in the implementation of the agreements reached.

We are grateful to the observer countries at the inter-Tajik talks – Afghanistan, the Islamic Republic of Iran, the Republic of Kazakhstan, the Kyrgyz Republic, the Islamic Republic of Pakistan, the Russian Federation, Turkmenistan and Uzbekistan – for their cooperation in moving the talks forward and their all-round assistance

during the years of our people's ordeal. Agreement at the international level to guarantee the implementation of the Agreement strengthens our conviction that all the obligations it contains will be implemented in full within the agreed periods.

We greatly value the role of the Organisation for Security and Cooperation in Europe and the Organisation of the Islamic Conference in the inter-Tajik negotiating process, and express the hope that they too will provide cooperation in the implementation of the agreements reached.

We thank the Government of the Russian Federation and President B. N. Yeltsin personally for their great contribution to the Tajik settlement and their cooperation in the successful conduct of the present meeting in Moscow.

As we enter on the new responsible phase of giving effect to the provisions of the General Agreement, we proclaim once again our desire for the speediest possible attainment of peace and national harmony in Tajikistan.

E. Sh. Rakhmonov, President of the Republic of Tajikistan

S. A. Nuri, Leader of the United Tajik Opposition

G. D. Merrem, Special Representative of the United Nations Secretary-General for Tajikistan

27 June 1997, Moscow

Act on mutual forgiveness

In the name of our homeland, the Republic of Tajikistan, which is the successor of spiritual, moral and ethical traditions of a statehood developed by Tajiks throughout ages;

In the name of the revival and prosperity of our beloved country, its unity and territorial integrity, independence and freedom;

In memory of the pure souls of those who lost their lives;

In memory of the victims of the period of confrontation and armed fighting;

In the names of orphans and widows, fathers and mothers, and all those who lost their relatives and loved ones;

Taking into consideration the will of

the people for peace and national accord;

Aware of our historical responsibility for the past and present of our ancient country and with due respect for irrefutable rights and freedoms of each individual;

The President of the Republic of Tajikistan and the Commission on National Reconciliation adopt and proclaim this Act on Mutual Forgiveness.

We forgive all those who took up arms and fought against each other during the period of the military and political confrontation;

Let them forgive physical and spiritual wounds and offenses they inflicted on each other;

May people work together in order to repair the damage of the war, ensure adequate care to orphans, widows, disabled and elderly and, by doing this, restore the feeling of friendship and respect in the society;

May the wrath of the Almighty fall on those who will dare to take revenge or subject people to persecution in connection with the past conflict and may they be damned by the nation. Such persons will be brought before courts.

We condemn the use of mass media for the purpose of making appeals directed against reconciliation, as well as settling old scores and publicly accusing each other. From now on, the Government, the United Tajik Opposition parties and organisations, as well as other parties, movements and public organisations will be held responsible under the laws of the Republic of Tajikistan if they use force in order to settle political disputes. With the view to facilitate the implementation of the Act on Mutual Forgiveness, all prisoners of war will be released. Relevant documents will be adopted by the Commission on National Reconciliation and the Majlisi Oli (the Parliament) in order to ensure the freedom and security of those who participated in the political and military confrontation from 1992 up to the time of signing of the present Act.

(signed) *E. Sh. Rakhmonov, President of the Republic of Tajikistan*

(signed) *S. A. Nuri, Leader of the United Tajik Opposition*

Law on amnesty to the participants of the political and military confrontation in the republic of Tajikistan

With the view of implementing the General Agreement on Establishing Peace and National Accord in Tajikistan and in accordance with Article 7 of its Charter, the Commission on National Reconciliation decided:

1. To annul the convictions of those sentenced to imprisonment, regardless of their duration, and the convictions of those sentenced to other punishment who took part in the political and military confrontation from 1992 up to the time of adoption of the present Amnesty Act.
2. To discontinue all criminal cases under proceeding and investigation and cases not considered by courts, with regard to persons affected by Paragraph 1 of the current Act.
3. Criminal charges will not be brought against persons who committed crimes against the State during the political and military confrontation.
4. Persons accused of crimes envisaged by Articles 63, 74, 76, 96, 104, 105, 121, 240, 240-1, 241 of the Penal Code of the Republic of Tajikistan are not released from punishment and criminal charges. With regard to persons who took part in the political and military confrontation from 1992 up to the time of adoption of the present Act and committed crimes envisaged by the above mentioned articles of the Penal Code, Article 4 of the present Act will be applied on the basis of the proposals of the parties and the decision of the Commission on National Reconciliation.
5. An amnesty erases previous conviction record.
6. The present Act shall enter into force on the day of its publication and affects all persons sentenced by the courts of the Republic of Tajikistan or against whom legal actions were taken by investigating bodies of the country and shall be implemented within the period of four months.





Kyrgyz musical performance in the Pamir mountains

Source: Getty Images