

Country/entity	Tajikistan
Region	Europe and Eurasia
Agreement name	Statute of the Commission on National Reconciliation
Date	21 Feb 1997
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/conflict level	Intrastate/intrastate conflict
	Tajikistani Civil War (1992 - 1997)
	<p>Ethnic marginalization formed a key feature in the Tajikistani Civil war when liberal democrat and Islamic groups from the Garm and Gorno-Badakhshan took up arms against the government of President Rahmon Nabyev. Members of Nabyev's government were predominantly from the regions of Leninabad and Kulyab. Anti-government protestors took to the street following the 1991 presidential elections, which caused the government to hand out arms to pro-government militias. Following clashes, anti-government factions captured the President and forced him to resign at gun-point. A new government under the Kulyabi native, Emomali Rahmonov, who fended off democratic and Islamist militias. Eventually, with support from Islamist factions in Afghanistan, the opposition united under the United Tajik Opposition umbrella. In 1994, the UN deployed a peacekeeping force to monitor the 1994 ceasefire agreement. A peace agreement was signed in 1997 and completely removed the Leninabad 'old guard' from power.</p> <p>Close</p> <p>Tajikistani Civil War (1992 - 1997)</p>
Stage	Implementation/renegotiation
Conflict nature	Government
Peace process	Tajikistan peace process
Parties	<p>(Signed) E. RAKHMONOV, President of the Republic of Tajikistan</p> <p>(Signed) S. A. NURI, Leader of the United Tajik Opposition</p>
Third parties	(Signed) G. MERREM Special Representative of the Secretary-General of the United Nations
Description	Agreement establishing transitional implementation mechanism, setting out its composition, functions, and powers.

Agreement document	TJ_970221_StatuteCommissionNationalReconciliation.pdf (opens in new tab) Download PDF
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Groups

Children/youth	No specific mention.
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Disabled persons	No specific mention.
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Elderly/age	No specific mention.
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Migrant workers	No specific mention.
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Racial/ethnic/ national group	No specific mention.
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Religious groups	No specific mention.
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Indigenous people	No specific mention.
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Other groups	No specific mention.
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Refugees/displaced persons	Groups→Refugees/displaced persons→Substantive Page 3, Annex I, II. COMPOSITION OF THE COMMISSION AND PROCEDURAL ASPECTS OF ITS ACTIVITY
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5. The Commission shall comprise four subcommissions:

...

(c) On refugee issues;

Page 3, ANNEX I, III. FUNCTIONS AND POWERS OF THE COMMISSION,

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

...

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;

Social class	No specific mention.
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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 I, III. FUNCTIONS AND POWERS OF THE COMMISSION,

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

...

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;

...

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.

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 I, III. FUNCTIONS AND POWERS OF THE COMMISSION,

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

...

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

...

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;

Elections

Page 3, ANNEX I, III. FUNCTIONS AND POWERS OF THE COMMISSION,

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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;

Page 4, ANNEX I, III. FUNCTIONS AND POWERS OF THE COMMISSION,

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

...

During the transition period, the President and 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 3, ANNEX I, III. FUNCTIONS AND POWERS OF THE COMMISSION,

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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;

Page 4, ANNEX I, III. FUNCTIONS AND POWERS OF THE COMMISSION,

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During the transition period, the President and 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.

**Political parties
reform**

Governance→Political parties reform→Other political parties reform

Page 3: III. FUNCTIONS AND POWERS OF THE COMMISSION

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

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

Civil society

Page 3, ANNEX I, III. FUNCTIONS AND POWERS OF THE COMMISSION,

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

...

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

Page 6, ANNEX II:

In the light of the problems which have 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. S. Rakhmonov, and the leader of the United Tajik Opposition (UTO), S. A. Nuri, following their meeting in Mashhad in the Islamic Republic of Iran on 20 and 21 February 1997, have decided as follows:

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.

**Traditional/
religious leaders**

No specific mention.

**Public
administration**

No specific mention.

Constitution

Governance→Constitution→Constitutional reform/making
Page 3, ANNEX I, III. FUNCTIONS AND POWERS OF THE COMMISSION,

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...

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;

Power sharing

Political power sharing

Power sharing→Political power sharing→Executive coalition
State level

Page 6, ANNEX II,

In the light of the problems which have 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. S. Rakhmonov, and the leader of the United Tajik Opposition (UTO), S. A. Nuri, following their meeting in Mashhad in the Islamic Republic of Iran on 20 and 21 February 1997, have decided as follows:

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.

Power sharing→Political power sharing→Other

State level

Page 2, Annex I, 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.

Page 3, ANNEX I, III. FUNCTIONS AND POWERS OF THE COMMISSION,

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

...

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

...

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;

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 [Page, 7, Annex III: the parties condemn the violation of "inalienable rights of human beings".]

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→Governance of media
Page 3, ANNEX I, III. FUNCTIONS AND POWERS OF THE COMMISSION,

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

...

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

Rights related issues→Media and communication→Media roles

Page 5, ANNEX I, 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 publicize the work of the Commission.

Mobility/access Page 3, ANNEX I, III. FUNCTIONS AND POWERS OF THE COMMISSION,

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

...

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;

...

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 I, III. FUNCTIONS AND POWERS OF THE COMMISSION

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

...

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;

Page 4, Annex I, III. FUNCTIONS AND POWERS OF THE COMMISSION

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

...

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;

Prisons and detention

No specific mention.

Traditional Laws

No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction	<p>Socio-economic reconstruction→Development or socio-economic reconstruction→Humanitarian assistance</p> <p>7. The Commission shall have the following functions and powers:</p> <p>...</p> <p>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;</p> <p>Socio-economic reconstruction→Development or socio-economic reconstruction→Infrastructure and reconstruction</p> <p>7. The Commission shall have the following functions and powers:</p> <p>...</p> <p>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;</p>
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 No specific mention.

Police Page 3-4, ANNEX I, III. FUNCTIONS AND POWERS OF THE COMMISSION,

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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;

Page 4, Annex I, III. FUNCTIONS AND POWERS OF THE COMMISSION

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...

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;

Armed forces No specific mention.

DDR

Security sector→DDR→DDR programmes

Page 4, ANNEX I, III. FUNCTIONS AND POWERS OF THE COMMISSION,

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

...

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;

Intelligence services

No specific mention.

Parastatal/rebel and opposition group forces

No specific mention.

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 general	No specific mention.
Amnesty/pardon	<p>Transitional justice→Amnesty/pardon→Amnesty/pardon proper Page 4, ANNEX I, III. FUNCTIONS AND POWERS OF THE COMMISSION,</p> <p>7. The Commission shall have the following functions and powers:</p> <p>...</p> <p>During the transition period, the President and Commission on National Reconciliation will exercise the following functions and powers:</p> <p>...</p> <p>Adoption of a Reciprocal Pardon Act and drafting of an Amnesty Act to be adopted by the Parliament and the Commission on National Reconciliation;</p>
Courts	No specific mention.
Mechanism	No specific mention.
Prisoner release	<p>Page 4, ANNEX I, III. FUNCTIONS AND POWERS OF THE COMMISSION,</p> <p>7. The Commission shall have the following functions and powers:</p> <p>...</p> <p>During the transition period, the President and Commission on National Reconciliation will exercise the following functions and powers:</p> <p>...</p> <p>Monitoring of the conduct of a full exchange of prisoners of war and other prisoners and the release of forcibly detained persons;</p>
Vetting	No specific mention.
Victims	No specific mention.
Missing persons	No specific mention.

Reparations No specific mention.

Reconciliation Page 2, ANNEX I, I. GENERAL PROVISIONS

1. The President of the Republic of Tajikistan, E. S. 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 a 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.

Page 5, ANNEX I, 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 publicize the work of the Commission.

Implementation

UN signatory Signed by G. D. MERREM?, Special Representative of the Secretary-General of the United Nations.

Other international signatory No specific mention.

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism No specific mention.

Related cases No specific mention.

Source UN Peacemaker:

 <http://peacemaker.un.org/>
