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|---------------------------------|--|
| 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)) |
| Stage | Implementation/renegotiation |
| Conflict nature | Government |
| Peace process | Tajikistan peace process |
| Parties | (Signed) E. RAKHMONOV, President of the Republic of Tajikistan (Signed) S. A. NURI, Leader of the United Tajik Opposition |
| 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](#)  | [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 I, II. COMPOSITION OF THE COMMISSION AND PROCEDURAL ASPECTS OF ITS ACTIVITY

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.

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.

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,

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;

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,

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;

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.

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,

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;

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

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 Socio-economic reconstruction→Development or socio-economic reconstruction→Humanitarian assistance
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;

Socio-economic reconstruction→Development or socio-economic reconstruction→Infrastructure and reconstruction

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;

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,

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;

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;

Armed forces No specific mention.

DDR Security sector→DDR→DDR programmes
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:

...

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

Transitional
justice
general

No specific mention.

Amnesty/
pardon

Transitional justice→Amnesty/pardon→Amnesty/pardon proper
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:

...

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

| | |
|------------------|---|
| 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. |

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/>
