

Peace Agreement Access Tool PA-X <https://pax.peaceagreements.org/>

Country/ entity	Tajikistan
Region	Europe and Eurasia
Agreement name	Agreement between the President of the Republic of Tajikistan, E.S. Rakhmonov, and the leader of the United Tajik-Opposition, S.A.Huri, on the Results of the Meeting held in Moscow on 23 December 1996
Date	23 Dec 1996
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/ conflict level	Intrastate/intrastate conflict (Tajikistani Civil War (1992 - 1997))
Stage	Pre-negotiation/process
Conflict nature	Government
Peace process	Tajikistan peace process
Parties	(Signed)Emomaii sharipovic RAKHMONOV, President of the Republic of Tajikistan Signed) G. MERREM, Special Representative of the United Nations Secretary General in Tajikistan (Signed) Said Abdullo Nuri, Leader of the United Tajik Opposition
Third parties	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 and 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 organizing the meeting in Moscow.

Description The agreement is composed of two documents (Annex 1 and Annex 2) The first Annex sets a timetable of 12-18 months for completing of Inter-Tajik talks, notes establishment of Commission on National Reconciliation (see Protocol below) and also the 'need to implement a universal amnesty and reciprocal pardoning of persons who took part in the military and political confrontation.' The second Annex establishes a Commission on National Reconciliation to (1) implement the agreements (2) create an atmosphere of trust and mutual forgiveness and (3) institute broad dialogue among the various political forces in the country. Specific tasks are assigned the commission, such as implementing measures for 'safe and appropriate' return of refugees, and designing proposals for amending legislation on political parties, movements and the mass media. The Commission is given the power to submit to referendum proposals for amendments and additions to the existing Constitution; to prepare a new law on elections; and to establish a transitional Central Commission on Elections and the Conduct of the Referendum.

Agreement document

[TJ_961223_AgreementBweenRakhmonovandHuri.pdf](#)  | [Download PDF](#)

Groups

Children/youth No specific mention.

Disabled persons No specific mention.

Elderly/age No specific mention.

Migrant workers No specific mention.

Racial/ethnic/national group No specific mention.

Religious groups No specific mention.

Indigenous people No specific mention.

Other groups No specific mention.

Refugees/displaced persons Groups→Refugees/displaced persons→Substantive Page 3, Annex 2:

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

...

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;

Social class No specific mention.

Gender

Women, girls and gender No specific mention.

Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum Page 3, Annex 2,

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;

State symbols No specific mention.

Independence/secession No specific mention.

Accession/unification No specific mention.

Border delimitation No specific mention.

Cross-border provision No specific mention.

Governance

Political institutions (new or reformed) Governance→Political institutions (new or reformed)→General references Page 3, Annex 2:
For these purposes, the Commission is assigned the tasks of:

...

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

...

Governance→Political institutions (new or reformed)→Temporary new institutions
Page 1-2, Annex 2:

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

...

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;

...

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 Organization for Security and Cooperation in Europe (OSCE), with the participation of the observer countries at the inter-Tajik talks.

Elections Page 4, Annex 2:

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

...

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 Organization for Security and Cooperation in Europe (OSCE), with the participation of the observer countries at the inter-Tajik talks.

Electoral commission Page 1-2, Annex 2:

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

...

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;

Political parties reform Governance→Political parties reform→Other political parties reform Page 3, Annex 2:

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

...

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

Civil society [The Commission is to develop proposals for amending the legislation on the functioning of political parties and movement and the mass media; The commission is to submit to a nationwide referendum of proposals for amendments and additions to the existing constitution]

Page 3, Annex 2:

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

...

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

Traditional/
religious
leaders No specific mention.

Public
administration No specific mention.

Constitution Governance→Constitution→Constitutional reform/making
Page 3, Annex 2:

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;

Power sharing

Political power sharing	Power sharing→Political power sharing→General State level Page 3-4, Annex 2: During the transition period the President and the Commission on National Reconciliation will exercise the following functions and powers: ... 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;
Territorial power sharing	No specific mention.
Economic power sharing	No specific mention.
Military power sharing	No specific mention.

Human rights and equality

Human rights/RoL general	No specific mention.
Bill of rights/similar	No specific mention.
Treaty incorporation	No specific mention.

Civil and political rights No specific mention.

Socio-economic rights No specific mention.

Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication Rights related issues→Media and communication→Media roles Page 3, Annex 2:

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

...

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

Mobility/access No specific mention.

Protection measures No specific mention.

Other No specific mention.

Rights institutions

NHRI No specific mention.

Regional or international human rights institutions No specific mention.

Justice sector reform

Criminal justice and emergency law No specific mention.

State of emergency provisions No specific mention.

Judiciary and courts Page 3-4, Annex 2:

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

...

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;

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction No specific mention.

National economic plan No specific mention.

Natural resources No specific mention.

International funds No specific mention.

Business No specific mention.

Taxation No specific mention.

Banks No specific mention.

Land, property and environment

Land reform/ rights No specific mention.

Pastoralist/ nomadism rights No specific mention.

Cultural heritage No specific mention.

Environment No specific mention.

Water or riparian rights or access No specific mention.

Security sector

Security Guarantees No specific mention.

Ceasefire Security sector→Ceasefire→Ceasefire provision
Page 1, Annex 1, para 7

From the date of signature of the present (sic) Agreement, to proclaim a ceasefire and the cessation of other hostile activities for the entire period of the Inter-Tajik talks;

Police Page 3-4, Annex 2:

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

...

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;

Armed forces No specific mention.

DDR	<p>Security sector→DDR→DDR programmes Page 3-4, Annex 2:</p> <p>During the transition period the President and the Commission on National Reconciliation will exercise the following functions and powers:</p> <p>...</p> <p>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;</p>
Intelligence services	No specific mention.
Parastatal/ rebel and opposition group forces	<p>Page 4, Annex 2:</p> <p>During the transition period the President and the Commission on National Reconciliation will exercise the following functions and powers:</p> <p>...</p> <p>Development of a mechanism for converting the military-political movements into political parties;</p>
Withdrawal of foreign forces	No specific mention.
Corruption	No specific mention.
Crime/ organised crime	No specific mention.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general No specific mention.

Amnesty/pardon Transitional justice→Amnesty/pardon→Amnesty/pardon proper
Page 1, Annex 1, para 5

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;

Page 2, Annex 2:

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

...

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

Courts No specific mention.

Mechanism No specific mention.

Prisoner release Page 3, Annex 2, para 6

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;

Page 4, Annex 2:

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

...

Monitoring of the conduct of a full prisoners and forcibly detained persons;

Vetting No specific mention.

Victims No specific mention.

Missing persons No specific mention.

Reparations No specific mention.

Rearing (sic) in mind that the signatures of the present Agreement marks the beginning of a qualitatively now (sic) 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 are to begin in Tehran on 5 January 1997, the quantitative and personal composition of the Commission and Its specific functions and powers;

Page 3, Annex 2, para 1:

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. S. 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.

Page 3, Annex 2, para 2:

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

Page 4, Annex 2:

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

...

Decisions 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.

Implementation

UN signatory (Signed) G. D MERREM, Special Representative of the United Nations Secretary-General in Tajikistan

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism Page 1, Annex 1, para 3

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;

Page 3, Annex 2:

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;

Commission to devise monitoring mechanism and monitoring compliance by the parties with the agmts on the establishment of peace and national ccod in the country jointly with the other organs established for the purpose. UN and OSCE to monitor new elections to parl, with participation of other oberver countries. The activites of the Commission to be conducted in close cooperation with UN mission and the OSCE mission

Related cases No specific mention.

Source Open Society Foundations:

<http://www.soros.org/>