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INTERIM REPORT OF THE SECRETARY-GENERAL ON THE SITUATION IN TAJIKISTAN

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1240 (1999) of 15 May 1999. It brings up to date developments in Tajikistan and the activities of the United Nations Mission of Observers in Tajikistan (UNMOT) since my last report of 6 May 1999 (S/1999/514).

II. MAIN DEVELOPMENTS

2. During the reporting period, the Government of Tajikistan and the United Tajik Opposition (UTO) made good progress in the implementation of key provisions of the General Agreement on the Establishment of Peace and National Accord in Tajikistan. The parties reached agreement on the proposed amendments to the Constitution, and a decision was taken by the Parliament at its special session of 30 June to hold a referendum on the amendments on 26 September. On 3 August, UTO officially declared the disbandment of its armed forces, marking the completion of the second stage of the military protocol.

3. Progress on these and other issues was achieved after a prolonged stalemate between the two parties which lasted through the month of May until mid-June. Expressing widespread dissatisfaction within UTO, Mr. Abdullo Nuri, UTO leader and Chairman of the Commission on National Reconciliation (CNR), on 5 May addressed a letter to Mr. Ján Kubiš, my Special Representative, expressing concern over the numerous unresolved problems in the peace process, notably the rejection by President Emomali Rakhmonov of the proposed constitutional amendments, the failure to grant amnesty to former UTO fighters and supporters, and the slow pace of power-sharing, including the Government's unwillingness to appoint a UTO representative to the defence portfolio.

4. My Special Representative took immediate steps to resolve the crisis, concentrating on the resumption of the dialogue between the two parties. Following the appointment of Mr. Kubiš as Secretary-General of the Organization for Security and Cooperation in Europe (OSCE) and his departure from Tajikistan in mid-June, this effort was continued by Mr. Paolo Lembo, the Acting Special Representative, and Mr. Yogesh Saksena, the Head of Civil Affairs of UNMOT. The

members of the Contact Group of guarantor States and international organizations supported those efforts. As the Government and UTO continued to exchange public accusations, the negative atmosphere resulted in some clashes on the ground between government servicemen and opposition fighters, and among opposition fighters belonging to different groups. The incidents were contained and resolved with the cooperation of the parties.

5. The situation was eased somewhat on 12 May, by a statement of support for the peace process by UTO leaders and field commanders. On 14 May, at a special session of the Parliament, an Amnesty Act was adopted which granted amnesty to over 5,000 UTO fighters who had registered at various assembly areas during 1998 and were subject to investigation by law enforcement bodies for acts committed during the civil war. The new Act complemented the Law on Amnesty adopted in 1997 in accordance with the General Agreement. However, it did not meet one of UTO's demands, namely the amnesty of 93 UTO supporters charged with criminal offences. On 24 May, UTO suspended its participation in the work of CNR. The following day, President Rakhmonov met with the Contact Group to present his position, pointing out a number of provisions of the General Agreement which remained unfulfilled by UTO.

6. On 3 June, the Contact Group issued a statement expressing concern over the suspension of the work of CNR. On 7 June, the parties agreed to form a joint working group as a step towards resuming the dialogue and to resolve the outstanding issues between them. The group was also to prepare for a meeting between President Rakhmonov and Mr. Nuri. UNMOT was invited to observe the meetings and played an active role in resolving the differences between the two sides.

7. After several days of intense negotiations, on 16 June, the working group reached agreement on a text comprising a list of tasks which were to be implemented and a time-frame for their completion. On 17 June, Mr. Nuri met with President Rakhmonov to discuss the text, which was then signed as a formal protocol. The following day, on 18 June, CNR resumed its work with the full participation of UTO.

8. Following the signing of the 17 June protocol, progress was made on a number of key issues, including the agreement on proposed constitutional amendments and the Parliament's decision to put them to a referendum on 26 September. The proposed changes are to be submitted to the electorate as a whole and include: (a) the establishment of a two-chamber Parliament (article 54); (b) the election of members of the lower chamber on the basis of equal, direct and secret vote (article 49); (c) the election of 75 per cent of the upper chamber by indirect vote through the local parliaments, with the remaining 25 per cent to be appointed by the President (article 49); (d) the establishment of a judicial council which shall participate in appointing and dismissing judges at various levels; (e) a decision to expressly permit the functioning of religion-based political parties (article 28); (f) and the extension of the term of the President from five to seven years with no possibility for re-election (article 65). The President and CNR agreed to maintain the existing system of appointments to chief executives of districts and to address electoral matters in a new electoral law which will be submitted for Parliament's approval in due course, after the referendum.

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9. Since the signing of the protocol, 12 members of UTO were appointed to government posts, bringing the total to 33. The Parliament, at its special session on 30 June, approved the elevation of the Committee on Emergency Situations to a full ministry. UTO's candidate for the defence portfolio, its military Chief of Staff and commander of the Tavildara district, was appointed to head the new ministry. This decision removed one of the most contentious issues relating to appointments, and an obstacle to the attestation and integration of opposition fighters in Tavildara and neighbouring Darband (Komsomolobad), which was completed shortly thereafter.

10. The process of allocating local government posts to UTO in accordance with the 30 per cent quota was also initiated. President Rakhmonov and Mr. Nuri agreed that, as an initial step, executive positions of 22 towns and districts would be allocated to the Opposition. During the course of several meetings devoted to this issue, Mr. Nuri forwarded the names of candidates, and the President has begun the approval process. To date, 11 UTO representatives have been appointed as district chairmen by presidential decree.

11. On the issue of amnesty, a two-member CNR panel was established to review 58 of the 93 cases of UTO supporters currently in prison under criminal charges. A recommendation was made to release 47 of these supporters. This is still pending.

12. At its 30 June session, Parliament also approved the nomination of four UTO members to the Central Commission on Elections and Referendums, in accordance with the 25 per cent quota stipulated in the General Agreement. UTO is seeking the appointment of one of its representatives as Deputy Chairman of the Commission, as well as a 25 per cent representation in local electoral bodies. This is still pending. UNMOT has suggested that the Commission consider inviting neutral monitors to observe its proceedings, in order to enhance the body's credibility with the electorate.

13. A two-person team has been tasked by the Chairman of CNR to begin drafting an electoral law. The team is working with a legal expert from OSCE. As planned, a first team of electoral experts from UNMOT and from the OSCE Office for Democratic Institutions and Human Rights carried out a joint preliminary assessment from 21 to 28 May. From 24 July to 6 August, a second team of United Nations and OSCE experts visited Tajikistan to evaluate conditions pertaining to voter education and information, freedom of expression and equitable access to media, registration of parties and candidates, and deployment of domestic/party agents to monitor the ballots. That mission has just been completed. A third team is scheduled to travel to Tajikistan in due course, after which a decision is to be taken regarding the involvement of the two organizations in the parliamentary elections. The previously reported dispute between the Tajik Government and UTO over the sequence of elections was resolved, with UTO accepting the holding of presidential elections before parliamentary elections (see S/1999/514, para. 7). (President Rakhmonov's five-year term expires on 6 November; the term of the current Parliament expires in February 2000.)

14. The public declaration by UTO on the disbandment of its armed forces on 3 August was endorsed by CNR in a resolution adopted the same day. The declaration opened the way for the legalization of UTO political parties banned

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by the Government following the civil conflict in 1993. The Chairman of the CNR Military Subcommission reported that 2,400 former opposition fighters had decided to return to civilian life, while 4,275 are currently in the process of reintegration into the government power structures.

15. During the reporting period, job creation projects for former UTO fighters were launched in six districts in the Karategin valley, namely Darband (Komsomolobad), Tavildara, Garm, Tajikabad, Hoit and Jirgatal. They are being implemented by the United Nations Office for Project Services. The projects, which were developed in close consultation with the local communities, involve mainly the rehabilitation of public facilities and infrastructure. They will provide work for about 700 former fighters, 50 war widows and 170 specialists for an average period of five months. Agreement has also been reached on work plans that would double these figures. The further expansion of the projects into other areas is foreseen. The current phase of the work is funded by grants from Norway and the United States of America, through the United Nations Development Programme. Pledges have also been received from Canada and the European Commission.

16. The humanitarian situation remained precarious during the reporting period, with large segments of the population receiving some form of assistance. Humanitarian needs remained greatest in Karategin valley, Leninabad Province and Gorno-Badakshan Province. Despite the importance of humanitarian operations in contributing to peace and stability, donor response to the 1999 Consolidated Inter-Agency Appeal remained disappointing, with only 40 per cent of requirements pledged. In late July, a mid-year review of the 1999 Appeal was submitted to donors. The review identified 10 priority projects totalling US\$ 13,510,348 which required urgent funding to ensure basic humanitarian coverage until the end of 1999.

17. The Contact Group remained actively involved in the peace process, holding joint sessions with CNR as well as several extraordinary sessions to monitor developments and assist the parties in resolving stalemates. The Group issued a number of press releases to publicize its views. In early August, Uzbekistan resumed its participation in the Contact Group for the first time since November 1998, when it had recalled its chargé d'affaires from Dushanbe on grounds of security.

18. UNMOT reopened its field office in Khorog on 1 June, and in Khujand on 21 June. It continued to observe stringent security measures both in Dushanbe and in the field.

III. OBSERVATIONS

19. There has been significant progress in the implementation of the General Agreement by the Government of Tajikistan and the United Tajik Opposition. Major obstacles which had held the process back for more than one year were removed. UTO's formal declaration concerning the disbandment of its armed forces opens the way for the legalization of UTO political parties and their full participation in the political process. It is now time for the Government

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and UTO to broaden the dialogue to other parties and groups so as to encompass the full spectrum of Tajik society.

20. Tajikistan is facing three important ballots: the referendum on constitutional amendments on 26 September, and presidential and parliamentary elections by 6 November 1999 and February 2000, respectively. The United Nations and OSCE have agreed on a joint approach to the parliamentary elections and are in close touch concerning the modalities of their cooperation. The involvement of the United Nations in that election will be dependent entirely on voluntary contributions, and I will be approaching Governments with concrete proposals on this subject.

21. Finally, I should like to thank Mr. Ján Kubiš for his active and dedicated efforts as my Special Representative, and for the important contribution he has made to the work of the Organization in Tajikistan.

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