

**Ceasefires and Peace
Agreements in Eastern
Europe, the Caucasus
and Central Asia:
ASSESSING THE INCLUSION
OF SECURITY-SECTOR REFORM
PROVISIONS**

About DCAF

DCAF - Geneva Centre for Security Sector Governance is dedicated to improving the security of states and their people within a framework of democratic governance, the rule of law, respect for human rights, and gender equality. Since its founding in 2000, DCAF has contributed to making peace and development more sustainable by assisting partner states, and international actors supporting these states, to improve the governance of their security sector through inclusive and participatory reforms. It creates innovative knowledge products, promotes norms and good practices, provides legal and policy advice and supports capacity-building of both state and non-state security sector stakeholders.

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DCAF - Geneva Centre for Security Sector Governance

Maison de la Paix

Chemin Eugène-Rigot 2E

CH-1202 Geneva, Switzerland

Tel: +41 22 730 94 00

info@dcaf.ch

www.dcaf.ch

Twitter: @DCAF_Geneva

Authors: Dr Grazvydas Jasutis, Rebecca Mikova, Richard Steyne

Copy-editor: Aravis Global Advisors

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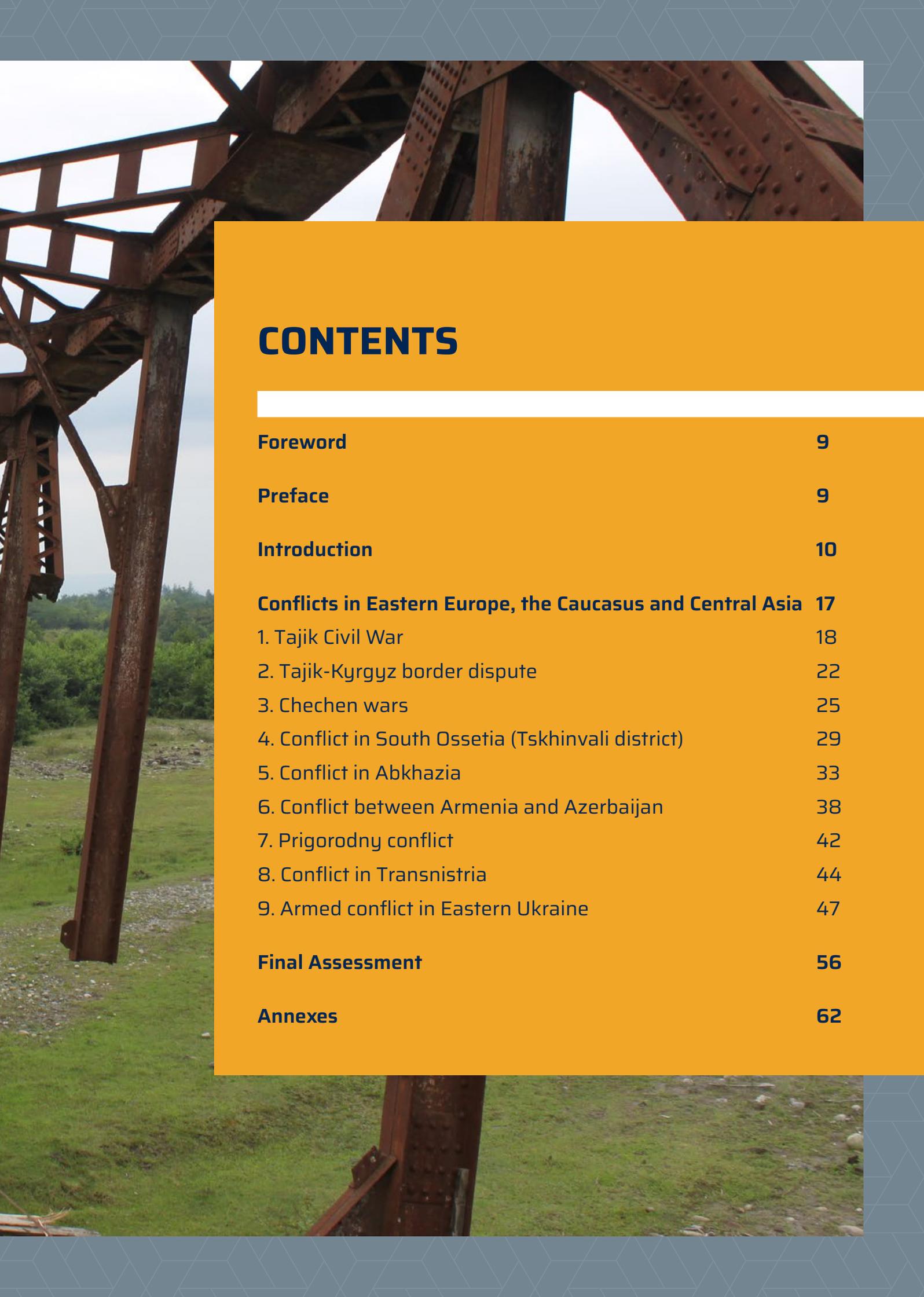
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FOREWORD

Thomas Guerber, Director, Geneva Centre for Security Sector Governance

Fluctuating geopolitics, rising authoritarianism, growing inequality, threats to human rights, and emboldened nationalism and populism continue to transform interstate dynamics and, in some cases, threaten democratic progress. Against this backdrop, DCAF believes that good security sector governance is a prerequisite for achieving peace and security, and that such needs are particularly acute in fragile contexts where the risk of conflict is high. For these reasons, DCAF's Strategy for 2020-24 includes an objective on enhancing engagement in fragile and conflict-affected contexts. In pursuit of this objective, DCAF has begun exploring the role of security sector reform provisions in peace agreements and ceasefires. As the Director of DCAF, I am extremely proud to present this study – the first to comprehensively map the inclusion of security sector reform provisions in peace agreements and ceasefires in Eastern Europe, Central Asia and the Caucasus from the period 1991-2021.

The study is the first to include local-level ceasefires, and peace agreements and ceasefires resulting from both intra-state and inter-state conflicts. It is also the first to focus exclusively on Eastern Europe, Central Asia and the Caucasus. The study employs an innovative security sector reform index, which separates security sector reform provisions into sectorial components, and disaggregates these, in turn, into additional clusters. In such a way, the authors have been able to provide detailed qualitative data on both the extent to which security sector reform provisions have been included in peace agreements and ceasefires, and the exact nature of such provisions. It also includes an annex which contains the text of all 51 peace agreements and ceasefires examined below, some of which have never been published before. To this end, I sincerely hope that the present study will provide a unique resource for security sector reform practitioners, conflict analysts, and those more broadly interested in the role that security sector reform can play in preventing the reoccurrence of conflict.

PREFACE

Darko Stancic, Assistant Director & Head of Operations Europe and Central Asia, Geneva Centre for Security Sector Governance

Covering nearly one sixth of the Earth's land surface, the Soviet Union's successor states continue to grapple with the political, economic and security effects of the collapse of the Soviet Union. Encompassing 15 States in total, these effects can be witnessed in the number of unresolved disputes in the region. From inter-communal violence in the Fergana Valley, to secessionist movements in Eastern Europe, to inter-state clashes in the Caucasus, these ongoing disputes continue to challenge the efforts of academics, researchers and practitioners working to advance peace, justice and security in the region. As the Assistant Director of DCAF – Geneva Centre for Security Sector Governance, and the Head of Operations Europe and Central Asia, it, therefore, brings me great pleasure to present this study on security sector reform, peace agreements and ceasefires.

The study examines a total of 51 peace agreements and ceasefires from the period 1991-2021. It provides a short chronology of the conflicts or disputes preceding each peace agreement or ceasefire. It then measures the extent to which security sector reform provisions relating to defence, justice, law-enforcement and intelligence are included in these peace agreements and ceasefires. As such, it provides: a valuable resource for analysing the role of security sector reform provisions in peace agreements and ceasefires; and a solid research basis for those interested in examining the effects of the inclusion of security-sector reform provisions on the efficacy of peace agreements and ceasefires.

INTRODUCTION

In recent years, conflict-resolution researchers and practitioners have come to accept the importance of addressing security issues in peace processes: in large part from the experience of the United Nations in mediating peace agreements. Indeed, it is now widely acknowledged that without addressing long-term structural issues and grievances resulting from the inequitable provision of security, peace agreements may fail to prevent the reoccurrence of conflict.¹ For these reasons, theorists contend that peace agreements must, inter alia, address the requirements of effective and accountable security, and take into account, too, the security needs of marginalised and vulnerable groups.²

The important role that security-sector reform provisions (SSRPs) play in supporting the outcome or the implementation of peace negotiations is, as noted, widely accepted. However, little research has been conducted into what extent peace agreements are actually incorporated into SSRPs.³ Where a literature does exist, it tends to engage only with comprehensive peace agreements. There is little on the inclusion of SSRPs in local-level ceasefires.⁴ This is problematic as in practice ceasefires may last for years, if not decades, and are often not followed by substantive peace agreements. For instance, the Six Point Agreement that stopped violence in Georgia in 2008, has not been followed by any peace agreement. As such, ceasefires provide a unique – and often overlooked – entry point for the inclusion of SSRPs.

Research also suggests that peace agreements are more likely to succeed if preceded by ceasefires, meaning that the two should not be analysed independently of one another.⁵ Further, the studies that address SSRPs in peace agreements and ceasefires tend to divide SSRPs into their sectorial sub-components (e.g. defence reform, police reform, etc.), before marking down their inclusion in certain peace agreements and ceasefires.⁶ Without a definition of these sectorial sub-components, and the way that they might be reflected in a peace agreement or ceasefire, we lack qualitative information on the extent to which SSRPs provisions feature in peace agreements and ceasefires. Finally, to the best knowledge of the authors, no studies have been conducted on the inclusion of SSRPs in peace agreements and ceasefires in *Eastern Europe, Central Asia and the Caucasus*. This research gap deprives the international research community of important comparative data as, since the collapse of the Soviet Union, peace agreements and ceasefires have been numerous and varied.⁷

In order to address the above-mentioned research gaps, this study will be structured around the following question: to what extent are SSRPs included in ceasefire and peace agreements in Eastern Europe, Central Asia and the Caucasus?

This study will be divided into three sections. The first will provide definitions of key concepts and clarify the methodology and research scope of the study. The

1 UN (United Nations), *Securing Peace and Development: The Role of the United Nations in Supporting Security Sector Reform*, report of the Secretary General, A/62/659-S/2008/39

2 Vickers, George R. 1999. "Renegotiating internal security: the lessons of Central America." In *Comparative peace processes in Latin America*, ed. Cynthia J. Arnson. Stanford: Stanford University Press.

3 Eboe Hutchful, 2009. *Security Sector Provisions in Peace Agreements*, African Security Sector Network, p.9 Available from: https://ciaotest.cc.columbia.edu/wps/gfnssr/0018026/f_0018026_15453.pdf

4 Eboe Hutchful, *Security Sector Provisions in Peace Agreements*, African Security Sector Network (2009), p.9 Available from: https://ciaotest.cc.columbia.edu/wps/gfnssr/0018026/f_0018026_15453.pdf.

5 New York Times. 16 September 2016. *The Surprising Science of Ceasefires: Even Failures Can Help Peace*. Available from: <https://www.nytimes.com/2016/09/16/world/middleeast/another-cease-fire-in-syria-it-could-matter-even-if-it-fails.html>

6 Jasper Linke. 2020. *Provisions on SSR and DDR in Peace Agreements*. Available from: https://www.dcaf.ch/sites/default/files/publications/documents/EN_SSR_DDR_Peace_Agreements_2020.pdf

7 Eboe Hutchful, *Security Sector Provisions in Peace Agreements*, African Security Sector Network (2009), p.9 Available from: https://ciaotest.cc.columbia.edu/wps/gfnssr/0018026/f_0018026_15453.pdf and Available from: https://ciaotest.cc.columbia.edu/wps/gfnssr/0018026/f_0018026_15453.pdf and Jasper Linke. 2020. *Provisions on SSR and DDR in Peace Agreements*. Available from: https://www.dcaf.ch/sites/default/files/publications/documents/EN_SSR_DDR_Peace_Agreements_2020.pdf

second will examine the inclusion of SSPRs in peace agreements and ceasefires in the given geographical and temporal frame. Section three will conclude by identifying trends and patterns with regard to the nature and extent of identified SSPRs. The Annex includes the texts of all peace agreements and ceasefires addressed in this study.

Key concepts and definitions

Good Security Sector Governance (SSG) describes how the principles of good governance apply to public security provision, management and oversight. The principles of good SSG are accountability, transparency, the rule of law, participation, responsiveness, effectiveness and efficiency.⁸

Security Sector Reform (SSR) is the political and technical process of improving human and state security. This is done by making security provisions, management and oversight more effective and more accountable, within a framework of democratic civilian control, the rule of law and respect for human rights. SSR may focus on only one part of public security provision or the way the entire system functions. But the goal should always be to improve both effectiveness and accountability.⁹

Disarmament, demobilization and reintegration (DDR) is the process of: comprehensively disarming combatants; formally discharging them; preparing them for civilian life; and providing them with opportunities for sustainable social and economic reintegration.¹⁰

Peace Processes refer to formal attempts to bring political and/or military protagonists of conflict to some sort of mutual agreement as to how to end the conflict.¹¹

Peace Agreements refer to formal, publicly-available documents, produced after discussion with conflict protagonists and mutually agreed on by some or all of them, addressing conflict with a view to ending it.¹²

Intrastate conflict is defined as a conflict between a government and a non-governmental party, with no interference from other countries.¹³

Interstate conflict is defined as a conflict between two or more governments.¹⁴

Although no canonical or legal definition of ceasefires exists, for the purposes of this paper, a **Ceasefire** will be defined as “a formal agreement between the parties, applicable for a determined period, disengaging forces and establishing a verifiable halt in hostilities, therefore requiring ceasefire management and verification capabilities”.¹⁵ Before this kind of formal agreement is concluded though, ceasefires can take various other forms, including: 1) a battlefield truce; 2) a declaration of intent or a declaration of principles; 3) various forms of restriction on hostilities; and 4) a cessation of hostilities. In addition to this, surrender or defeats, though not usually considered as ceasefires, are exactly that, requiring management and agreement in their own right.¹⁶ For these reasons, this paper understands ceasefires as including any of the above.

Research scope. Before proceeding to detail the methodology used in this study, it is important to clarify its research scope. The authors particularly wish to be explicit about exactly what questions this paper seeks to answer, and which it does not. First, this study does not examine the implementation of peace agreements and ceasefires, nor whether the inclusion of SSPRs increases the chances of them succeeding in preventing conflict reoccurrence. Rather, it aims to capture the extent to which SSPRs are included in ceasefire agreements and ceasefires in the former Soviet Republics in Eastern Europe, Central Asia and the Caucasus (EECAC) in the period 1991-2021.

Second, in contrast to previous research, this paper expands its research scope to include peace agreements and ceasefires resulting from both intra-state and inter-state conflicts.

8 Geneva Centre for the Democratic Control of Armed Forces (DCAF), Security Sector Governance, SSR Backgrounder (Geneva, 2015).

9 DCAF, Security Sector Reform, SSR Backgrounder (Geneva, 2015)

10 United Nations, Operational Guide to the Integrated Disarmament, Demobilization and Reintegration Standards (New York, 2014): pp. 24–25.

11 Christine Bell et al., Peace Agreements Database and Dataset. Codebook, version 1, 19 February 2018: 1.

12 Ibid.

13 Uppsala University. Definitions. Available from: https://www.pcr.uu.se/research/ucdp/definitions/#tocjump_3973360729443134_10

14 Ibid.

15 Jeremy Brickhill. 2018. Mediating Security Arrangements in Peace Processes: Critical Perspectives from the Field. Available from: https://css.ethz.ch/content/dam/ethz/special-interest/gess/cis/center-for-securities-studies/pdfs/MediationResources-Mediating_Security_2018.pdf p.41

16 Ibid.

Third, the Security Sector Reform Provision Index developed by the authors was only applied to one region, namely EECAC.

Fourth, post-conflict reconstruction activities – in particular disarmament, demobilization and reintegration (DDR) – have proved fundamental for an environment conducive to long-term institutional reform. This paper will, therefore, also map the inclusion of DDR-related initiatives in peace agreements and ceasefires. The importance of exploring these two issues together was captured by the comments of Bryden in “Linkage between DDR and SSR”:

DDR has a direct impact on the prospects for SSR since Disarmament and Demobilisation – often conducted before SSR is addressed – set the terrain for future reform efforts by establishing the numbers and nature of the security sector.¹⁷

Methodology. The authors set themselves the task of answering the question, to what extent are security-sector reform provisions (SSRPs) included in ceasefire and peace agreements in the post-Soviet space? To that end an analytical tool was developed which could be applied to ceasefires and peace agreements and one which would, more specifically, would identify the inclusion of SSRPs.

The first step in this process was to identify the key sectorial components of the security sector, under which the SSRPs could be grouped. This was done in line with the DCAF’s holistic understanding of the security sector, which includes all entities responsible for the provision, management and oversight of security.¹⁸ Four sectorial components were identified:

- the defence sector;
- the law enforcement sector;
- the intelligence sector; and
- the justice sector.

For the purposes of this study, these four components will be referred to as “SSR sectorial components”.

Each of the SSR sectorial components were then divided into six clusters in order to capture any SSRP types that fall within each. These include: 1) the political cluster; 2) the organizational and structural cluster; 3) the legislative cluster; 4) the budgetary cluster; 5) the human rights and good governance cluster; and 6) the oversight and monitoring cluster. Through this approach, it is possible not only to indicate whether peace agreements and ceasefires contained, for example, SSRPs in the defence sector. It is also possible to assess the scope of such provisions in qualitative terms. Using these parameters, the authors developed a Security-Sector Reform Provision Index (Table 1).

17 Issue Paper. 2007. Linkage between DDR and SSR. Available from: https://www.dcaf.ch/sites/default/files/publications/documents/DDR_SSRpaper_English.pdf

18 DCAF, Security Sector Reform, SSR Backgrounder (Geneva, 2015)

Table No 1 Security-Sector Reform Provision Index

Area	Political cluster	Structural and organizational cluster	Legislative cluster	Budgetary cluster	Cross-cutting issues (human rights, good governance, gender and transitional justice)	Oversight and monitoring
Defence sector	<ul style="list-style-type: none"> 1. Revision of national defence policies; 2. Introduced and enhanced civilian democratic control; 3. De-politization of military sector 4. Adoption of a national strategy or a roadmap on the role of the armed forces 	<ul style="list-style-type: none"> 5. Reference to Demobilization and Disarmament; 6. Reintegration of former combatants into the Armed Forces; 7. Restructuration of the Armed Forces; 8. Revision/ adaptation of the of role of the Armed Forces; 9. Changes of military top management; 10. Mine action; 11. Reduction of capabilities; 12. Establishment of new line ministry; 13. Territorial re-organisation of security forces. 	<ul style="list-style-type: none"> 1. Adoption/ amend-ment of national laws regarding the Armed Forces; 2. Ratification of relevant international conventions 	<ul style="list-style-type: none"> 1. Reference to budgetary constraints; 2. Reduction of military budget 	<ul style="list-style-type: none"> 1. Introduction of human rights and good governance principles across the defence sector; 2. Consideration of different security needs; 3. Equal opportunities for employment in defence sector; 4. Role of military in providing access to humanitarian aid; 5. Role of militaries in supporting the process of return of refugees/ IPDs. 	<ul style="list-style-type: none"> 6. Deployment of international monitoring or peacekeeping mission; 7. Reinforcement/ establishment of oversight mechanisms; 8. International advisory assistance 9. Arms control and arms verification measures

Area	Political cluster	Structural and organizational cluster	Legislative cluster	Budgetary cluster	Cross-cutting issues (human rights, good governance, gender and transitional justice)	Oversight and monitoring
Justice sector	<ol style="list-style-type: none"> 1. Revision of national justice policies; 2. De-politization of the justice sector; 3. Adoption of a national strategy or a roadmap on the creation of independent justice mechanisms 4. Establishing specific international tribunals to deal with the aftermath of conflict or affirming the jurisdiction of existing tribunals on war crimes and crimes against humanity 	<ol style="list-style-type: none"> 1. Reference to the creation of new justice system; 2. Establishment of Executive authorities responsible for justice sector management and administration; 3. Personnel changes in justice sector; 4. Reference or inclusion of non-state actors in the process of justice reform; 5. Establishment of new line ministry. 	<ol style="list-style-type: none"> 1. Adoption/ amend-ment of national laws regarding the justice sector; 2. Ratification of relevant international conventions 	<ol style="list-style-type: none"> 1. Reference to budgetary questions for justice reform (in particular allocation of sufficient funds for the effective functioning of transitional justice mechanisms) 	<ol style="list-style-type: none"> 1. Reinforcement of human rights and good governance principles across the justice sector; 2. Launch of transitional justice mechanisms; 3. Consideration of needs of marginalised groups by justice sector; 4. Equal opportunities to participate in justice sector; 5. Amnesties. 	<ol style="list-style-type: none"> 1. Creation of agencies responsible for justice sector oversight; 2. Provision of International advisory assistance
Police sector	<ol style="list-style-type: none"> 1. Revision of national law enforcement policies; 2. Introduced and enhanced civilian democratic control; 3. De-politization of police sector; 4. Adoption of a national strategy or a roadmap on the role of the police; 5. Established contacts/hotline between law enforcement agencies of conflict parties 	<ol style="list-style-type: none"> 1. Reference to demobilization and disarmament; 2. Reintegration of former combatants into the police structures; 3. Restructuring of the police; 4. Revision/ adaptation of the of role of the police; 5. Changes in police top management; 6. Introduction of democratic policing principles; 7. Territorial re-organisation of security forces. 	<ol style="list-style-type: none"> 1. Adoption/ amend-ment of national laws regarding the police; 2. Ratification of relevant international conventions 	<ol style="list-style-type: none"> 1. Reference to budgetary questions as regard police reform 	<ol style="list-style-type: none"> 1. Introduction of human rights and good governance principles across the law enforcement sector; 2. Consideration of different security needs; 3. Equal opportunities for employment in law enforcement bodies; 4. Role of police in providing access to humanitarian aid; 5. Role of police in supporting the process of refugee/IPD returns; 	<ol style="list-style-type: none"> 1. Deployment of international monitoring mission; or international policing mission with executive powers to provide safety and security ad interim or conduct and supervise vetting processes 2. Reinforcement/ establishment of oversight mechanisms; 3. International advisory assistance;

Area	Political cluster	Structural and organizational cluster	Legislative cluster	Budgetary cluster	Cross-cutting issues (human rights, good governance, gender and transitional justice)	Oversight and monitoring
Intelligence sector	<ol style="list-style-type: none"> 1. Revision of national policies concerning intelligence; 2. Introduced and enhanced civilian democratic control; 3. De-politization of the intelligence sector 4. Adoption of a national strategy or a roadmap on the role of the intelligence sector; 5. Establishment of communication channels 	<ol style="list-style-type: none"> 1. Reference to demobilization and disarmament; 2. Reintegration of former combatants into intelligence structures; 3. Restructuration of the 4. Intelligence service; 5. Revision/ adaptation of the of role of the intelligence service; 6. Changes of intelligence top management; 7. Territorial re-organisation of security forces. 	<ol style="list-style-type: none"> 1.1. Adoption/ amend-ment of national laws regarding the intelligence service; 2. Ratification of relevant international conventions 	<ol style="list-style-type: none"> 1. Reference to budgetary questions as regard intelligence reform 	<ol style="list-style-type: none"> 1. Introduction of human rights and good governance principles across the intelligence sector; 2. Launch of transitional justice mechanisms; 3. Consideration of different security needs; 4. Equal opportunities for employment in intelligence service; 	<ol style="list-style-type: none"> 1. Deployment of international monitoring or peacekeeping mission; 2. Reinforcement/ establishment of oversight mechanisms; 3. International advisory assistance

After identifying the four sectorial components and the six clusters of each, the authors used inductive thematic analysis to identify security sector reform provisions (SSRPs) for each “sub-cluster”. The first step in using this approach was to conduct an extensive survey of the SSR literature to identify SSRPs within each sectorial sub-component. These were then grouped under the relevant “sub-cluster”. For example, an analysis of the SSR literature on defence reform identified a key theme as the revision of national security policies. As the revision of national security policies falls under the purview of the executive, this theme would be placed under the “political cluster” of the defence sector SSR sub-component. Further SSRPs were identified for each “cluster”, and used to populate the SSRP Index. The list of references to SSRPs remained open for further research and improvements.

As mentioned, the SSRP Index has six main clusters and 24 sub-clusters, each containing unequal number of references to SSR provisions and their value varied. Twenty-four clusters were selected to determine the degree of integration of SSR provisions in the cease-fire and peace agreements. The degree was constructed through the following categories: “highly integrated” > 75%; “likely integrated” – 50-75%; “partly integrated”; 25-50%, and “unlikely” – 25%. The value for each sub-cluster was a maximum of 4.16% and a permissible error of 5% was allowed for the overall assessment of the degree of integration. The authors agreed that the value of each sub-cluster would vary depending on the situation and context. For that reason, therefore, a traffic light tool was introduced to better describe the value of each sub-cluster. A green light was assigned to a sub-cluster where direct references to the SSR provisions were established. In the meantime, an amber light was assigned to those

sub-clusters containing rather tentative or hinted at provisions. For instance, a ceasefire agreement demanded the reintegration of rebel military forces and other formations into the regular armed forces. It did not contain references to intelligence services though “other formations” could be seen as an oblique reference to intelligence services. A red light meant no reference to SSRP. The traffic-light classification supports the mathematical calculation and either reduces or increases the value of each sub-cluster. Each green sub-cluster was 4.16%; each amber one - 2.08%; and each red one, 0% of the total value. The creation of an index coupled with mathematical calculation and qualitative analysis could better describe the existing conditions and the potential for the peaceful resolution of a given conflict. The “highly integrated” and “likely integrated” categories suggested that the negotiated cease-fire and peace agreements contained sufficient degrees of SSRP and provided sufficient grounds for peaceful resolution. Furthermore, when populating the index, the authors applied all cease-fire and peace agreements per conflict, which could complement each other and provide a more comprehensive interpretation of the conflict. For instance, the General Agreement on the Establishment of Peace and National Accord in Tajikistan that was signed 27 June 1997, was composed of nine protocols negotiated and signed in 1995-1997. Consequently, the provisions of protocols were reflected in the SSRP Index. After developing the SSRP Index, the authors collected documentation on all known peace agreements and ceasefires in the

post-Soviet space from 1991 onwards. During this stage of data collection, the authors were faced with several challenges. First, as many of these peace agreements and ceasefires were signed before the advent of the internet, some were only available in the national archives of the relevant states. This was the case with local-level ceasefires, in particular. Second, most were never translated into English, making it more difficult for conflict-resolution researchers outside of the post-Soviet space to analyse them. To mitigate these challenges, where necessary, the authors translated the peace agreements and ceasefires into English: local researchers were used, meanwhile, to locate those not available on the internet. Third, in some cases, copies of the original peace agreements or ceasefires were not publicly available. Here the authors had to rely on newspapers or research archives.

In total, the authors analysed 51 written peace agreements and ceasefires and many oral ones to intra-state and inter-state conflicts in the post-Soviet space from 1991 - 2021. The next stage of the research process was: to examine each peace agreement and ceasefire; to identify the relevant SSRPs; and to group these under the most appropriate sub-strand of each SSR sectorial component. The final stage was to identify any patterns or trends with regard to the prevalence or absence of particular SSRPs.

CONFLICTS IN EASTERN EUROPE, THE CAUCASUS AND CENTRAL ASIA

The following chapter provides an analysis of ceasefire and peace agreements concluded across nine conflicts in Eastern Europe, the Caucasus, and Central Asia. It examines the conflict dynamics and contexts ceasefire and peace agreements were negotiated. It identifies the existing SSR provisions and determines the degree of integration of SSR provisions in the cease-fire and peace agreements.

1. Tajik Civil War

Tajikistan borders four countries: China, Afghanistan, Uzbekistan, and Kyrgyzstan. Official estimates gave the population at 8,350,000 in 2015. Islam is the most widely-held faith. Sixty-seven per cent of Tajikistanis are Tajik. Other large ethnic groups are: 23% Uzbek; and 3.5% Russians. From 1992 until 1997 there was a civil war in the country. The General Agreement on the Establishment of Peace and National Accord in Tajikistan was signed on 27 June 1997.¹⁹

The presidential elections of November 1991 split the country. Some supported Rahmon Nabiev, the former Communist Chief of Tajikistan, from Leninabad. Others took the side of opposition candidate Davlat Khudonazarov, who was from Badakhshan and who was backed by the Islamic Renaissance Party and the Democratic Party. Nabiev won the elections by 35 per cent, an outcome which the opposition refused to accept. Nabiev formed a government dominated by representatives of the northern Leninabad and southern Kulyabi regions. This led to a tense stand-off between pro-government and opposition supporters in Dushanbe in March 1992 at Shahidon Square and Ozodi Square.²⁰ On 25 March 1992, the Speaker of the Supreme Council, Kendjaev, claimed that the Minister of Interior, Navzhuvanov who was from Pamir, was abusing power. Navzhuvanov fought back and said that Kendjaev was insulting mountain people.²¹ This fierce debate was publicised and added to the considerable tension in the streets. The Pamiris formed the core of the anti-government protestors and were joined by the Gharmis. A rival demonstration of pro-government, anti-Islamist factions soon formed, consisting mainly of Kulyabs. The standoff continued for weeks, with each side continually provoking the other. Both sides were gathering weapons, but Nabiev reportedly refused to open fire to disperse the opposition.²²

The first of May 1992, the President issued a decree to set up a Presidential Guard (composed of Kulyab demonstrators), with the aim of breaking up the opposition demonstrations. Two thousand rifles were distributed to the President's supporters.²³ Fighting broke out in Dushanbe, 5 May, when a state of emergency was declared and Presidential Guards clashed there with the opposition. It led to the first casualties of the civil war.²⁴ Nabiev was forced to form a coalition government in which the opposition had eight of 24 ministerial posts.²⁵ However, the Leninabad and Kulyab elites refused to recognise the new government and, as a result, by June fighting was widespread. The war moved to the south. After demonstrators from the rival groups went home, "Islamists" (Gharmis and Pamiris) in Kurgan-Tyube took their frustration out on the Kulyabi residents of the area. The first serious fighting broke out in June following the failed negotiations at the Kurgan-Tyube airport. Islamists were sent to "punish" the Kulyabis and created the "Headquarters of National Salvation". On 27 June, they attacked Kolkhozs and villages of the Vakhsh districts where settlers from Kulyab lived and destroyed their defence units. Many people died and an estimated 140,000 fled the violence, becoming IDPs.²⁶ A ceasefire agreement was reached, 27 July; see the text in the Annex 1. However, it was rejected by the Kulyab leader Sangak Safarov who demanded that the Government resign. The conflict continued.²⁷

In September, Nabiev was forced to resign. By October 1992, approximately 15,000-20,000 persons had been killed.²⁸ In this context, the Kulyabs and the people from Leninabad sealed an alliance and formed a National Front. On 10 December, the coalition entered Dushanbe and seized the capital. Emomali Rakhmonov, from

19 This part is based on Jasutis G. (Ed.); Chmykh E., Dorokhova E., Loose H., Sutkaityte K., Mikova R., Steyne R., Murray S. 2021. Mapping fragile areas: case studies from Central Asia. Available from: <https://www.dcaf.ch/mapping-fragile-areas-case-studies-central-asia>

20 Matveeva A., March 2009. The Perils of Emerging Statehood: Civil War and State Reconstruction in Tajikistan. Crisis States Working Papers Series No.2. Available at: <https://www.files.ethz.ch/isn/98292/wp46.2.pdf>

21 Жирохов М.,А., 2011. Семена распада: войны и конфликты на территории бывшего СССР. БХВ-Петербург.

22 Matveeva A., March 2009. The Perils of Emerging Statehood: Civil War and State Reconstruction in Tajikistan. Crisis States Working Papers Series No.2. Available from: <https://www.files.ethz.ch/isn/98292/wp46.2.pdf>

23 Ibid.

24 Ibid.

25 Human Rights Watch. April 1998. Tajikistan. Leninabad: Crackdown in the North. Vol. 10, No. 2 (D). Available from: https://www.hrw.org/legacy/reports98/tajikistan/#_1_11

26 Matveeva A., March 2009. The Perils of Emerging Statehood: Civil War and State Reconstruction in Tajikistan. Crisis States Working Papers Series No.2. Available from: <https://www.files.ethz.ch/isn/98292/wp46.2.pdf>

27 Жирохов М.,А., 2011. Семена распада: войны и конфликты на территории бывшего СССР. БХВ-Петербург.

28 Ibid.

Kulyab, was elected in a special session of parliament in Khujand as the Chairman of the Supreme Council.²⁹ On 22 February 1993, the fighters of the National Front moved to Gharm and slaughtered the opposition. Ethnic cleansing continued in Gissar and villages near the Uzbekistan border. Occasionally, the Uzbek airforce was used to support pro-government forces. It is also worth noting that in February 1993, Colonel Alexander Shislianikov was made the Minister of Defence of Tajikistan. Shislianikov was a Russian officer who had previously served in the Ministry of Defence of the USSR and later the government of Uzbekistan.³⁰

In the face of the Government's crackdown, most remaining leaders and active members of the various opposition movements fled the country to Russia, Afghanistan, Iran, and elsewhere. From December 1993 to December 1996, armed factions of the United Tajik Opposition (UTO) based in Afghanistan fought against government troops and 20,000 or so Russian troops, who, along with border troop units from Kazakhstan and Kyrgyzstan, were assigned to protect the Tajik-Afghan border.³¹ The UTO opposition consisted of the Islamic Renaissance Party, the National Movement 'Rastokhez', the Democratic Party of Tajikistan, and the Community Lali Badakhshan (Ruby of Badakhshan). The UTO was established in 1993. The opposition made no secret of the fact that their fighters routinely crossed the border between Afghanistan and Tajikistan's Gorny Badakhshan. One of the most notorious attacks from Afghanistan was staged against a Russian Border Guard post. On 13 July 1993, Russian Border Troop Post No 12 in Tajikistan's Kulyab region was overrun when 200 Afghan mujahideen, armed with mortars, rocket launchers, and recoilless cannons, launched a frontal assault from across the river Pyanj. Simultaneously, a second group of Tajik "militants" fell upon the post's 48 defenders from behind. By the time reinforcements from the Russian Army's 201st Motor Rifle Division and troops from the Tajik National Security Committee

had repulsed the attackers, 22 of the post's garrison had been killed and 18 wounded.³²

At a meeting held in Moscow, on 24 September 1993, and as part of the efforts to stabilise the situation in Tajikistan, the Governments of Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan, and Uzbekistan decided to establish the Commonwealth of Independent States Collective Peacekeeping Forces in Tajikistan. These forces were mandated to: first, assist in the normalization of the situation on the Tajik-Afghan border with a view to stabilizing the overall situation in Tajikistan and to creating conditions conducive to dialogue between all interested parties on ways of achieving a political settlement of the conflict. Second the forces were: to assist in the delivery, protection, and distribution of emergency and other humanitarian aid; create conditions for the safe return of refugees to their places of permanent residence; and guard the infrastructure and other vitally important facilities required for the foregoing purpose.³³

In April 1994, the Government and UTO engaged in United Nations-sponsored peace negotiations, and an agreement on the cessation of hostilities was signed, 17 September 1994, in Tehran (the Tehran Agreement, Annex 2).³⁴ The third round of Inter-Tajik peace talks, under United Nations auspices, was held in Islamabad from 20 October to 1 November 1994. The parties signed the Protocol on the Joint Commission for the implementation of the Agreement on a provisional cease-fire and the cessation of other hostilities on the Tajik-Afghan border and within the country. They also signed the Joint Communiqué on the results of the third round of Inter-Tajik talks on national reconciliation (see Annex 3).³⁵ On 16 December 1994, the United Nations Security Council created a United Nations Mission of Observers to Tajikistan (UNMOT). UNMOT's task was to monitor adherence to the Tehran Agreement, which continued to be violated through to December 1996.

29 Ibid.

30 Ibid.

31 Although the civil war as such ended at the start of 1993, armed insurgency of the opposition forces, in particular from across the Tajik-Afghani border, continued. To protect the border, the Governments of Tajikistan and the Russian Federation agreed that Russian border forces would continue to be deployed along the Pyanj river, which forms the Tajik-Afghani border. United Nations. 2000. Tajikistan. UNMOT Background. Available from: <https://peacekeeping.un.org/sites/default/files/past/unmot/UnmotB.htm>
Some experts claim that Uzbekistan was involved in the protection of the border as well.

32 Sherr J. 1994. Escalation of the Tajikistan Conflict. IBRU Boundary and Security Bulletin January 1994

33 United Nations. 2000. Tajikistan. UNMOT Background. Available from: <https://peacekeeping.un.org/sites/default/files/past/unmot/UnmotB.htm>

34 Available from: <https://peacemaker.un.org/tajikistan-tehran-agreement94>

35 United Nations. 1994. Letter dated 3 November 1994 from the Permanent Representative of Pakistan to the United Nations addressed to the President of the Security Council. Available from: https://peacemaker.un.org/sites/peacemaker.un.org/files/TJ_941101_ProtocolJointCommissionforImplementationProvisionalCeasefire.pdf

The discussion on peace talks continued in 1995 with the Protocol, which was signed by Mr. Rakhmonov, the President of the Republic of Tajikistan, and Mr. Nuri, the leader of the Tajik opposition, on 17 August 1995, through the intermediary of the Special Envoy of the Secretary-General, Mr. Ramiro Píriz-Ballón (Annex 4). The parties reaffirmed previous commitments and agreed to conclude a general agreement on the establishment of peace and national accord in Tajikistan.³⁶ It was in Kabul, in 1995, that the first real peace talks took place between the warring parties under an initiative organised by the then Afghan President Burhanuddin Rabbani and Ahmad Shah Masoud, a distinguished Afghan of ethnic Tajik descent. Renowned film director and public figure, Davlat Khudonazarov, who took part in the talks, said that the choice of Kabul as venue for the talks was fortunate: “the very atmosphere of this city in ruins was a warning signal to the Tajiks to give up armed confrontation and seek peace.”³⁷ On 11 December 1996, the Khusdeh Agreement between President Emomali Rakhmonov and Mr. Sayed Abdullo Nuri, leader of the United Tajik Opposition, effectively restored the ceasefire agreement (Annex 5).³⁸ A few weeks later, on 23 December, the conflict parties met in Moscow and signed the Agreement to provide a timeframe for the completion of negotiations and to cease all hostilities during the talks (Annex 6).³⁹

A breakthrough in the negotiations led to the conclusion and to the signature of the General Agreement on the Establishment of Peace and National Accord in Tajikistan (hereinafter, the General Agreement) on 27 June 1997 (Annex 7). The General Agreement

includes the following documents: the Protocol on the fundamental principles for establishing peace and national accord in Tajikistan of 17 August 1995 (Annex 4); the Protocol on political questions of 18 May 1997 (Annex 8); 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 (Annex 6); the Protocol on the main functions and powers of the Commission on National Reconciliation of 23 December 1996 (Annex 9); the Statute of the Commission on National Reconciliation, of 21 February 1997 (Annex 9, 10); the Additional Protocol to the Protocol on the main functions and powers of the Commission on National Reconciliation, of 21 February 1997 (Annex 9, 10); the Protocol on military issues (Annex 11); the Protocol on refugees of 13 January 1997 (Annex 12); and 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 (Annex 13).⁴⁰

The General Agreement provides for: the incorporation of the UTO into government structures; an amnesty law; the safe and dignified return of all refugees and IDPs; preparations for parliamentary elections; the legalization of banned political parties; and laws to ensure a free media.

The war was devastating: between 60,000 and 100,000 people were killed; some 600,000 – were internally displaced and another 80,000 fled the country. The costs of the war are estimated at U.S.\$7 billion.⁴¹

36 United Nations. 1995. Protocol on the fundamental principles for establishing peace and national accord in Tajikistan. Available from: https://peacemaker.un.org/sites/peacemaker.un.org/files/TJ_950817_ProtocolFundamentalPrinciplesforEstablishingPeace.pdf

37 Malashenko A., 2012. Tajikistan: Civil War’s Long Echo. Carnegie Endowment for International Peace. Available from: https://carnegieendowment.org/files/MalashenkoBrifing_14-3-12_eng_web.pdf

38 Available from: https://peacemaker.un.org/sites/peacemaker.un.org/files/TJ_961211_ProtocolSettlementMilitaryPoliticalSituationInAreasOfConfrontation.pdf

39 United Nations. 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 December 1996. Available from: https://peacemaker.un.org/sites/peacemaker.un.org/files/TJ_961223_AgreementBetweenPresidentTajikistanAndUnitedTajikOpposition.pdf

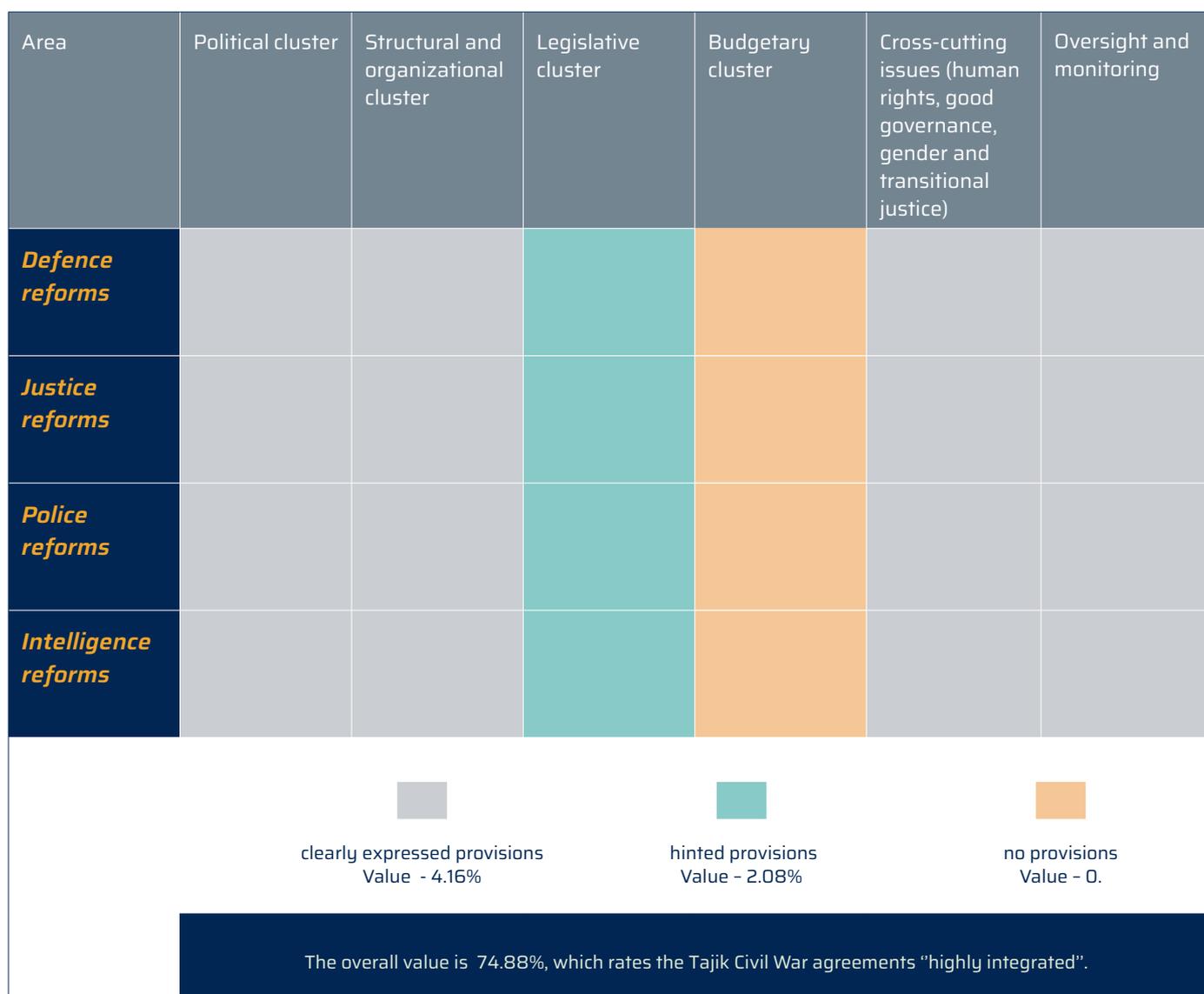
40 United Nations. 1997. The General Agreement on the Establishment of Peace and National Accord in Tajikistan. Available from: https://peacemaker.un.org/sites/peacemaker.un.org/files/TJ_970627_GeneralAgreementontheEstablishmentPeaceNationalAccordinTajikistan.pdf

41 International Crisis Group. 24 Dec 2001. Tajikistan: An uncertain peace. Available from: <https://reliefweb.int/report/afghanistan/tajikistan-uncertain-peace>

Degree of SSRP integration

The text analysis of cease-fire and peace agreements suggests that SSR elements have been well captured. The agreement stipulates that the reform of government power structures shall take place on the basis of a re-evaluation of the personnel, including command personnel. 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. 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 a quota basis. While the agreement does not specify the intelligence service separately, it refers to all forces, which naturally includes the intelligence services. A heavy emphasis is placed on the full and effective implementation of the provisions and the Parties request the United Nations, through its Observer Mission in Tajikistan, to monitor the implementation of the agreements, and to provide expert advisory assistance and good offices at all the stages.



2. Tajik-Kyrgyz border dispute ⁴²

Currently, there are approximately 30 enclaves in Tajikistan, Uzbekistan, and Kyrgyzstan.⁴³ Several enclaves have ceased to exist as a result of bilateral deals and quite a few enclaves have been completely depopulated. Many of the most significant tensions come out of local issues such as access to water supplies and the passage of vehicles. As confidence wanes along both parts of the border, any one-sided attempt to build or repair roads or other infrastructure quickly leads to crowds of people from the other country demanding that the work be stopped.

To date, four serious border incidents have occurred in Central Asia. Their emergence can be explained primarily by historical developments. The division of Central Asia along national and territorial lines with the creation of autonomies, emphasizing and consciously deepening differences in culture and languages related to the people, was carried out for the purposes of the military and political control of the region.

In the Soviet Union, the so-called “enclaves” caused very few issues. However, with the independence of the Central Asian states in the 1990s and the emergence of borders, the problem resurfaced. Roads and waterways cross state borders in many places.

Most of the border conflicts are concentrated in the Kyrgyzstan-Tajikistan-Uzbekistan triangle, where the issues with Uzbekistan are mainly dealt with in a peaceful manner. During the Soviet period, the Fergana Valley, the most densely populated region was divided between the three then Soviet republics. Now this triangle is the most Islamised and conflict-prone region in Central Asia. In conditions of high agricultural overpopulation, shortage of land and water, conflicts over the distribution of these resources occur with regularity. More recently, the Afghani border has also caused problems. The withdrawal of US and NATO troops from Afghanistan might bring more

risks and threats.

Not all borders in the region have been demarcated. For instance, the Kyrgyz-Tajik border, has only been demarked along 504 kilometers: its total length is 970 kilometers. The current dispute between Kyrgyzstan and Tajikistan regarding border demarcation is rooted in a historical reality of fluid geographical distinctions: both sides argue about which map should be used for demarcation. Tajikistan has suggested working with documents and maps from 1924-1927, while Kyrgyzstan would prefer to use the maps of the bilateral commissions from 1958-1959 and 1989.⁴⁴

An important border incident started in the Tajik-governed Vorukh in a clash between Tajik and Kyrgyz residents. The reason was a construction of a road, limited access to water, and other socio-economic issues. The Kyrgyz government initiated the road construction in order to create a transportation route that bypassed Vorukh. Tajikistan did not approve the project and the inhabitants of Vorukh rebelled by attacking the excavators. Tensions escalated when in response, the residents of the neighboring village Ak-Say attacked Tajik citizens as they passed through their territory. The incident involved hostages, physical attacks on authorities, and damage to cars. There was no ceasefire agreement and the region has remained a hotspot. In 2019 and again in 2020, another serious clash occurred on the border.⁴⁵

Further incidents occurred in 2021 on the Tajik-Kyrgyz border. They were by far the most violent clashes since independence. They began on April 28 in the Kyrgyz village of Kok-Tash, a source of problems since January 2013, when a fight had broken out between a group of young Tajiks from Chorkuh and the local Kyrgyz. The conflict in 2021 started when a small group of Tajik citizens tried to install a surveillance camera at the Golovnoy water intake in Kok-Tash. The intake discharges water into canals that flow into

42 This part is partly based on Jasutis G. (Ed.); Chmykh E., Dorokhova E., Loose H., Sutkaityte K., Mikova R., Steyne R., Murray S. 2021. Mapping fragile areas: case studies from Central Asia. Available from: <https://www.dcaf.ch/mapping-fragile-areas-case-studies-central-asia>

43 Ng.ru, Панфилова В. 17.12.2018. Киргизия переложила заботу об анклавах на Ташкент. Available from: http://www.ng.ru/cis/2018-12-17/5_7464_kyrgyz.html

44 Radio Free Europe. 16 January 2014. Small Exclave Spells Big Problems For Kyrgyzstan, Tajikistan. Available from: <https://www.rferl.org/a/kyrgyzstan-tajikistan-exclaves-vorukh-tensions/25232311.html>

45 ТАСС. Что известно о конфликтах на киргизско-таджикской границе. 2021. Available from: <https://tass.ru/info/11275509>

both Kyrgyzstan and Tajikistan. Tajik locals have been watching the water station since 17 April, when Kyrgyz workers were seen repairing it: the Tajik side opposed the repairs, claiming that the work was being carried out without prior notice. The renovation was stopped. However, the Golovny water intake continued to be closely watched. The situation led to a fight, and then stone-throwing, when the residents of Kok-Tash and nearby Khoja Alo joined the fighting. Clashes between local residents intensified on 29 April, and security forces from both countries reportedly engaged in gunfire. Kyrgyz troops gathered in the village of Kok-Tash, on the border between Kyrgyzstan and Tajikistan. The Kyrgyz State Committee for National Security (GKNB) said the Tajik side had used heavy machine guns and mortars against them. These allegations have not been independently confirmed, but there have been previous reports of Tajik forces using mortars in similar border conflicts in January 2014 and May 2020. Interestingly, the fighting has spread to other areas along the border, where previously there had been no conflict. Tajik security forces are reported to have taken control of areas along the road leading from the Tajik exclave of Vorukh in Kyrgyzstan to Tajikistan. Kyrgyz villages on this route were left deserted, with many houses, shops and cars burnt down. Eighteen houses were burnt in Chorkukh, too. Thousands of Kyrgyz fled the area. Most of them travelled to the city of Batken, the administrative center of the region. According to the Kyrgyz State Committee for National Security, Tajik forces attacked three Kyrgyz border posts – Kapchagai, Min-Bulak and Dostuk – as well as border posts in Kodzhogar and Bulak-Bashi. Several posts were reportedly set on fire.

The authorities of Kyrgyzstan and Tajikistan agreed on a ceasefire from 20:00 local time (17:00 Moscow time), 29 April 2021. This was reported by the Ministry of Foreign Affairs of Kyrgyzstan. “As a result of several negotiations between the Ministers of Foreign Affairs of the Kyrgyz Republic and the Republic of Tajikistan, agreements were reached on a complete ceasefire from 20:00 and withdrawal of military forces to the places of their former deployment”. The parties also agreed to hold a separate meeting of the heads of law enforcement and security agencies within a few hours to further discuss the settlement of the situation. The countries agreed, too, on explanatory work with the population of the two countries while maintaining

communication between the foreign ministries.⁴⁶

However, fighting has continued even after the ceasefire. On 1 May 2021, the head of the State Committee for National Security (GKNB) of Kyrgyzstan Kamchybek Tashiev and the head of the GKNB of Tajikistan Saimumin Yatimov met for negotiations. They agreed on another ceasefire in the conflict zone on the border between the two countries. “Today, at a meeting of representatives of the two states, we reached fundamental agreements on resolving issues to ensure peace in the Kyrgyz and Tajik lands. I am convinced that we will be able to do this and will solve everything soon,” – said Yatimov. Tashiev stressed the hope that “complete silence and peace” would follow.⁴⁷ The firing stopped, and the troops of both countries have been withdrawn from the border. One hundred and eighty-three Kyrgyz were injured in the fighting and 34 died. The Tajik media estimated, meanwhile, of the death of eight Tajikis, with at least ninety wounded.⁴⁸

The President of Kyrgyzstan Sadyr Japarov on Sunday, May 2, proposed a “peacekeeping commission” to Tajikistan to prevent new conflicts on the border. According to Japarov, this commission will consist of elders from both countries living in neighboring or mixed villages.⁴⁹ Both states were reported to have fulfilled the terms of the ceasefire agreement. Kyrgyzstan and Tajikistan have agreed to step up the demarcation of the border. As reported, a meeting of government delegations of the two countries on delimitation and demarcation of the state border

46 Ministry of Foreign Affairs of Kyrgyzstan. 2021. Ceasefire Agreement from the 29th of April 2021. Available from: <https://mfa.gov.kg/ru/osnovnoe-menyu/press-sluzhba/prikreplennye-novosti/v-svyazi-s-proizoshedshim-28-29-aprelya-2021-goda-pogranichnym-incidentom-na-kyrgyzsko-tadzhiskom-uchastke-gosudarstvennoy-granicy-kyrgyzskoy-respubliki-ministr-inostrannyh-del-kyrgyzskoy-respubliki-ruslan-kazakbaev-provel-peregovory-s-ministrom-inostrannyh-del-respubliki-tadzhikistan-sirodzhiddinom-muhriddinom-i-drugimi-predstavitel'yami-v-hode-kotoryh-obsuzhdeny-dalneyshie-sovmestnye-deystviya-storon-napravlennye-na-u-regulirovanie-situacii-v-prigraniche-dvuh-stran>

47 Киргизстан обновил число пострадавших в конфликте. 2021. Available from: <https://www.dw.com/ru/kyrgyzstan-obnovil-chislo-postradavshih-v-konflikte-na-granice-s-tadzhikistanom/a-57407312>

48 Киргизстан обновил число пострадавших в конфликте. 2021. Available from: <https://www.dw.com/ru/kyrgyzstan-obnovil-chislo-postradavshih-v-konflikte-na-granice-s-tadzhikistanom/a-57407312>

49 Жапаров предложил Таджикистану создать комиссию старейшин. 2021. Available from: <https://www.dw.com/ru/zhaparov-predlozhit-tadzhikistanu-sozdat-komissiju-starejshin/a-57406630>

between the states was held in Batken region on 2 May. The day after the ceasefire agreement was signed, there was “a thorough exchange of views on further actions aimed at resolving the situation on the Kyrgyz-Tajik state border”.⁵⁰

Degree of SSRP integration

Any analysis of ceasefire agreements needs to emphasise the importance of cross-cutting issues and oversight with some provisions linked to the defence sector. Among the ceasefire provisions, the parties agreed to completely withdraw military units and military equipment from the entire line of the Kyrgyz-Tajik State Border, by May 2, 2021: units and equipment would be taken to places of permanent deployment. During the meeting, the delimitation and demarcation of the Kyrgyz-Tajik State Border were discussed in great detail. Topographic working groups were instructed to set out the undemarcated sections of the State Border in the near future. The parties agreed to delineate the projected line of the State Border between the Kyrgyz Republic and the Republic of Tajikistan in the sections

from border point No. 43 to border point No. 61 and from border point No. 135 to border point No. 141. They were instructed to use documents and materials of the national-territorial demarcation of 1924-1927 and the 1989 parity commission. In addition, the parties agreed that until the process of delimitation, demarcation and legal registration of the Kyrgyz-Tajik State Border has been completed, the passage of vehicles and goods from the Republic of Tajikistan will be made via the Khojai Alo-Vorukh highway; this is on the eastern side of the village of Kapchigai (Tangi). The status of that road will be determined by a separate state agreement between the two countries. Finally, the parties agreed on the construction of that road and instructed the topographic working groups, together with design organisations, to carry out a field survey of this site on lands in the Batken region by 1 June 2021. The parties agreed, after the completion of the construction of the Khojai Alo - Vorukh highway, bypassing the eastern side of the Kapchygay (Tangi) settlement, to proceed with of the determination of the Kyrgyz-Tajik State border line at the Vorukh section.⁵¹

50 РИА Новости. 2021. Киргизия и Таджикистан договорились активизировать описание границы. Available from: <https://ria.ru/20210502/granitsa-1730891748.html>

51 Совместное заявление Правительственных делегаций Кыргызской Республики и Республики Таджикистан и по делимитации и демаркации кыргызско-таджикской государственной границы. 2021. Available from: <https://www.gov.kg/ru/post/s/20026-kyrgyz-respublikasy-menen-tazhikstan-respublikasynyn-kyrgyz-tazhik-mamlekettik-chek-arasyn-delimitatsiyaloo-zhana-demarkatsiyaloo-boyuncha-okmttk-delegatsiyalarynyn-birgeleshken-bildirs>

Area	Political cluster	Structural and organizational cluster	Legislative cluster	Budgetary cluster	Cross-cutting issues (human rights, good governance, gender and transitional justice)	Oversight and monitoring
Defence reforms						
Justice reforms						
Police reforms						
Intelligence reforms						



 clearly expressed provisions Value - 4.16% hinted provisions Value - 2.08% no provisions Value - 0.

The overall score is 45.76%, in the “partly integrated” category and represents limited potential for peaceful cohabitation. The authors admit that conflict dynamics vary along the Kyrgyz-Tajik border and that the full incorporation of SSRP provisions would be difficult to achieve.

3. Chechen wars

The Republic of Chechnya borders Russia's Stavropol Krai in the north, the Dagestan Republic in the east, Georgia to the south, and the Republics of North Ossetia and Ingushetia to the west. Its total Population stands at 1,478,726 (as of 1 January 2020). Ethnic groups include the: Chechen majority (95.1% according to a 2010 census); Russian (1.9% in 2010); and Kumyk minorities (1.0% in 2010). Chechnya experienced bloody wars in 1994-1996 and, again, in 1999-2009.

Chechens call themselves "Nokhchii". Ancient Armenian sources termed the people of this region as "Nakhchimatiants". Georgian sources had various names: Tsanars, Durdzüks and Kistins. From as far back as the sixteenth century: Russian documents identify them as "Chechens", borrowing the name from Chechnya's neighbors.⁵² Historically, Chechens have opposed the presence of Russians in the Caucasus.

In November 1990, the Chechen All-National Congress (CNC) was established. The Chairman of its Executive Committee, Dzhokhar Dudaev, a member of the small Karabulak tribe, demanded that Chechen-Ingushetia should be changed from an autonomous to a fully-fledged Soviet republic. With this came a concomitant right to secede from the Soviet Union.⁵³ It was not exclusively Dudaev's demand as the last Communist leader of the Doku Zavgayev Republic had a similar goal. On 27 November 1990, the Supreme Soviet of the Chechen-Ingush ASSR adopted a declaration on state sovereignty for the Chechen-Ingush Republic. Then, on 24 May 1991, according to amendments to Article 71 of the Constitution of the RSFSR, the autonomous republic became known as the Chechen-Ingush SSR.

In late August 1991, Dudaev took control of Grozny television station and established a National Guard. On 6 September, Dudaev's supporters seized the Parliament and key government buildings and forced Zavgayev to relinquish power. On 15 September, the Provisional Council (PC) was established to manage state affairs until the presidential and parliamentary elections of 27 October 1991. During these elections,

Dudaev ran against three other candidates, achieving a resounding victory with around 90 per cent of the ballots cast. The elected parliament was initially pro-Dudaev; with the CNC announcing the introduction of Chechen citizenship. On 1 November, Dudaev issued a decree proclaiming state sovereignty. Chechnya had effectively seceded from Russia.⁵⁴

In June 1992, Dudaev clashed with Parliament and introduced direct presidential rule. A state of emergency was declared in November 1992. The following year, tensions mounted after the Speaker of Parliament, Husein Akhmadov, declared his intention to negotiate a treaty with Moscow. In June 1993, the situation further escalated after Dudaev dissolved Parliament in response to the legislature's impeaching him. Under the control of Dudaev, the National Guard defeated parliamentary supporters in Grozny. Moscow sought to stoke the flames of civil discord by co-opting the Chechen opposition, with its strongholds in Umar Avturkhanov's fiefdom of Nadterechny in the north and Bislan Gantamirov's in Urus-Martan.⁵⁵ On 6 August, the protracted low-key conflict erupted into open confrontation in the Nadterechny District. There government and opposition forces clashed, with government troops coming out on top. On 26 November, in league with Russian troops, opposition forces launched an assault on the Presidential Palace in Grozny.

On 11 December 1994, Russian Federation troops entered Chechnya. On entering Grozny on New Year's Eve, Russian troops suffered massive losses. After nearly three weeks of intense fighting, they managed to dislodge Chechen resistance fighters from the capital. Soon after, Mufti Akhmad Kadyrov, Chechnya's religious leader, declared a gazavat against the Russian forces. In this he echoed the strategy of the late Chechen leader, Sheikh Mansur. The Mufti's declaration united Chechens in support of the separatist resistance movement.⁵⁶

In June 1995, Chechen fighters under Shamil Basaev

52 Vatchagaev M. 2019. Chechnya: the Inside Story. From Independence to War. Open Books.

53 A. Jaimoukha. 2005. The Chechens: a handbook. Routledge.

54 Ibid.

55 Ibid.

56 Ibid.

shocked Russia by seizing a hospital in the town of Budenovsk in the Stavropol Krai and taking hundreds of hostages. The subsequent stand-off was only resolved when the then Russian Prime Minister, Viktor Chernomyrdin, consented to Basaev's conditions. On 21 June 1995, with support of the OSCE the Russian and Chechen delegations met in Grozny and discussed the cessation of armed activities. They agreed to establish a Special observation commission, exchange maps of mine fields and look for a peaceful resolution to the crisis. Furthermore, the Russian side demanded the extradition of Shamil Basaev for his terrorist acts in Budenovsk⁵⁷ The norms were reflected in the Agreement on the peaceful regulation of the situation in the Chechen Republic (on a set of military issues) signed in Grozny on 30 July 1995 (Annex 14). The delegations agreed to the conditions for a ceasefire agreement and expressed desire to cease military activities and to achieve peace.⁵⁸ This laid down foundations for further engagement and on 3 December 1995 in Moscow, the conflict parties signed an Agreement on the basic principles of relations between the Russian Federation and the Chechen Republic (Annex 15). The document recognised the necessity of establishing a special status for the Chechen Republic as part of the Russian Federation and the adoption by the Chechen Republic of a Constitution and legislation.⁵⁹ However, the security situation remained challenging. In January 1996, Raduev staged a surprise attack that led to the complete destruction of Pervomayskoye, a Dagestani border town, and numerous civilian casualties.

On 31 March 1996, the Decree of the President of the Russian Federation on the Resolution of the Chechen Crisis requested the cessation of military operations

in the territory of the Chechen Republic after 24:00 on 31 March 1996.⁶⁰ Despite this, the fight continued and later that month, the President of Ichkeria D.Dudayev, was killed by a guided missile.

In May 1996, Russia asked the Organization for Security and Co-operation in Europe (OSCE) to act as an intermediary to resolve the conflict. Under the mediation of OSCE, on 27 May 1996 and Agreement on a Ceasefire, the Cessation of Military Activities, and on Measures for a Settlement of the Armed Conflict on the Territory of the Chechen Republic was signed in Moscow (Annex 16). The conflict parties agreed to enforce a full cease-fire with the cessation of military activities beginning on 1 June 1996 at 0000 hours.⁶¹ The document was substantiated in the follow up Protocol of the Meeting of the Commissions on the Negotiations Regarding a Ceasefire and Cessation of Hostilities and on Measures to Settle the Armed Conflict on the Territory of the Chechen Republic, that was organised in Nazran, 10 June 1996 (Annex 17).⁶² However, Chechen nationalists boycotted the parliamentary elections, held in June, in Chechnya and they also boycotted the Russian presidential elections, which were won by Yeltsin. Following the elections, Russian forces relaunched attacks in July, with the escalating violence drawing criticism from the USA, Germany and the OSCE. The Chechens accused Moscow of violating the agreements. The Russian Duma agreed to resume peace negotiations and the Russian State Commission on Chechnya offered to negotiate with Chechen separatist leaders. Despite this, on 6 August 1996, Chechen forces stormed Grozny in a well-coordinated surprise operation, inflicting heavy losses on Russian bases in and around the city. This resulted in the Agreement "On Urgent Measures to Stop Fire

57 Protocol of the Meeting of Delegates for Peaceful Resolution of the Crisis in the Chechen Republic with the Cooperation of the OSCE. 21 June 1995. Available from: https://peacemaker.un.org/sites/peacemaker.un.org/files/RU_950621_ProtocoloftheMeetingofDelegatePeacefulResolutionofCrisisChechenRepublic.pdf

58 Agreement on the peaceful regulation of the situation in the Chechen Republic (on a set of military issues). 30 July 1995. Available from: https://peacemaker.un.org/sites/peacemaker.un.org/files/RU_950730_PeacefulResolutionMilitaryIssues.pdf

59 On the basic principles of relations between the Russian Federation and the Chechen Republic. 3 December 1995. Available from: https://peacemaker.un.org/sites/peacemaker.un.org/files/RU_951214_AgreementonBasicPrinciplesRelationsRussianFederationChechenRepublic.pdf

60 Decree of the President of the Russian Federation on the Resolution of the Chechen Crisis. 31 March 1996. Available from: https://peacemaker.un.org/sites/peacemaker.un.org/files/RU_960331_DecreeofthePresidentofRussianFederation.pdf

61 Agreement on a Ceasefire, the Cessation of Military Activities, and on Measures for a Settlement of the Armed Conflict on the Territory of the Chechen Republic. 27 May 1996. Available from: https://peacemaker.un.org/sites/peacemaker.un.org/files/RU_960527_Agreement%20on%20a%20Ceasefire.pdf

62 Protocol of the Meeting of the Commissions on the Negotiations Regarding a Ceasefire and Cessation of Hostilities and on Measures to Settle the Armed Conflict on the Territory of the Chechen Republic. 10 June 1996. Available from: https://peacemaker.un.org/sites/peacemaker.un.org/files/RU_960610_Protocol%20of%20the%20Meeting%20on%20the%20Negotiations%20Regarding%20a%20Ceasefire.pdf

and Combat Operations in the City of Grozny and on the Territory of Chechnya”, signed by Alexander Lebed and Aslan Maskhadov on August 22, 1996 (Annex 18).⁶³ In a few days the conflict parties agreed on a more comprehensive ceasefire agreement, the Russian-Chechen Truce Agreement signed in Khasavyurt on 25 August 1996 (Annex 19).⁶⁴ The Khasavyurt Joint Declaration and a Declaration on the Principles for Determining Mutual Relations were subsequently signed on 31 August 1996, ending more than 20 months of war (Annex 20).⁶⁵ It identified the principles concerning mutual relations between the Russian Federation and the Chechen Republic, the basis for future negotiations. The final status of Chechnya in Russian law was postponed for five years: in that time according to the Russia’s Constitution the republic was an integral part of Russian Federation. According to M.Vatchagaev, the Declarations signed in Khasavyurt remained a puzzle as the OSCE distributed the English text of Declaration to the international community without Chechen participation. The Russian text stated that the final agreement on the status of Chechnya had to be reached ‘before’ 31 December 2001, while the English one said ‘after’.⁶⁶ On 23 November, an agreement on the principles of relations between the federal center and the Chechen Republic was signed by both sides led by Viktor Chernomyrdin and Aslan Maskhadov (Annex 21).⁶⁷ The last of the Russian troops in Chechnya withdrew in December 1996. Although hostilities had officially ceased, the agreements froze the issue of Chechen independence until new agreements could be reached. On 12 May 1997 the

63 Agreement “On Urgent Measures to Stop Fire and Combat Operations in the City of Grozny and on the Territory of Chechnya. 22 August 1996. https://peacemaker.un.org/sites/peacemaker.un.org/files/RU_960822_AgreementonUrgentMeasurestoStopFireinChechnya.pdf

64 Russian-Chechen Truce Agreement. 25 August 1996. Available from: https://peacemaker.un.org/sites/peacemaker.un.org/files/RU_960825_RussianChechenTruceAgreement.pdf

65 Khasavyurt Joint Declaration and Principles for Mutual Relations Khasavyurt, Dagestan. 31 August 1996. Available from: https://peacemaker.un.org/sites/peacemaker.un.org/files/RU_960831_Khasavyurt%20Joint%20Declaration%20and%20Principles%20for%20Mutual%20Relations.pdf

66 Vatchagaev M. 2019. Chechnya: the Inside Story. From Independence to War. Open Books.

67 An agreement on the principles of relations between the federal center and the Chechen Republic. 23 November 1996. Available from: https://peacemaker.un.org/sites/peacemaker.un.org/files/RU_961123_RussianChechenAgreement.pdf

Peace Treaty and Principles of Interrelation between the Russian Federation and the Chechen Republic Ichkeria was signed (Annex 22).⁶⁸

The post-conflict phase remained turbulent, with Chechnya enjoying de facto independence under President Zelimkhan Yandarbiev. Despite Yandarbiev’s use of Wahhabis in the state-building process, Islamization did not gather momentum; Aslan Maskhadov was elected president in January 1997 and he faced radicalization. Some amendments to the Constitution of Chechnya were adopted in November 1996 as well as in February 1997. They transformed the nation-state into an Islamic republic. The New Criminal Code containing the norms of Sharia law was introduced on September 12, 1996.⁶⁹ Shamil Basaev, a former combatant who ran against Maskhadov in the presidential elections, attempted to appease the Wahhabis, allying himself with the radical Saudi (or, according to some sources, Jordanian) Ibn al-Khattab.⁷⁰ Khattab, an experienced fighter, brought with him extensive knowledge of military strategy, as well as substantial financial resources. Basaev used Khattab’s influence to oppose Maskhadov. With the help of the Wahhabi faction, he began a military build-up, revealing in an interview that his ultimate aim was to achieve pan-Caucasian independence. On 26 April 1998, Basaev and another Chechen, Movladi Udugov, organised the Ichkeria and Dagestan People’s Congress with the goal of challenging Russian hegemony in the region.⁷¹ These dynamics increased tensions with Chechen Sufis. Maskhadov’s inability to take command of the situation on the ground contributed to the regional growth of Wahhabism; but it also fueled the anti-Wahabi movement, which was led by Ahmed Kadyrov.

By the summer of 1999, skirmishes between federal and Chechen forces were occurring regularly at the

68 Peace Treaty and Principles of Interrelation between the Russian Federation and the Chechen Republic Ichkeria. 12 May 1997. Available from: https://peacemaker.un.org/sites/peacemaker.un.org/files/RU_970512_PeaceTreatyRussiaChechenIchkeria.pdf

69 Выдержки из Уголовного кодекса ЧРИ. 2000. Available from: <https://chechenlaw.ru/?p=171> ; <https://chechenlaw.ru/?p=94>

70 Grazvydas Jasutis, Vassily A. Klimentov August 2020. The Allure of Jihad: the de-territorialization of the war in the North Caucasus. Caucasus Survey

71 Ibid.

administrative border of Chechnya and Dagestan. Reportedly at the invitation of local Islamist groups, Basaev and Khattab led a group of armed fighters into the Botlikhsky and Novolaksky regions of Dagestan, on, respectively, 7 August and 5 September, to support their “Muslim brothers” in “freeing ... Dagestani Muslims from occupation by the infidels”. They encountered fierce resistance, first from the local police and Avar and Lak militias, then from federal forces. Though Maskhadov condemned the attack on Dagestan, it gave revanchist groups within the Russian military and political establishment the upper hand. On 30 September 1999, federal troops entered Chechnya, in what was officially referred to as a “counter-terrorist operation”, but that is most commonly known as the Second Chechen War.⁷²

In June 2000, Putin took the first step at handing over responsibility for the conflict to the Chechens by naming Kadyrov as the head of the Russian administration in Chechnya. Supported by tens of thousands of Russian troops, Kadyrov’s force continued the counter-terror campaign. However, they came no closer to eliminating the separatists, many of whom had taken refuge in the Chechen mountains, as well as in neighboring states.

By the end of 2001, the Russian leadership came to the realization that their enemy-centric plan was not succeeding and started peace negotiations. Some representatives from Chechnya, Russia, and the USA met and created a compromise peace plan. The plan called for national elections. It also focused on establishing a Chechnya not in, but with Russia. Unfortunately, Basaev’s group saw peace as a threat to their goal of a free Islamic Caucasian state. In response, in October 2002 they struck at the Moscow Dubrovka Theater, killing 131 civilians. Basaev’s next attack came in September 2004. Terrorists took control of a public school in Beslan. The Chechen separatists were blamed for the deaths of hundreds of children.⁷³ Aslan Maskhadov declared several unilateral ceasefires in 2005,⁷⁴ however, these were not successful. Since March 2006, Ramzan Kadyrov has chaired the republican government and been the

de facto strongest man in Chechnya. Chechenisation allowed the federal authorities to declare the pro-federal Chechen side “the legitimate authority”, label insurgents as “terrorists” and “bandits” and proceed to a political settlement without negotiating with their main antagonist⁷⁵. In April 2009, the counterinsurgency operation in Chechnya was officially terminated. On 5 April, 2011 Ramzan Kadyrov became a Head of the Chechen Republic.

Degree of SSRP integration

The conflict embraced a number of agreements that incorporated tentative provisions related to SSR. For instance, the 1995 agreement stipulated the necessity of recognising the Chechen Republic’s special status as part of the Russian Federation and the adoption by the Chechen Republic of a Constitution and legislation. The organs of state power of the Chechen Republic independently took on the authority of state power, including: the establishment of a system of organs of state power; a scheme for their organization and activity; and their subsequent functioning operation. In the 1996 agreement, no later than 1 October, 1996, a Joint Commission was to have been formed, to assume control over the implementation of the Decree of the President of the Russian Federation issued on 25 June, 1996, under No. 985. This commission was to prepare proposals concerning the completion of the withdrawal of the armed forces; to initiate joint undertakings directed towards the combat of crime, terrorism and nationalist and religious prejudices; to control their implementation; and to prepare proposals for the reconstruction of currency, fiscal and budgetary relations.

72 Ibid.

73 Ibid.

74 Масхадов продлил перемирие с Россией. 23/02/2005. Available from: <https://lenta.ru/news/2005/02/23/maskhadov/>

75 International Crisis Group. 2012. The North Caucasus The Challenges of Integration I: Ethnicity and Conflict.

Available from: <https://www.scribd.com/doc/303908549/>

The-North-Caucasus-the-Challenges-of-Integration-I-Ethnicity-and-Conflict

Area	Political cluster	Structural and organizational cluster	Legislative cluster	Budgetary cluster	Cross-cutting issues (human rights, good governance, gender and transitional justice)	Oversight and monitoring
Defence reforms						
Justice reforms						
Police reforms						
Intelligence reforms						



clearly expressed provisions
Value - 2.08%



hinted provisions
Value - 4.16%



no provisions
Value - 0.

The overall value is 60.32%, which rates the Chechen agreements “likely integrated” and represents sufficient potential for further dialogue.

4. Conflict in South Ossetia (Tskhinvali district)

The Georgian (GEO) and South Ossetian (SO) conflict was fast-moving in 1991-2008. There were significant territorial changes and dire humanitarian consequences for the region. The conflict reached critical peaks in 1991-1992, and 2004 and alerted the international community to the fragile and vibrant situation in the South Caucasus. In August 2008, the Georgian Armed Forces clashed with the Russian Federation (RF) Armed Forces and SO security actors. The five-day war was terminated with the European Union sponsored Six Point cease-fire agreement. This was followed by the immediate deployment of the European Union Monitoring Mission across the country. On 26 August 2008 SO was recognised as an independent country by the Russian Federation and several Pacific and Latin American countries, and the Syrian Arab Republic did likewise.

The Ossetians belong to an ethnic group that speaks an Iranian Indo-European language, while the Georgians are Kartvelians with a unique writing system. The modern conflict between Georgia and its former Autonomous District of South Ossetia was revived during the period of national renaissance as the Soviet Union was collapsing. It began with the war against laws on the state language, followed by the law banning regional political parties.⁷⁶ In November 1989, the GEO leader Zviad Gamsakhurdia asserted the slogan “Georgia for Georgians” and organised a

⁷⁶ G.Jasutis, ‘Forward-Looking Solutions to the Georgian and South Ossetian Conflict: A Path Toward Reconciliation’, *Baltic Journal of Law&Politics*, Vol. 6-3, 2013. G. Jentzsch, ‘What are the main causes of conflict in South Ossetia and how can they best be addressed to promote lasting peace?’, *The BSIS Journal of International Studies*, Vol 6, 2009.

notorious march to Tskhinvali, clashing with Ossetian communities along the way. On 20 September 1990, SO adopted a declaration of sovereignty and proclaimed itself a Soviet Socialist Democratic Republic within the Soviet Union, a proclamation that was not accepted by the GEO Soviet authorities. On 28 October, Zviad Gamsakhurdia and his “Round Table – Free Georgia” party won the parliamentary elections, which were boycotted by SO. SO organised its own elections and elected its own leadership. Consequently, GEO abolished SO autonomy on 11 December and sent the newly formed national guard and volunteers to SO on 5 January 1991. On 1 February, 1991, the Union of Independent Power Engineers of Georgia cut off the power supply to SO. This led to protracted armed clashes throughout 1991 and 1992. During that period, GEO declared its independence and, in September 1991, a civil war started up between pro-Zviadists and their opponents. In December 1991 the Soviet Union was dissolved and SO declared its independence. The new GEO government continued to fight pro-Zviadists and to consolidate control over SO. Some efforts were taken to stop the conflict in 1991. For example, on 23 March 1991, Zviad Gamsakhurdia met with Boris Yeltsin in Kazbegi and signed a protocol that called for the establishment of joint units to disarm illegal armed formations (Annex 23). The protocol provided for the creation of a joint Russian-Georgian militia unit by 10 April to disarm all illegal formations – in other words, Ossetian detachments, as well as, apparently, Georgian paramilitaries, “Mkhedronites”. The parties also agreed to start “immediate” operations for the return of all refugees. Despite this agreement, the war continued. Tskhinvali saw three assaults in the course of the hostilities (in February and March of 1991, and in June 1992). North Ossetia, a Russian region in the North Caucasus, was dragged into the conflict. It was flooded with 43,000 refugees from South Ossetian and Georgian districts. The Kremlin could not directly control North Ossetia’s actions. Moreover, Vladikavkaz insisted it would sign a federal treaty only on condition that Moscow supported South Ossetia (in one form or another). In late May 1992, North Ossetia blocked the pipeline running to Georgia.

Serious international-humanitarian law violations were committed by both sides in the conflict: ceasefires were violated, hostages taken, and civilian targets

attacked.⁷⁷ The conflict was temporarily suspended in Sochi when RF, GEO, and SO signed the Dagomys Agreement (Annex 24). It was signed by Russia and Georgia while South Ossetia as well as the Northern Ossetian leadership participated in the Joint Control Commission and the process of conflict resolution.⁷⁸ This led to the eventual deployment of joint peace-keeping forces in the region. The Agreement provided for the termination of all military activities and the declaration of a cease-fire on June 28, 1992. Military formations were scheduled to depart within the next three days. Russian Engineering Regiment No. 37 and Helicopter Regiment No. 292, both stationed in Tskhinvali, were to be relocated within the next twenty days. In addition, the Agreement stated that all South Ossetian self-defence forces were to be disbanded immediately. The Joint Control Commission (JCC), which included representatives of the three parties involved and military observers, was created to implement the Agreement.⁷⁹ On 14 July 1992, mixed peacekeeping forces were deployed to the region and in autumn of the same year, the OSCE Mission to Georgia was established with its headquarters in Tbilisi.

The conflict resulted in some 1,000 dead, 100 missing, the extensive destruction of homes and infrastructure, and thousands of refugees and internally displaced persons (IDPs).⁸⁰ The leadership of the former SO district retained control over the districts of Tskhinvali, Java, Znauri, and parts of Akhagori. The Tbilisi central government gained authority over the rest of Akhagori and the Georgian villages in the Tskhinvali district.⁸¹

In May 1996, the “Memorandum on Measures to Ensure Security and Reinforce Mutual Confidence between the Parties to the Georgian-Ossetian Conflict”

77 Human Rights Watch. *Violations of Humanitarian Law and Human Rights in the Georgia-South Ossetia Conflict*. April 1, 1992, Available from: <https://www.hrw.org/report/1992/04/01/violations-humanitarian-law-and-human-rights-georgia-south-ossetia-conflict> [Accessed on 18 May 2018]

78 <https://docs.cntd.ru/document/1902246>

79 Law Library of Congress, 1992 Sochi Agreement, Directorate of Legal Research LL File No. 2008-01419, August 2008 Available from: <https://www.loc.gov/law/help/reports/pdf/2008-01419.pdf> (last accessed 18 May 2018)

80 International Crisis Group, *Georgia: Avoiding War in South Ossetia, Europe & Central Asia Report 159*, 26 November 2004 Available from: <https://www.crisisgroup.org/europe-central-asia/caucasus/georgia/georgia-avoiding-war-south-ossetia> [Accessed on 18 May 2018]

81 Ibid.

was signed, calling on both sides to “continue their negotiations with a view to achieving a full-scale political settlement” (Annex 25).⁸² In November 1997, GEO and SO leaders E. Shevarnadze and L. Chibirov met in Dzau and agreed that a political settlement of the conflict and the return of IDPs and refugees were priorities. They announced that 1998 would be the year of the refugees’ return.⁸³ In 2000 GEO and RF signed an Agreement on cooperation in the field of economic reconstruction in the zone of the Georgian-Ossetian conflict and on the return of refugees.⁸⁴

The situation on the ground deteriorated in 2004. New GEO president Mikheil Saakashvili clearly identified his national political priorities and among them was the return of break-away regions, including South Ossetia. He ordered the closure of the Ergneti market, which had functioned since 1996, and which had served as a place for engagement between SO and GEO communities. Officially, this move was part of an anti-smuggling campaign, which led to the introduction of more forces on the ground. Tbilisi accused RF of supplying SO forces with military equipment and captured a few of the RF peacekeepers’ trucks, containing weapons.⁸⁵

On 2 June 2004, the JCC determined the introduction of additional police units and new checkpoints in the zone to be in violation of the agreements.⁸⁶ Tensions rose and clashes between GEO and SO forces occurred, with the first civilian casualties recorded in August. A new cease-fire agreement was concluded on 19 August 2004, but the text was not published. At a high-level meeting between Georgian Prime Minister Zurab Zhvania and *de facto* South Ossetian leader Eduard Kokoity on 5 November in Sochi, an agreement on

the demilitarisation of the zone of conflict was signed (Annex 26).⁸⁷ The parties also agreed on the necessity for joint economic projects.

The period between 2004 and 2008 can be characterised as being volatile and turbulent. There were many small to medium scale clashes, and, also, several proposals for peace. In 2005, Georgian President Mikhail Saakashvili offered broad autonomy to the breakaway republic of South Ossetia. Speaking at the Parliamentary Assembly of the Council of Europe, he promised constitutional guarantees to South Ossetian, self-rule and broad autonomy within the Georgian state.⁸⁸ *De facto* South Ossetian president Eduard Kokoity echoed the proposal and offered to focus on demilitarization and the preparation of a comprehensive plan for a political settlement.⁸⁹ In 2006, the Georgian Parliament adopted a resolution putting Russian peacekeepers in an extremely negative light and urging the international community to take interest in the conflict.⁹⁰ The *de facto* South Ossetian Parliament adopted two documents in relation to the conflict – a politico-legal assessment of events in 1989-1992 and a declaration of genocide towards South Ossetians in 1989-1992.⁹¹

The war erupted again in August 2008 and involved troops from the RF. The first violent incidents took place in July 2008. On 3 July, *de facto* SO police chief Nodar Bibilov was killed in an explosion outside his home in the South Ossetian village of Dmenisi; hours later, three Georgian policemen were injured when a convoy, carrying Tbilisi-backed South Ossetian Provisional

82 International Crisis Group, Georgia: Avoiding War in South Ossetia, Europe & Central Asia Report 159, 26 November 2004 Available from: <https://www.crisisgroup.org/europe-central-asia/caucasus/georgia/georgia-avoiding-war-south-ossetia> [Accessed on 18 May 2018]

83 I.Kochiev, A.Margiev, 2011 ‘Georgia: Ethnic Cleansing of Ossetians’, Vesta Vladikavkaz,

84 Agreement on cooperation in the field of reconstruction of economy in the zone of Georgian-Ossetian conflict and return of refugees between the Russian Federation and Georgia. 8 August 2001 Available from: <http://docs.cntd.ru/document/901783888>

85 International Crisis Group, Georgia: Avoiding War in South Ossetia, Europe & Central Asia Report 159, 26 November 2004 Available from: <https://www.crisisgroup.org/europe-central-asia/caucasus/georgia/georgia-avoiding-war-south-ossetia> [Accessed 18 May 2018]

86 Ibid.

87 Ibid.

88 ‘Georgia unveils settlement offer’, BBC News, 26 January 2005, Available from: <http://news.bbc.co.uk/2/hi/europe/4209243.stm> [Accessed on 18 May 2018]

89 ‘Kokoity proposal is in line with Georgian position’, Kavkaz Uzel, 13 December 2005, Available from: <http://www.kavkaz-uzel.eu/articles/86519/> (last accessed 18 May 2018)

90 ‘State Duma : Georgia blamed Russian peacekeepers’, RBC, 17 February 2006, <https://www.rbc.ru/politics/17/02/2006/5703bbb9a7947afa08c9685> (last accessed 18 May 2018)

91 ‘South Ossetia: beginning of the war’, Kavkaz Uzel, 19 June 2006, Available from: <http://www.kavkaz-uzel.eu/articles/96581>

Administration leader Dimitri Sanakoev.⁹² According to the Independent International Fact Finding Mission on the Conflict in Georgia, on the night of 7 August 2008, the town of Tskhinvali was targeted in a sustained artillery attack by Georgian forces. The Georgian armed forces launched further attacks on Tskhinvali and the surrounding areas, and soon the fighting involved Russian, South Ossetian, and Abkhaz military units and armed elements. The fighting, which quickly extended to other parts of Georgia, lasted for five days. It caused serious destruction through the country. Casualties were substantial. After the five days of fighting, the Georgian side claimed losses of 170 servicemen, 14 policemen, and 228 civilians killed with 1,747 persons wounded. The Russian side claimed losses of 67 servicemen killed and 283 wounded. The South Ossetians reported 365 persons killed, which likely included both servicemen and civilians. Altogether, about 850 persons lost their lives, not to mention those who were wounded, went missing, or the more than 100,000 who fled their homes.⁹³

The five-day war was, as noted above, terminated with the European Union sponsored Six Point cease-fire agreement on 12 August 2008 and the Agreement on Implementing Measures of 8 September 2008 (Annex 27 and 28). It was followed by the immediate deployment of a European Union Monitoring Mission across the country. The Mission started its monitoring activities on 1 October 2008, beginning with oversight of the withdrawal of Russian armed forces from the areas adjacent to South Ossetia and Abkhazia⁹⁴.

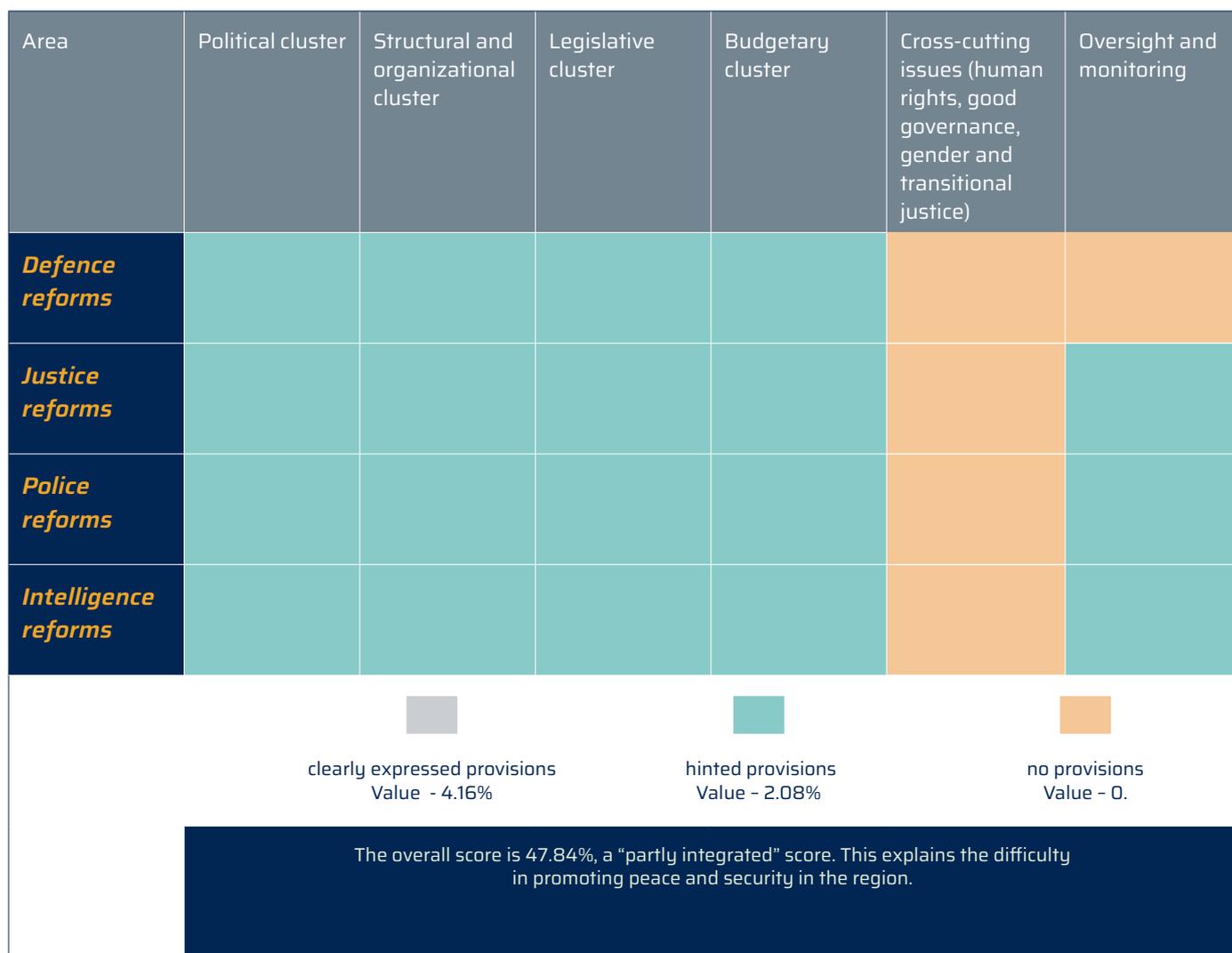
Degree of SSRP integration

The texts of agreements suggest a strong emphasis on monitoring and oversight along with some references to DDR and humanitarian aspects. For instance, the 1991 Kazbegi agreement stipulates that the Ministry of Internal Affairs of the RSFSR and the Ministry of Internal Affairs of the Republic of Georgia were to create a joint militia unit until 10 April to disarm all illegal formations on the territory of the former South Ossetian Autonomous Region. The detachment was charged with ensuring the protection of public order in this territory so as to stabilise the situation. The Councils of Ministers of the RSFSR, the Republic of Georgia, and the North Ossetian SSR were to immediately begin work on creating conditions for the return of refugees to their places of permanent residence, to ensure the restoration of legitimate local authorities. In the 1992 Agreement, a mixed Control Commission composed of representatives of opposing parties was to be set up and this Commission was to carry out its functions in close cooperation with the joint group of military observers created in accordance with the agreements reached in Kazbegi. They were to: exercise control over the implementation of cease-fire; withdraw armed formations; disband self-defence forces; while maintaining the security regime in the region. The 2008 Agreement was followed by the deployment of the EU mission in Georgia. The references to the security forces were rare though 2004 agreement suggested to define the number of law enforcement members in the conflict affected areas.

92 Johanna Popjanevski. Tensions Mounting in South Ossetia. 7/9/2008 issue of the CACI Analyst. Available from: <http://www.cacianalyst.org/publications/field-reports/item/11665-field-reports-caci-analyst-2008-7-9-art-11665.html> [Accessed on 18 May 2018]

93 'Report of Independent International Fact-Finding Mission on the Conflict in Georgia', September 2009, Available from: http://news.bbc.co.uk/2/shared/bsp/hi/pdfs/30_09_09_iiffmgc_report.pdf [Accessed on 18 May 2018]

94 EUMM. 2013. EUMM in Georgia. Factsheet. Available from: https://eeas.europa.eu/csdp/missions-and-operations/eumm-georgia/pdf/02052013_factsheet_eumm-georgia_en.pdf



5. Conflict in Abkhazia

Georgia was engaged in the Abkhaz conflict for most of the period 1992-2008⁹⁵. The Georgian regular Armed Forces and Georgian volunteers fought against the Abkhaz from the breakaway territory of Abkhazia and the Confederation of Mountain Peoples of the Caucasus in 1992-1993. This resulted in an Agreement on a Ceasefire and Separation of Forces signed in Moscow, 14 May 1994 (Moscow Agreement). The Moscow Agreement did not prevent further bloodshed and the conflict peaked again in 1998 and 2001. In August 2008, Russian Federation (RF) forces along with Abkhaz security actors were embroiled in a conflict

with Georgian armed forces. Thus, a local war turned into an international armed conflict. In the aftermath of the conflict, over 200 civilian monitors were deployed to Georgia by EU Member States to contribute to the stabilization of the situation on the ground. On 26 August 2008, Abkhazia was recognised as an independent country by the RF, and several Pacific and Latin American countries and Syria followed suit. On 28 August 2008, the Parliament of Georgia passed a unanimous resolution declaring Abkhazia and South Ossetia to be RF-occupied territories and the Russian peacekeepers an occupying force.⁹⁶

95 Jasutis G. 2018. Georgia-Abkhazia: The Predominance of Irreconcilable Positions. War Report. Available from: <https://www.geneva-academy.ch/research/publications/detail/430-georgia-abkhazia-the-predominance-of-irreconcilable-positions>

96 Jasutis G. 2018. Georgia-Abkhazia: The Predominance of Irreconcilable Positions. War Report. Available from: <https://www.geneva-academy.ch/research/publications/detail/430-georgia-abkhazia-the-predominance-of-irreconcilable-positions>

The real schism between Georgian and Abkhazian communities did not occur until 1989. There had been, though, a long history of interethnic clashes (1931, 1956, 1967 and 1977-1979) and the idea of reconsidering Abkhazia's status had been raised.

On 18 March 1989, the Popular Forum of Abkhazia, the "Aidgylara", with the support of other Abkhazian groups from the village of Lykhny, gathered their elders to sign a declaration. They demanded secession from Georgia and that the region's status be upgraded to a republic⁹⁷. Thirty-six thousand participants including Communist Party leaders and Abkhaz dissidents signed the documents. The nationalist discourse appealed to communist solidarity and discipline.⁹⁸

Protests and demonstrations organised by pro-independent and pro-nationalist movement broke out during April in Tbilisi. These were brutally dispersed by the Soviet Army.⁹⁹ In the days following these events, the Soviet Georgian Ministry of Higher Education announced that it was opening a branch of Tbilisi University in Sukhumi. This was to be based in the Georgian sector of the existing Abkhaz State University. This resulted in a further series of ethnic clashes between Georgian and Abkhazian communities in Sukhumi on 15 July and in Ochamchira on 16 July 1989.¹⁰⁰ The Abkhazian community continued its efforts to separate from Georgia. On 17 March 1991, they participated in a Soviet referendum along with Russians, Armenians and Greeks and voted in favour of remaining within the Soviet Union: Georgia boycotted the referendum.

The Georgian and Abkhazian armed conflict began in August 1992. After ferocious fighting, Georgian troops broke through to Sukhumi and took control of the Gagra district bordering Russia. In this way, Georgian troops had effectively blocked the Abkhazian separatist

leadership in Gudauta.

The ceasefire was enshrined in the Protocol of Consultations on the Regulation of the Conflict between Georgia and Abkhazia signed in Sochi, on 29 August 1992 (Annex 29). The Russian Federation sponsored an initial ceasefire agreement, which was signed in Moscow on 3 September 1992 (Annex 30). The parties agreed that Georgia's territorial integrity would be preserved and that its armed forces, which were present in the conflict zone, would not exceed the agreed level required for the protection of railway and strategic installations.¹⁰¹ On 1 October 1992, Abkhaz forces, along with fighters from the Confederation of Mountain Peoples of the Caucasus military, managed to regain control of Gagra, which ensured access to logistical and military support from the North Caucasus. Through 1993, the Abkhazian forces periodically attempted to regain control over Sukhumi. This ended on 27 July when there was a new attempt to agree and implement a ceasefire agreement (Annex 31). The agreement set out: the non-use of force against each side in the conflict zone; the deployment of international observers and peace-keeping forces; the establishment of a trilateral Georgian-Abkhaz-Russian interim monitoring group; and phased demilitarization of the conflict zone.¹⁰² On 24 August 1993, the Security Council decided to establish the United Nations Observer Mission in Georgia (UNOMIG). There were 88 military observers plus minimal civilian support staff, to verify compliance with the ceasefire agreement.¹⁰³ Despite these measures, the Abkhaz forces launched attacks and took control of Sukhumi on 27 September 1993. Within a few days they controlled all Abkhazian territory except Upper Kodori Gorge. Fierce fighting followed with serious human-rights violations committed on all sides, including by civilians who cooperated with the military forces. According to the United Nations fact-finding

97 C. Francis, 'Conflict Resolution and Status: The Case of Georgia and Abkhazia (1989-2008)', ASP - Academic & Scientific Publishers, October 1, 2011.

98 Грузино-абхазский конфликт: 1917-1992 / Сост. К.И. Казенин. М. Европа, 2007

99 C. Francis, 'Conflict Resolution and Status: The Case of Georgia and Abkhazia (1989-2008)', ASP - Academic & Scientific Publishers, October 1, 2011.

100 C. Francis, 'Conflict Resolution and Status: The Case of Georgia and Abkhazia (1989-2008)', ASP - Academic & Scientific Publishers, October 1, 2011.

101 'Moscow Agreement', United Nations, 3 September 1992, <https://peacemaker.un.org/georgia-moscow-agreement92>

102 'Agreement on a Ceasefire in Abkhazia and Arrangement to monitor its Observance', United Nations, 27 July 1993, Available from: <https://peacemaker.un.org/georgia-ceasefireobservance93>

103 'Georgia UNOMIG', United Nations, 2009, Available from: <https://peacekeeping.un.org/mission/past/unomig/background.html>

report,¹⁰⁴ grave human-rights violations are reported to have taken place during each phase of the armed conflict. These violations are said to have included extrajudicial executions, torture, rape, looting, burning of houses and apartments, unlawful occupation and forced deportations. Each party to the conflict has also accused the other of carrying out ethnic cleansing in the areas under its control. Civilians, including women, children, elderly persons and combatants, no longer actively participating in armed confrontations, saw their rights to life, physical integrity, personal security and property violated.¹⁰⁵

According to a Human Rights Watch Report, the war resulted in significant casualties which included 4,000 Georgian individuals killed, with 10,000 wounded, and 1,000 reported missing. On the Abkhazian side, 4,040 were killed (2,220 combatants, 1,820 civilians), approximately 8,000 were wounded, and 122 were marked as missing in action. Since autumn 1994, the Office of the United Nations High Commissioner for Refugees has supervised the repatriation of some 200,000 displaced persons to Abkhazia.¹⁰⁶

In the spring of 1994, Georgia and Abkhazia signed four documents laying the groundwork for an 'Agreement on a Ceasefire and Separation of Forces' (Annex 32, 33, 34 and 35). On 14 May 1994, the Agreement was signed in Moscow and it established security zones and restricted-weapon zones. The parties agreed on the deployment of the peace-keeping force of the Commonwealth of Independent States (CIS). Under the supervision of representatives of the peace-keeping forces of the CIS and UN observers, with the participation of representatives of parties from the Kodori valley, the troops of the Republic of Georgia were, according to the Agreement, to withdraw to their places of deployment beyond the

frontiers of Abkhazia.¹⁰⁷

A new round of violence flared up between Georgia and Abkhazia in the Gali district during May 1998, where Georgian irregular forces (White legion and Forest brothers) clashed with ABK forces and CIS/Russian peacekeepers.¹⁰⁸ On 25 May 1998, the 'Protocol on Ceasefire, Separation of Armed Formations, and Guarantees on Inadmissibility of Forcible Activities' was signed in Gagra (Annex 36). Both sides agreed on the ceasefire and, separately, Abkhazia committed itself to refraining from unlawful forcible acts against the peaceful population of the Gali region. The Georgian side undertook effective measures aimed at preventing the penetration of terrorist and subversive groups, armed formations, and individuals into Abkhazian territory, activities which had had detrimental effects on the political processes in the region.¹⁰⁹ In 1999, Abkhazia held a referendum and proclaimed independence, something which profoundly affected attitudes towards the political settlement of the conflict.¹¹⁰

Heavy fighting recurred in Abkhazia in October 2001, when the Chechen field commander, Ruslan Gelayev, at the request of the Georgian authorities, attempted to advance into Abkhazia through the Kodori Gorge.¹¹¹ The operation failed, but it had several serious implications. In 2006, in Kodori a notorious Georgian police operation was carried out. In 2004 and 2005, the Georgian Ministry of Defence took steps towards abolishing three paramilitary groups (Monadire, Svaneti, and Khevsureti) operating in the Kodori Gorge. The Monadire leader, Emzar Kvitsiani (former representative of the Georgian president in Kodori), defiantly announced that he would not disarm. In response, Tbilisi launched an operation to disarm

104 'Report of the Secretary-General's fact-finding mission to investigate human rights violations in Abkhazia, Republic of Georgia', United Nations, S/26795 17 November 1993.

105 'Report of the Secretary-General's fact-finding mission to investigate human rights violations in Abkhazia, Republic of Georgia', *United Nations*, S/26795 17 November 1993.

106 Human Rights Watch: Georgia/Abkhazia: Violations of the Laws of War and Russia's Role in the Conflict, Vol. 7, No. 7, March 1997.

107 'Agreement on Ceasefire and Separation of Forces', United Nations, 14 May 1994, Available from: <https://peacemaker.un.org/georgia-ceasefire94>

108 Author's field interview.

109 'Protocol on Ceasefire, Separation of Armed Formations and Guarantees on Inadmissibility of Forcible Activities', United Nations, Available from: <https://peacemaker.un.org/georgia-protocol-ceasefire98>

110 D.Shenfield, 15 October 2008, 'Origins and Evolutions of the Georgian-Abkhaz Conflict', *Abkhaz World*, Available from: <http://abkhazworld.com/aw/conflict/31-origins-and-evolutions-of-the-georgian-abkhaz-conflict>

111 Author's field interview.

the paramilitary organisations forcefully. Kvitsiani managed to escape capture.¹¹²

The year 2008 was crucial for Georgian-Abkhazian relations. On 6 March 2008, the Russian Federation lifted the economic sanctions it had imposed on Abkhazia under the collective pressure of the CIS in 1996.¹¹³ Subsequently, the Russian President issued a decree authorizing the establishment of direct ties with Abkhazia and South Ossetia. It authorised substantive assistance to the population of both *de facto* republics.¹¹⁴ On 21 March, 2008, the State Duma (lower chamber of the Russian parliament) adopted a resolution which called on the President of Russia and the Federal Government to consider recognizing Abkhazia and South Ossetia.

In April 2008, a remotely piloted Georgian reconnaissance aircraft was destroyed by an air-to-air missile fired from a Russian fighter jet. Russia's military denied any role in the episode.¹¹⁵ The UN report said the attack was "fundamentally inconsistent" with Russia's role as a peacekeeper. It also criticised the Georgian Government, noting that the use of drones over Abkhazia violated the separation of forces agreement.¹¹⁶ The Russian Federation increased the number of peacekeepers in Abkhazia; then, a battalion of some 400 allegedly unarmed Russian Railroad Troops were sent to Abkhazia to repair the railroad on 31 May without the consent of the Georgian Government.¹¹⁷ The situation in Abkhazia became even more tense in July as a result of: a deadly explosion in Gali; a clash between Georgian and Abkhazian forces in Kodori; and the suspension of the tripartite meetings. The meetings had brought together the Georgians, CIS peacekeeping forces and UNOMIG.

The dramatic escalation of hostilities in South Ossetia on 7 and 8 August 2008 and the subsequent Georgian-Russian conflict profoundly affected the situation in the Georgian-Abkhaz zone of conflict.¹¹⁸ Following the UN Report dated 8 August, the Abkhaz side began introducing heavy weapons into the restricted weapons zone in violation of the 1994 Moscow Agreement and a series of shelling were carried out in the upper Kodori Valley. On 12 August, the Abkhaz side launched a ground attack and established control over the upper Kodori Valley. In the meantime, on 9 August, Russian forces reportedly carried out aerial attacks in western Georgia, including on the Senaki military base and military targets in the port of Poti, as well as around the town of Zugdidi. On 10 and 11 August, the Russian Federation introduced large numbers of troops into the conflict zone by road, rail and air. While the troops were initially deployed on the Gali side of the ceasefire line, they were later moved to the Zugdidi side of the zone of conflict and adjacent areas in Senaki and Poti. Russian navy ships were deployed along the coast. The Russian Federation called this introduction of troops a "peace enforcement operation". The Government of Georgia characterised it as an "aggression".¹¹⁹

The five-day war was terminated with the European-Union sponsored Six Point cease-fire agreement on 12 August 2008 and the Agreement on Implementing Measures of 8 September 2008 (Annex 27 and 28). It was followed by the immediate deployment of a European Union Monitoring Mission across the country. The Mission started its monitoring activities on 1 October 2008, by checking the withdrawal of Russian armed forces from the areas adjacent to South Ossetia and Abkhazia¹²⁰.

112 International Crisis Group, 'Abkhazia Today', Europe and Central Asia Report 176, 15 September 2006, Available from: http://old.crisisgroup.org/_/media/Files/europe/176_abkhazia_today.pdf

113 'Abkhazia: Russian Sanctions Lifted', Unrepresented Nations&People Organization, 7 March 2008, <http://unpo.org/article/7700>.

114 Коммерсантъ. 2008. Владимир Путин поручил помочь Абхазии и Южной Осетии. Available from: <https://www.kommersant.ru/doc/1005530>

115 C.Chiversmay, 'U.N. Blames Russia for Downed Drone', New York Times, 27 May 2008, Available from: <https://www.nytimes.com/2008/05/27/world/europe/27georgia.html>

116 Ibid.

117 'Railroad Troops / Railway Forces' Global Security, <https://www.globalsecurity.org/military/world/russia/railroad-troops.htm>

118 Report of the Secretary-General on the situation in Abkhazia, Georgia, United Nations, S/2008/631, 3 October 2008.

119 Report of the Secretary-General on the situation in Abkhazia, Georgia, United Nations, S/2008/631, 3 October 2008.

120 EUMM. 2013. EUMM in Georgia. Factsheet. Available from: https://eeas.europa.eu/csdp/missions-and-operations/eumm-georgia/pdf/02052013_factsheet_eumm-georgia_en.pdf

Degree of SSRP integration

The agreements are primarily focused on the cessation of fire, demilitarised zones, and peacekeeping. There are norms addressing humanitarian and human rights issues. The Agreement reached in September 1992 stipulated that the parties reaffirm the need: to respect international standards for human rights and national minorities; to prevent discrimination based on nationality, language or religion; and to hold free democratic elections.

Monitoring and oversight constitute a significant element in the documents. For instance, the parties considered it essential to invite international observers and peace-keeping forces to be deployed in the conflict zone. This was on the understanding that the size and composition of the international peace-keeping forces would be determined in consultation with the United Nations Secretary-General and the Security Council and that it would be subject to the agreement of the

parties. In 1993 Agreement, the parties agreed that no additional troops or other armed formations were to be brought into the conflict zone (in the territory of Abkhazia) and there would be no: mobilization, unapproved movement of troops and other formations; deliveries of arms and ammunition; or construction of military infrastructure.

The 2008 Agreement adds that there was to be the complete withdrawal of the Russian peace-keeping forces from the areas adjacent to South Ossetia and Abkhazia and that these were to return to their positions prior to the outbreak of hostilities. This withdrawal was to take place within ten days after the deployment in these areas of the international mechanisms. These mechanisms included at least 200 European Union observers, and the withdrawal was to take place no later than 1 October 2008.

Area	Political cluster	Structural and organizational cluster	Legislative cluster	Budgetary cluster	Cross-cutting issues (human rights, good governance, gender and transitional justice)	Oversight and monitoring
Defence reforms	hinted provisions	hinted provisions	no provisions	no provisions	clearly expressed provisions	clearly expressed provisions
Justice reforms	no provisions	no provisions	no provisions	no provisions	clearly expressed provisions	clearly expressed provisions
Police reforms	hinted provisions	hinted provisions	no provisions	no provisions	clearly expressed provisions	clearly expressed provisions
Intelligence reforms	no provisions	no provisions	no provisions	no provisions	clearly expressed provisions	clearly expressed provisions



clearly expressed provisions
Value - 4.16%



hinted provisions
Value - 2.08%



no provisions
Value - 0.

The overall value is 41.60 %, which gives a "partly integrated" score and explains the difficulty in promoting peace and security.

6. Conflict between Armenia and Azerbaijan

The territory of Nagorno Karabakh, internationally recognised as part of Azerbaijan, became a bone of contention between Azerbaijan (AZE) and Armenia (ARM): there was a full-scale war in 1991-1994 and military confrontations in 2016 and 2020. The recent ceasefire agreement was signed on 10 November 2020.

During Soviet times, the two communities cohabitated with no significant outbreaks of violence. This was largely due to Soviet policy which, in its struggle to integrate segmented societies and satisfy their needs, encouraged, with totalitarian policies, cooperation between communities.¹²¹ Some rallies and petition campaigns, however, took place in the 1950s, the 1960s and the 1970s. Since the mid-1940s, in fact, there had been appeals, projects, and initiatives for the Nagorno Karabakh Autonomous Oblast (NKAO) to be joined to Armenia. In November 1945, the First Secretary of the Central Committee of the Communist Party of Armenia Grigory Harutyunov sent proposals to the USSR Council of People's Commissars. The head of the Communist Party of Azerbaijan, Mirjafar Bagirov made his counter-proposal — to place the Shusha district of the NKAO into Azerbaijan, together with three districts of Armenia; as a significant number of Azerbaijanis lived there. In the early 1960s, these issues began to be discussed in dissident nationalist circles. Sometimes loyalist protest sentiments were accompanied by appeals to authorities and rallies with outwardly pro-Soviet “internationalist” slogans.¹²² The situation changed radically under the leadership of M. Gorbachev, and the question of ARM-AZE relations started then to become relevant. Armed clashes occurred prior to 1991. But the imminent dissolution of the USSR enabled the conflict parties to fully engage and begin massive military operations, though AZE capabilities were limited by the fact of not having organized Armed Forces.

On September 20-23, 1991, the mediating mission, led

by President Boris Yeltsin of the Russian Federation and President Nursultan Nazarbayev of Kazakhstan, visited Baku, Gyandzha, Stepanakert and Yerevan. This visit resulted in the signing of Zheleznovodsk Declaration (Annex 37). The Declaration called for a ceasefire along with other aspects related to the conflict¹²³. On 6 January 1992 the *de facto* Parliament of Nagorno Karabakh declared its independence (of note, NKR proclaimed its independence on September 2, 1991 and this was followed by an independence referendum organised on 10 December 1991).¹²⁴ Following this declaration, Armenia and Nagorno-Karabakh presented a united front against Azerbaijan and the conflict escalated into an all-out conflict, despite the lack of an official proclamation of war. The conflict made use of arms from Soviet troops and mercenaries.

Both sides staged indiscriminate attacks, including air-raids against civilians and burning villages, and both nations saw significant numbers of killed and wounded civilians. Particularly notable was the attack in Khojaly on 26th February 1992, in which between 900 and 1000 AZE, including the elderly, women, and children, were massacred. The president of Azerbaijan Mutallibov resigned. This led to the so-called Teheran process. On 7 May 1992, the sides agreed that within a week after the arrival of the special representative of the President of the Islamic Republic of Iran Mr. M. Vaezi in the region (Baku, Yerevan, Nagorno Karabakh), there would be a ceasefire. This would be preceded by negotiations with the concerned parties and with the support of the heads of state of Azerbaijan and Armenia. All communication roads would be opened with the purpose of meeting all economic needs (Annex 38)¹²⁵. However, the ceasefire was not achieved.

121 Jasutis G., Hirose Y. 2014. Analyzing the Upsurge of Violence and Mediation in the Nagorno-Karabakh Conflict. *International Journal of Security & Development*. 3(1):23.

122 Available from: <https://theins.ru/opinions/sergei-markedonov/235445>

123 United Nations. 1991. Zheleznovodsk Declaration. Available from: https://peacemaker.un.org/sites/peacemaker.un.org/files/Azerbaijan_ZheleznovodskDeclaration1991.pdf

124 Жирохов М.,А., 2011. Семена распада: войны и конфликты на территории бывшего СССР. БХВ-Петербург

125 United Nations. 1992. Joint Statement of the Heads of State in Tehran, 7 May, 1992. Available from: https://peacemaker.un.org/sites/peacemaker.un.org/files/ArmeniaAzerbaijanIran_JointStatementHeadsOfState1992.pdf

An OSCE mediation initiative¹²⁶, the Minsk Group, was launched in 1992 in efforts to reach a peaceful settlement of the conflict. It is co-chaired by the USA, Russia, and France and upholds a principle of neutrality towards conflict resolution. The period between 1991 and 1994 appears as the most volatile and turbulent of the conflict. In 1994, Russia played a key role in managing the conflict. The trilateral Protocol of 18 February 1994 was signed in Moscow following the initiative of Russian Defense Minister Pavel Grachev (Annex 39). The Protocol arranged for a complete ceasefire from 1 March and the withdrawal of troops, to be relocated at the agreed borders, from 4 March. There was also to be the creation of a mutual security zone, and the deployment of observation posts manned by representatives of the parties and Russia. This Protocol was signed by Mammadrafi Mammadov, Serzh Sargsyan, Bako Sahakyan, and Pavel Grachev. A few months later, on the initiative of the CIS Inter-Parliamentary Assembly, the Parliament of Kyrgyz Republic, the Federal Congress and the Ministry of Foreign Affairs of the Russian Federation the call for a ceasefire was set forth in the Bishkek Protocol of 5 May 1994 (Annex 40). Finally, the Trilateral Agreement on Ceasefire, to enter into effect on May 12, 1994, was signed by the defense ministers of Azerbaijan, Armenia, and Nagorno-Karabakh on 9-11 May 1994 (Annex 41).¹²⁷ An agreement on strengthening the ceasefire was also signed in 1995 (Annex 42).¹²⁸ This Trilateral Agreement on Ceasefire remained of tremendous importance, being the only ceasefire agreement setting out obligations for the parties involved in the conflict. It reduced the amount of violence in the region, which has remained fragile and unpredictable.

The period between 1994 and 2020 can be designated as a period of limited occasional outbreaks of violence. For example, 16 soldiers in 2008 and about 12 soldiers in June 2012, both AZE and ARM, were killed along the ceasefire line.

Under the aegis of OSCE, the Basic (“Madrid”) Principles of 2007 were presented to the parties still in search

of a solution, and these were updated in 2009 (Annex 43)¹²⁹. In June 2011, Russia proposed the Kazansky document (the Kazan formula). The document contains many of the Madrid principles, with adjustments.

On the night of 2 April 2016, a military clash between the Azerbaijani armed forces and the Nagorno-Karabakh Defense Army took place. More than 100 soldiers from both sides were killed. Both sides also claim to have lost military equipment. The resulting violence lasted for five days and ended with a new ceasefire agreement being negotiated in light of the 1994 agreement. There was no written agreement; the ceasefire came about as a result of negotiations between the General Staff chiefs of the two countries in Moscow.

In 2020, violence erupted on 12 July in the Tovuz region. Both Russia and the USA appealed to the conflicting republics to enforce a ceasefire. UN Secretary General Antonio Guterres, who held telephone talks with Pashinyan and Aliyev, publicly stated that a full-scale war between Armenia and Azerbaijan would be a disaster. Turkey actively supported Baku. Russia has, in contrast, acted as a proactive mediator, with both President Putin and Foreign Minister Lavrov making attempts to speak with both the Armenian and Azerbaijani leadership.¹³⁰

On the morning of 27 September 2020, new clashes in the unresolved Nagorno-Karabakh conflict resumed along the Nagorno-Karabakh line of contact. Both the armed forces of Azerbaijan and Armenia reported military and civilian casualties. The United Nations strongly condemned the fighting and called on both sides to deescalate tensions and to resume meaningful negotiations without delay. On 10 November 2020, Russia announced that Azerbaijan and Armenia had struck a deal (after two prior ceasefire agreements that were unsuccessful) to end the current conflict over Nagorno-Karabakh. Russian peacekeepers would be deployed along the line of contact.

Armenian Prime Minister Nikol Pashinyan and Azerbaijani President Ilham Aliyev signed a peace deal

126 Ambassador Andrzej Kasprzyk of Poland was appointed in January 1997 as the Personal Representative to the OSCE Chairperson-in-Office on the conflict, in the OSCE Minsk Group

127 Kazimirov V., 1994. Available from: <http://vn.kazimirov.ru/doc10.htm>

128 Agreement on Strengthening the Ceasefire, 1995.

129 OSCE. 2009. Available from: <https://caucasusedition.net/madrid-principles-basis-for-conflict-settlement-or-war/>, Madrid Principles. 2016. Available at: <https://www.aniarc.am/2016/04/11/madrid-principles-full-text/>

130 The Moscow Times. 2020. Available from: <https://www.themoscowtimes.com/2020/07/17/russia-ready-to-mediate-talks-between-armenia-azerbaijan-a70915>

to end the war in Nagorno-Karabakh on 9 November 2020 (Annex 44)¹³¹. According to the joint trilateral statement, brokered by Russian President Vladimir Putin, a “complete ceasefire of all hostilities in the zone of the Nagorno-Karabakh conflict” started from 00:00 on 10 November. Armenian and Azerbaijani forces are to “stop at their positions”. It stipulates that Armenia will return control of all of the territories outside of the former Nagorno-Karabakh Autonomous Oblast still under their control.

The final status of Nagorno-Karabakh itself is not stipulated in the agreement. Internally-displaced people and refugees will have the right to return, something which will be overseen by the UN. Transport and economic links in the region will be restored. Armed Russian peacekeepers will be deployed to oversee the agreement. According to the agreement, on 15 November, Armenia must hand over the Kelbajar region which lies to the northwest of Nagorno-Karabakh, to Azerbaijan. This would be followed on 20 November by the Aghdam region to the east of Nagorno-Karabakh also being handed over. Finally, on 1 December, Armenia will hand over the Lachin District, with the Lachin pass connecting Nagorno-Karabakh to Armenia. The agreement stipulates that a five-kilometre wide corridor through Lachin will continue to connect Nagorno-Karabakh to Armenia, which will be controlled by Russian peacekeepers. “At the same time [the Lachin corridor] will not affect the city of Shusha”,. There will also be a corridor to connect Stepanakert with Armenia and economic and transport links will be “unblocked”. The agreement says that a traffic route will be constructed along the Lachin corridor secured by Russian peacekeepers and that AZE shall guarantee traffic safety for citizens, vehicles and goods in both directions along the Lachin corridor.

Along the line of contact in Nagorno-Karabakh a nearly two-thousand strong Russian peacekeeping contingent will be deployed. The peacekeepers will be deployed “in parallel with the withdrawal of the Armenian armed forces”. The peacekeeping contingent will remain for a period of five years, with automatic

extensions for five-year periods if neither Armenia nor Azerbaijan “declares six months before the expiration of the period of intention to terminate the application of this provision”.

The return of IDPs and refugees to Nagorno-Karabakh and surrounding territories will be done under the auspices of the Office of the UN High Commissioner for Refugees. According to the agreement “all economic and transport links in the region are to be unblocked”. Armenia will guarantee the safety of transport links between Azerbaijan and the Nakhichevan Autonomous Republic in order to “organise the unimpeded movement of citizens, vehicles and goods in both directions”. “Transport control” will be undertaken “by the bodies of the Border Service of the FSB of Russia”. On 11 January 2021, the Putin-Aliyev-Pashinian summit concluded with the signing of another document that primarily built upon the ninth article of the 9 November trilateral statement, that is the restoration of all economic and transport links and the development of infrastructure projects in the region¹³².

131 OC-Media. 10 November 2020. Armenia and Azerbaijan agree peace deal over Nagorno-Karabakh. Available from: <https://oc-media.org/armenia-and-azerbaijan-sign-peace-deal-in-nagorno-karabakh/>

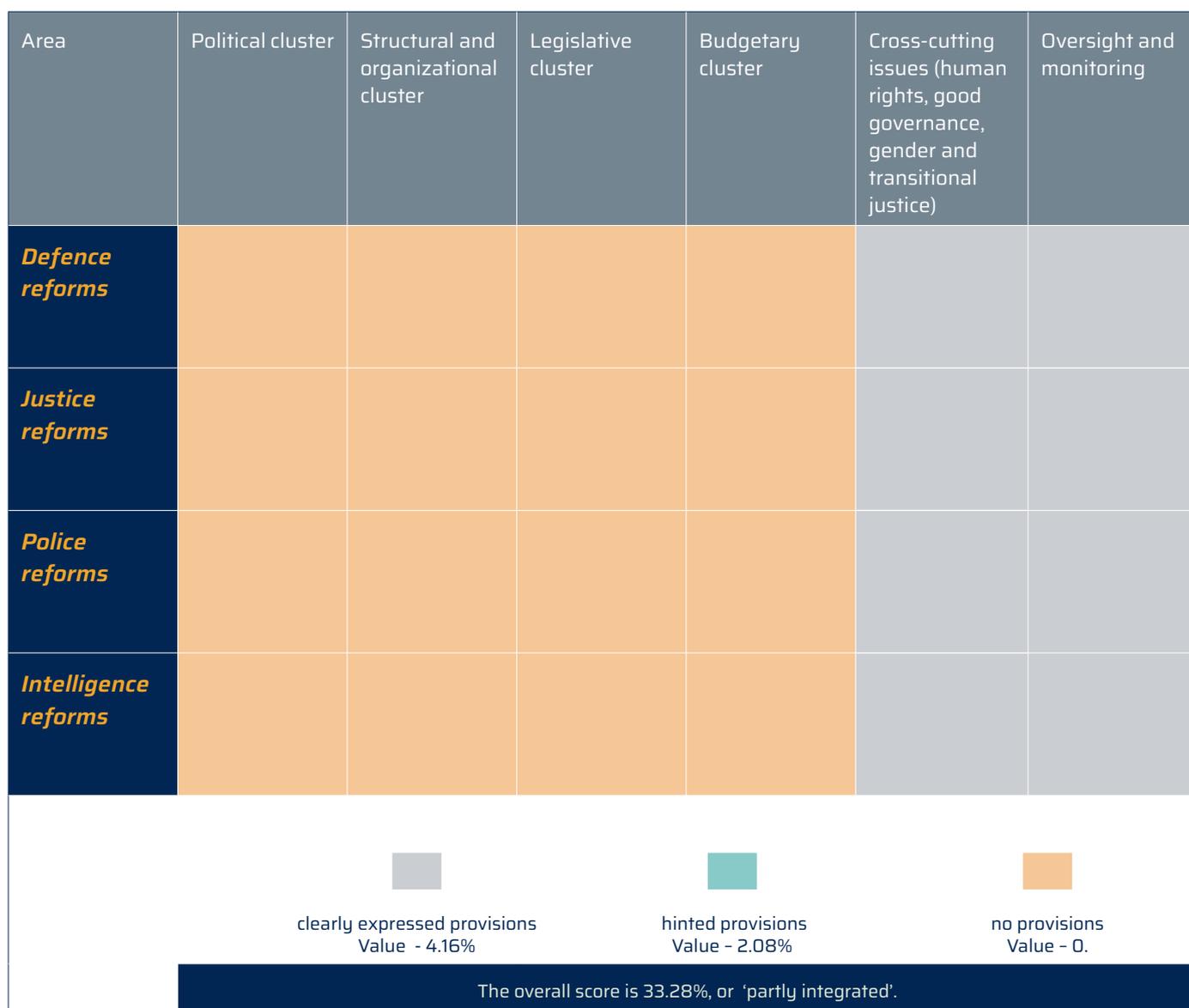
132 Vasif Huseynov. January 12, 2021. Trilateral Summit of Armenian, Azerbaijani and Russian Leaders

Publication: Eurasia Daily Monitor Volume: 18 Issue: 6. Available from: <https://jamestown.org/program/trilateral-summit-of-armenian-azerbaijani-and-russian-leaders/>

Degree of SSRP integration

The agreements pay limited attention to SSR provisions, the political settlement of the status of Nagorno Karabakh and their armed forces. Separation of powers remain of immense importance and these are illustrated by the main ceasefire agreement made in May 1994. It states that the Minister of Defence of the Russian Federation must convene in Moscow, no later than 12 May of this year, an urgent meeting of Ministers of Defence of Azerbaijan and Armenia and the Commander of the army of Nagorno-Karabakh to agree on the boundaries of forces separation. The meeting should also touch on other urgent military and technical matters, and prepare the ground for the deployment of a forward group of international

observers. The 2020 Agreement demanded that conflict parties freeze at their positions and that Armenia will cede control of all of the territories outside of the former Nagorno-Karabakh Autonomous Oblast still under their control. The only exception will be a five-kilometre wide corridor through Lachin to connect the territory with Armenia. External monitoring is assigned to the Russian Federation. The return of IDPs and refugees to Nagorno-Karabakh and surrounding territories will be carried out under the auspices of the Office of the UN High Commissioner for Refugees. According to the agreement “all economic and transport links in the region are to be unblocked”.



7. Prigorodny conflict

Prigorodny district is a five-hundred-and-sixty-square-mile administrative district of the Republic of North Ossetia-Alania, part of Russian Federation. Prigorodny is located in the east of the Republic. According to the 2010 census the population of the district is 108,665 inhabitants. In 1992 the Ossetian community clashed with Ingush residents, who lived in the Prigorodny District. The active phase of conflict ended with an introduction of the state of emergency and the deployment of federal forces that were supposed to prevent armed conflict between the opposing sides. While no ceasefire agreement was negotiated, the opposing republics signed documents that contained the elements of a peace agreement.

President Gorbachev's perestroika and elements of democracy that were introduced into the old Soviet Union accelerated ethno-political and national renaissance processes. This resulted in the creation of nationalistic movements in Ingushetia and North Ossetia-Alania and attempts to deal with territorial claims¹³³. The first bloody skirmish between the Ossetian and Ingush communities in Prigorodny were recorded in April 1991, and this clash which took place in Kurtat village spilled over into the whole Prigorodny district. At that time, the situation in Ingushetia was rather unpredictable, and Chechnya decided to pursue full-fledged independence. Ingushetia decided to stay within the Russian Federation, and with minimal governmental structures, it began demanding the return of the Prigorodny district. In the summer of 1992, the Republic of Ingushetia was formally established with no borders, leading to a state of emergency being declared in the districts of North Ossetia bordering on Ingushetia and Chechnya. The state of emergency brought a massive amount of manpower and armaments into North Ossetia, either to control the fragile situation there or in preparation for the danger of conflict. The build-up of military power was to be observed in Ingushetia, even though it was a rather chaotic process due to the absence of robust governmental structures in the Republic.¹³⁴ Refugees settled in suburban Prigorodny and volunteers from

South Ossetia both played a role in the conflict.

Tension between the republics grew and events beginning in October 1992 culminated in hundreds of deaths and injuries. The most intense phase of the conflict took place from 31 October to 6 November 1992. The General Prosecution Office of the Russian Federation recorded, in that time, 583 deaths, 939 injuries, 261 missing persons, and 1093 hostages. Between 30,000 and 60,000 residents (Ingush sources claimed 60,000, while the Russian Federation migration service counted 46,000), fled to escape the conflict.¹³⁵ On 2 November 1992, the Russian government instituted a state of emergency in the Prigorodny region and certain areas of North Ossetia and Ingushetiya. The emergency rule decree, which the Russian legislature renewed every two months, remained in force until 1 February 1995¹³⁶. The "Temporary Administration" set up in accord with this decree had complete executive power over the territory covered by the emergency rule decree: this included Ingush and North Ossetian authorities as well as Russian federal forces¹³⁷. The active phase of conflict ended on 6 November with no ceasefire agreement being negotiated.

Moscow took a number of initiatives resulting in the 1993 Kislovodsk, 1994 Beslan and 1995-1996 Vladikavkaz Agreements (Annex 45). The outcomes, unfortunately, satisfied neither the Ossetian nor the Ingush side and each made an official assessment of the conflict. The Ossetians treated it as a well-organised and carefully planned aggression against the sovereignty of North Ossetia. They claimed that the conflict was conducted and supported by criminal segments in the Ingush population, in order to occupy the Prigorodny district and a part of Vladikavkaz. The aim was to hand over the territory to the Ingushetia. The Ossetians stated that, for their part, there was

133 Jasutis G. In search of new Instruments for Resolution of the Ossetian and Ingush conflict. *International Journal of Conflict & Reconciliation*, Vol.3, Number 1 (2014)

134 Human Rights Watch. 2006.The Ingush-Ossetian Conflict in the Prigorodny Region. Available from: <http://www.hrw.org/reports/1996/Russia.htm>

135 Осетиноингушский конфликт: хроника событий (07.11.2008) // Available from:

<http://m.ria.ru/incidents/20081107/154619994.html>; (accessed 29 November, 2013)

136 Human Rights Watch. 2006.The Ingush-Ossetian Conflict in the Prigorodny Region. Available from: <http://www.hrw.org/reports/1996/Russia.htm>

137 Ibid.

no possibility of cohabitation with the Ingush.¹³⁸ The Ingush side saw the conflict as genocide: the forced deportation of Ingush from the territory of North Ossetia and the ethnic cleansing of Ingush in the Prigorodny district and Vladikavkaz.¹³⁹ In response, the Ossetians pointed out that their right to territorial integrity and sovereignty had been violated.

The deadly skirmishes in 1997 and 1998, followed by the deployment of a substantial number of federal troops, only proved the absence of credible instruments for providing long-lasting solutions. From then on, Moscow proved more pro-active. The deployment of federal troops, action plans, and bilateral agreements ensured relative stability in the district. During the period from 1998 to 2010, some easing of tensions was witnessed. The Ossetian and Ingush political leadership engaged in negotiation, IDPs started returning, and except for a few incidents, the situation was largely under control. On 11 October 2002 the president of North Ossetia-Alania A.Dzasokhov and his counterpart from the Republic of Ingushetia M.Ziyazikov signed the Agreement on Development of Friendship and Good Neighbourly Relations.

On 8 February 2006, the then Plenipotentiary Representative of the President of the Russian Federation in the Southern Federal District, Dmitry Kozak, adopted an Action Plan to eliminate the consequences of the Ossetian-Ingush conflict. However, the People's Assembly of Ingushetia rejected this plan: it focused not on changing the territorial and administrative structure and the return of IDPs, but on settling them in Ingushetia. In turn, on 9 August 2005, the Parliament of North Ossetia challenged the points of the Law "On rehabilitation repressed peoples", concerning territorial issues in the Constitutional Court of the Russian Federation. On 17 December 2009, then leaders of the two conflicting republics (T.Mamsurov and Y.Evkurov) signed the "Joint Action Program of state authorities, public and political organizations of North Ossetia and Ingushetia on the development of good-neighborly relations for 2010". In this document, the North Ossetian Authorities recognised the right of

Ingush IDPs to return to their places of residence, and the leadership of Ingushetia rejected the requirements for "territorial rehabilitation".

In 2010, a Joint Action Program was adopted with a heavy emphasis on civil society, NGOs, and the role of the young in supporting the reconciliation process.¹⁴⁰ The Ingush side abandoned its plans to regain the territories it once held and softened its rhetoric towards the Ossetians.¹⁴¹

Degree of SSRP integration

The texts of agreements suggest that priority was given to weapon seizure from the population, the disarmament and the disbandment of illegal armed groups of the parties. For instance, the Interim Administration was, by 16 February 1993: to exchange information on the presence on the territory of the Ingush Republic and the North Ossetian SSR of illegal groups; illegally held firearms; ammunition; and armoured vehicles of various types. In the follow-up documents, the return of IDPs dominated.

138 Осетино-ингушский конфликт 1992 г.: истоки и развитие (09-2005). Available from: <http://www.kavkaz-uzel.ru/articles/81949/>

139 Осетино-ингушский конфликт 1992 г.: истоки и развитие (09-2005). Available from: <http://www.kavkaz-uzel.ru/articles/81949/>

140 Программа совместных действий по развитию добрососедских отношений между Республикой Северная Осетия-Алания и Республикой Ингушетия на 2010 год (2010). Available from: <http://www.kavkaz-uzel.ru/articles/164079/>

141 Евкуров: «Устранением последствий осетино-ингушского конфликта должен заниматься федеральный центр» (24/08/2013). Available from: <http://kavkasia.net/Russia/2013/1377403977.php>

Area	Political cluster	Structural and organizational cluster	Legislative cluster	Budgetary cluster	Cross-cutting issues (human rights, good governance, gender and transitional justice)	Oversight and monitoring
Defence reforms	no provisions	clearly expressed provisions	no provisions	no provisions	clearly expressed provisions	clearly expressed provisions
Justice reforms	no provisions	no provisions	no provisions	no provisions	clearly expressed provisions	clearly expressed provisions
Police reforms	no provisions	no provisions	no provisions	no provisions	clearly expressed provisions	clearly expressed provisions
Intelligence reforms	no provisions	no provisions	no provisions	no provisions	no provisions	no provisions



clearly expressed provisions
Value - 4.16%



hinted provisions
Value - 2.08%



no provisions
Value - 0.

The overall score is 29.12%, or 'partly integrated'.

8. Conflict in Transnistria

Transnistria comprises a narrow strip of territory on the east bank of the River Dniester of four-thousand-one-hundred-and-sixty-three-squared kilometres. Transnistria belongs to Moldova. The conflict between the separatists from Transnistria and the Moldovan authorities erupted in 1991-1992. A final ceasefire agreement was signed between Presidents Snegur and Yeltsin in Moscow on 21 July 1992. The Snegur-Yeltsin accord provided for an immediate ceasefire and the creation of a demilitarised zone extending 10 km from the Nistru on each side of the river, a zone which included the important town of Bender located on the right bank. Despite intense efforts in multilateral diplomacy, a peace agreement has not been reached.

First, confusion between the then Moldavian Soviet Socialist Republic and Transnistrian separatists arose in 1989 when Moldova passed a law introducing the use of the Romanian language in the Latin alphabet,

rather than with Cyrillic script.¹⁴² On 2 September 1990, the decision on the creation of Transnistrian Moldovan Republic (hereinafter referred as PMR) was adopted with claims that the territory was a predecessor of the Autonomous Soviet Moldavian Republic established in 1924 as part of the Ukrainian SSR¹⁴³. In November 1990, violent clashes broke out between Transnistrians and the Moldovan police over disputes regarding the control of municipal bodies in the city of Dubasari, in central Transnistria. In the late 1990s, paramilitary “worker’s attachments” had been created on the left bank of the Dniestr. These “attachments” constituted the core of the Transnistrian “Republican Guard”,

142 Jasutis G. 2017. Human Security Dimension across the Frozen Conflicts in the post-soviet space. Available in “The Eurasian Economic Union and the European Union. Moving toward a Greater Understanding”. Eleven International Publishing. The Netherlands

143 Жирохов М.,А., 2011. Семена распада: войны и конфликты на территории бывшего СССР. БХВ-Петербург.

which was formally established in 1991.¹⁴⁴ The putsch in Moscow 19-21 August 1991, also intersected with the conflict. Chisinau demanded an exit from the Soviet Union, while Tiraspol sent a letter of support to the putschsupporters.¹⁴⁵

On 1 December 1991, Igor Smirnov was elected the first president of the PMR, whose “independence” was approved in the so-called referendum on the same day. Transnistrian paramilitary forces and militias then began what is commonly referred to as a “creeping putsch”. In December 1991, Don and Kuban Cossacks arrived in Transnistria and joined local paramilitary formations.¹⁴⁶ During the winter of 1991-1992, they surrounded and attacked several Moldovan police stations in Transdniestria and attempted to overthrow the local authorities in those mainly Moldovan-inhabited rural areas, which had remained loyal to the Moldovan government.¹⁴⁷ On 13 December 1991, Moldovan police attempted to defend the police station in Dubasari against separatist attacks. This marked the beginning of the escalation of the conflict. Further clashes took place between joint Cossack-Transdniestrian paramilitary formations and Moldovan constitutional forces on 2 March 1992, the day of Moldova’s admission to the United Nations. This led to the declaration of a state of emergency by Snegur on March 28, and further fighting thereafter.¹⁴⁸ On 10 April, Smirnov signed decree No 90 on the establishment of the Transnistrian Armed Forces with S. Kitsak as chief commander. On 6 April 1992 the Statement by the Ministers of Foreign Affairs of the Republic of Moldova, the Russian Federation, Romania and Ukraine on the situation in the left Dniester districts of the Republic Of Moldova was issued in order to address the cessation of fire and later in a few weeks on 17 April recommendations were prepared (Annex 46).

144 *ibid.*

145 Малышев Д.В., 2013. Приднестровский конфликт: траектория развития. Международные отношения и мировая политика. Вестн. Моск. ун-та. Сер. 25.

146 *Ibid.*

147 International Crisis Group Report, 12 August 2003. Moldova: No Quick Fix. Available from: <https://www.crisisgroup.org/europe-central-asia/eastern-europe/moldova/moldova-no-quick-fix>

148 Малышев Д.В., 2013. Приднестровский конфликт: траектория развития. Международные отношения и мировая политика. Вестн. Моск. ун-та. Сер. 25.

On the ground, verbal ceasefires were reached on 12-24 April and 5-11 May.

Fighting between Moldovan and Transnistrian forces intensified again in May and June. The principal and decisive battle took place in Bender (Tighina) on 19 to 21 June and ended with the intervention of the Fourteenth Army and the retreat of Moldovan forces from the town.¹⁴⁹

A final ceasefire agreement was signed between Presidents Snegur and Yeltsin in Moscow on 21 July (Annex 47)¹⁵⁰. The Snegur-Yeltsin accord provided for an immediate ceasefire and for the creation of a demilitarised zone extending ten kilometers from the Nistru on each side of the river, including the important town of Bender located on the right bank. The 21 July Agreement also provided for the establishment of a Joint Control Commission (JCC) to monitor and implement the ceasefire. A force of approximately 6,000 peacekeepers, consisting of one Russian, three Moldovan and three Transnistrian battalions under a Trilateral Military Command subordinate to the JCC, was created under the Agreement. This command was deployed on 29 July. The number of dead, wounded and IDPs caused by the conflict changes according to different sources, with casualty figures ranging from several hundred to almost a thousand, and more than 100,000 IDPs.¹⁵¹

149 International Crisis Group Report, 12 August 2003. Moldova: No Quick Fix. Available from: <https://www.crisisgroup.org/europe-central-asia/eastern-europe/moldova/moldova-no-quick-fix>

150 On 23 March 1992, the Ministers of Foreign Affairs of Moldova, Russia, Romania and Ukraine met in Helsinki in the margins of the Ninth CSO meeting and adopted a declaration in which they laid down a number of principles for a peaceful political settlement of the conflict. They also agreed to create a mechanism for political consultations to co-ordinate their efforts. At subsequent meetings in April and May in Chisinau, the four Ministers decided to establish a Quadripartite Commission and a group of military observers (five from each country), to monitor the implementation of the terms of an eventual cease-fire. OSCE. 1994. The Transdniestrian Conflict in Moldova: Origins and Main Issues. Available from: <https://www.osce.org/files/f/documents/4/3/42308.pdf>

151 Vahl, M., & Emerson, M. 2004. Moldova and the Transnistrian conflict. JEMIE - Journal on ethnopolitics and minority

issues in Europe, 1, 1-29. Available from: <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-61961>

In addressing the consequences of the 1991-92 War, the negotiation process has been ongoing. The OSCE mission in Moldova was established in February 1993, the same year that Moldova became a member of the organization.¹⁵² In April 1993 the OSCE Mission to Moldova joined the mediation efforts of the Russian Federation and was followed by Ukraine in September 1995. In that framework, the parties signed the Moscow memorandum on the Bases for Normalization of Relations Between the Republic of Moldova and Transnistria. They also reaffirmed their commitment not to resort to the use of force or the threat of force in their mutual relations (Annex 48)¹⁵³.

In October 2005, the “five-sided format” of three international co-mediators and the sides to the conflict was extended to include the EU and the US as observers. The negotiation format was renamed, in consequence, as “5+2”¹⁵⁴. In 2002 and 2003 Russia tried to lead the settlement process, which resulted in the proposal of a Russian Draft Memorandum on the Basic Principles of the State Structure of a United State in Moldova, the Kozak Memorandum. Nevertheless, it was rejected by Moldovan President Voronin.¹⁵⁵ Parallel to these developments there was EU involvement. In 2005 the European Union Border Assistance Mission (EUBAM) to Moldova and Ukraine was established by the European Commission. The intent was to strengthen Ukrainian and Moldovan border and customs controls and border surveillance along their common border, including the Transnistrian section. The mission was to reduce illicit cross-border flows (including weapons, drugs and human trafficking) and to contribute to a

peaceful resolution of the Transnistrian conflict.¹⁵⁶ In the same year the European Union also appointed a Special Representative for Moldova.

Since then multiple developments have taken place, all through the 5+2 process: “[s]ince the 5+2 meeting in Berlin in 2016, the Sides have agreed to work on eight confidence-building measures, which make up the “Berlin-plus” package.”¹⁵⁷ As of 2018, five agreements have been implemented concerning vehicle registration and license-plates for international traffic, ownership of agricultural land in a left-bank of the river, Latin-script schools in Transnistria, diplomas of Transnistria’s state university and the opening of a bridge across the Nistru river.¹⁵⁸ In spite of these developments, an agreement which would properly resolve the conflict has not been reached.

Degree of SSRP integration

The texts of the various agreements give a strong emphasis to peacekeeping and address the issues of conflict-affected populations. The 1992 Agreement stipulated that the parties to the conflict would take all the necessary measures to ensure the free flow of international humanitarian aid to the area covered by the settlement. The principles of disengagement and the withdrawal of forces along with the establishment of the Control Committee were included in the Agreement. In the 1997 Agreement, the parties reaffirmed that peace-keeping activities would continue. These were carried out by the joint peace-keeping forces in the security zone in accordance with the agreement between the presidents of the Republic of Moldova and the Russian Federation dated 21 July 1992: “On the Principles of Peaceful Settlement of the Armed Conflict in the Transdnestrrian Region of the Republic of Moldova”. Of note, Transdnestrria

152 Stefan Wolff. 2011. A resolvable frozen conflict? Designing a settlement for Transnistria. 39 Nationalities Papers 863, 863

153 United Nations. 1997. Memorandum on the Bases for Normalization of Relations Between the Republic of Moldova and Transnistria. Available from: https://peacemaker.un.org/sites/peacemaker.un.org/files/MD_970508_Memorandum%20on%20the%20Basis%20for%20Normalization%20of%20Relations%20between%20the%20Republic%20of%20Moldova%20and%20Transdnestrria.pdf

154 OSCE. 2014. Mediation and Dialogue Facilitation in the OSCE Reference Guide. Available from: <https://www.osce.org/secretariat/126646>

155 William Hill. 2012. Russia, the Near Abroad, and the West (Woodrow Wilson Center Press), p.6

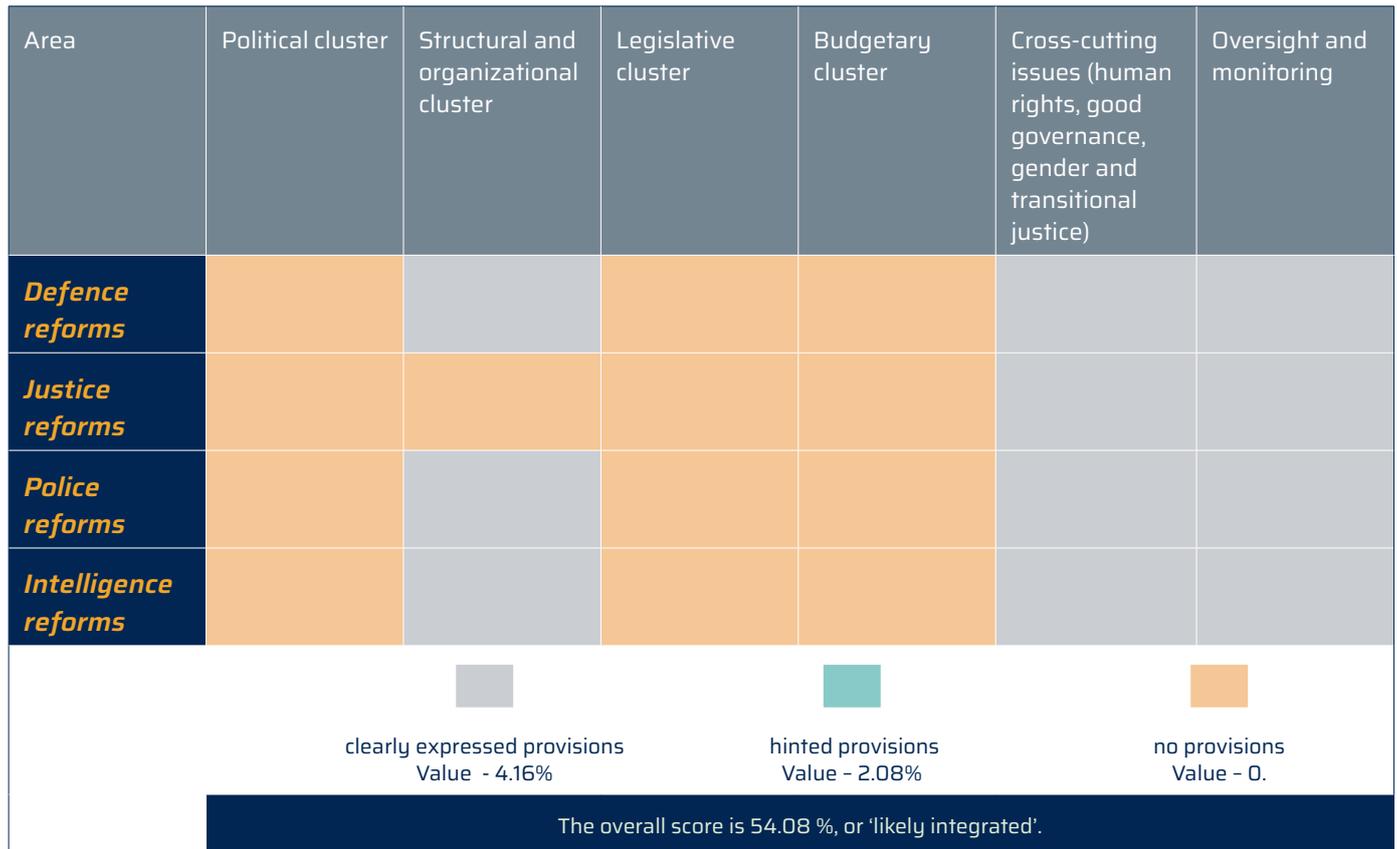
156 European Commission – External Relations Directorate General – The Representatives to the Political and Security Committee. 2005. Information note to the Council – Adoption of financing decision for the establishment of an EU Border Assistance Mission to Moldova and Ukraine under the EC Rapid Reaction Mechanism for €4 million.

157 OSCE. Accessed 16 June 2020. Conflict Prevention and Resolution. Available from: <https://www.osce.org/mission-to-moldova/104529>

158 Vladimir Socor. 2018. De-sovereignization: Testing a Conflict-Resolution Model at Moldova’s Expense in Transnistria (Part Two). p. 15 Eurasia Daily Monitor

agreed to participate in the foreign policy decisions of the Republic of Moldova - a matter of international law - on questions touching its interests. Decisions on such questions were to be taken by agreement of the parties. Transdniestria has the right to unilaterally establish and maintain international contacts in the economic, scientific-technical and cultural spheres, and in other spheres by the agreement of the parties.

The parties direct a request to the Russian Federation, Ukraine, and the OSCE to continue their mediating efforts for the achievement of a lasting and for the comprehensive normalization of relations between the Republic of Moldova and Transdniestria.



9. Armed conflict in Eastern Ukraine

In April 2014 the Ukrainian government launched an anti-terrorist operation (ATO) to restore territorial integrity and ensure law and order in the areas of Donetsk and Luhansk. These had been severely affected by unrest and disorder initiated by separatists, which resulted in a full scale war launched by the Russian Federation on 24 February 2022. Russian Federation claimed that it started a special operation in order to conduct the denacification and demilitarization of Ukraine. The recognition of Crimea as part of the Russian Federation is one of their objectives.

The precursor to the conflict began with a well-coordinated attack on local administrative buildings by pro-Russian activists in the eastern Ukrainian cities of Slovyansk, Donetsk, Kharkiv and Lugansk on 6 April 2014.¹⁵⁹ Local police forces did little to quell the unrest, while local government buildings and the

¹⁵⁹ P. Felgenhauer, Armed Pro-Russian Activists in Lugansk May Trigger a Russian Invasion; Eurasia Daily Monitor, 10 April 2014, Volume: 11 Issue: 68. Available from: <https://jamestown.org/program/armed-pro-russian-activists-in-lugansk-may-trigger-a-russian-invasion/>

local Ukrainian security service headquarters were ransacked and occupied.¹⁶⁰ The next day, Donetsk separatists proclaimed the establishment of the Donetsk People's Republic (DPR). As the unrest spread to other towns in Donbass, the then acting president of Ukraine, Oleksandr Turchynov, announced the beginning of an "Anti-Terrorist Operation" (ATO) against the separatists.¹⁶¹ However, only weeks later, on 28 April, separatists in Luhansk declared the establishment of the "Luhansk People's Republic" (LPR)¹⁶². By the end of April, Turchynov announced that the Ukrainian Government was no longer in full control of the provinces of Donetsk and Luhansk, declared that the country was on "full combat alert", and reinstated military conscription.¹⁶³ The Geneva Initiative (Joint Statement) on measures aimed at resolving ("de-escalation") the situation in Ukraine, signed on 17 April 2014, became the first attempt to stop the violence. The statement provided for¹⁶⁴: the disarmament of illegal armed formations; the liberation of seized administrative buildings, streets, squares and other public places; amnesty to the participants of the protests and those who vacate buildings and other public places and voluntarily lay down their arms; an exception to be made of who are found guilty of committing serious crimes.

The statement stressed that "all parties should refrain from any violent actions, intimidation and provocations. The participants of the meeting strongly condemned and rejected any manifestations of extremism, racism and religious intolerance, including anti-Semitism." However, this initiative was not successful. On the contrary confrontation increased. On 11 May, both the LPR and DPR held a referendum on self-determination, and the overwhelming majority voted in favor of independence.¹⁶⁵ On 12 May, both regions unilaterally declared independence, while Donetsk appealed to Moscow to be incorporated into the Russian Federation.¹⁶⁶ On the same day, leaders of the DPR announced their intention to assume full control of all security forces in Donbass; they would expel or otherwise eliminate those who refused to pledge allegiance to the new state.¹⁶⁷ On 22 May, the DPR and LRP announced their unification under the "Federal State of New Russia" (Novo Rossiya),¹⁶⁸ though this was subsequently abandoned. Intense fighting continued in Donbass throughout the summer of 2014. This included an incident on 17 July in which a Dutch civilian airliner was shot down. A report by the Dutch-led Joint Investigation Team found that there was "no doubt" that the projectile that downed the plane was supplied by Russia, and fired from rebel-controlled territory.¹⁶⁹ As a result, the European Union and the United States imposed sweeping sanctions on the Russian Federation.¹⁷⁰ Fierce fighting continued into August, with the Battle of Ilovaisk reportedly

160 Ibid.

161 'Ukraine says Donetsk 'anti-terror operation' under way', BBC, 16 April 2014 Available from: <https://www.bbc.com/news/world-europe-27035196>

162 Federalization supporters in Luhansk proclaim people's republic, TASS, 28 April 2018. Available from: <http://tass.com/world/729768>

163 International Criminal Court, Report on Preliminary Examination Activities 2017. Available from: https://www.icc-cpi.int/itemsDocuments/2017-PE-rep/2017-otp-rep-PE_ENG.pdf

164 Available from: <https://geneva.usmission.gov/2014/04/18/text-of-the-geneva-statement-on-ukraine-released-by-the-us-eu-ukraine-and-russia/>

165 Ukraine: pro-Russia separatists set for victory in eastern region referendum, The Guardians, 11 May 2014. Available from: <https://www.theguardian.com/world/2014/may/11/eastern-ukraine-referendum-donetsk-luhansk>

166 'Birth of the Donetsk Republic', Donetsk website. Available from: <http://donetsk.tilda.ws/>

167 International Crisis Group report, 'Ukraine: Running out of Time' Crisis Group Europe Report N°231, 14 May 2014.

168 E. Giuliano, 'The Social Bases of Support for Self-determination in East Ukraine', *Ethnopolitics*, 14 (5), 2015, pp.513-522.

169 L. Dearden, 'MH17 shot down by rebels with missile from Russia, say investigators', *The Independent*, 28 September 2016. Available from: <https://www.independent.co.uk/news/world/europe/mh17-russia-ukraine-rebels-responsible-downing-malaysia-airlines-plane-prosecution-charges-vladimir-a7334246.html>

170 'EU and U.S. announce new sanctions on Russia over Ukraine', Reuters, 29 July 2014. Available from: <https://www.reuters.com/article/us-ukraine-crisis-east/eu-and-u-s-announce-new-sanctions-on-russia-over-ukraine-idUSKBN0FY00X20140729>

claiming over 1,000 lives.¹⁷¹ Tensions between Ukraine and the Russian Federation continued to escalate, with the RF sending humanitarian convoys into Donbass without the permission of the Ukrainian authorities.¹⁷²

On 5 September 2014 the Minsk Protocol was signed which included, inter alia, the immediate bilateral cessation of the use of weapons; the monitoring of and the verification by OSCE of the non-use of weapons. There were references, too, to the decentralization of power, including by means of enacting the Law of Ukraine: “With respect to the temporary status of local self-government in certain areas of the Donetsk and the Lugansk regions” (Law on Special Status). There was to be permanent monitoring on the Ukrainian-Russian state border; the holding of early local elections in accordance with the Law of Ukraine “With respect to the temporary status of local self-government in certain areas of the Donetsk and the Lugansk regions” (Law on Special Status); and the removal of unlawful military formations, military hardware, as well as militants and mercenaries from the territory of Ukraine (Annex 49).¹⁷³ The implementation parameters were laid down in a subsequent Memorandum (Annex 50).¹⁷⁴

However, the cease-fire agreement was immediately violated, and skirmishes continued. A new ceasefire was signed on 11 February 2015 (Annex 51).¹⁷⁵ The second Minsk Agreement, as it came to be known, began with a ceasefire and the withdrawal of heavy weapons from the frontlines, and was to be monitored by the OSCE. An “all for all” prisoner exchange, local elections and amnesty for fighters were to follow; after which both sides would ensure the safe delivery of humanitarian

aid and work towards the socio-economic reintegration of areas held by the separatists. In exchange for the implementation of constitutional changes allowing for “decentralisation”, Ukraine demanded that all “foreign armed formations” be withdrawn from its territory and that it regain control over its state borders.¹⁷⁶ Nevertheless, the rebels advanced on the city of Debaltseve shortly after, forcing Ukrainian troops to withdraw.¹⁷⁷ According to an assessment by the International Criminal Court (ICC), the increase in fighting witnessed from August 2014 to February 2015 was a result of an influx of troops, vehicles and weaponry from the Russian Federation.¹⁷⁸

At regular intervals, the Minsk signatories were able to come to an agreement on a recommitment to the ceasefire. Recommitments were generally made to mark specific events, such as Easter, the harvest period (June), the start of the school year (September), Christmas and the New Year. On each occasion, the SMM observed a reduction in ceasefire violations and brief periods of calm, followed by a gradual increase in armed violence¹⁷⁹. The table below summarizes the agreements.

171 “Bodies of victims of Ilovaik massacre still being found, counted weeks later”. Kyiv Post. 16 October 2014. Available from: <http://www.kyivpost.com/content/ukraine/bodies-of-victims-of-ilovaik-massacre-still-being-found-counted-weeks-later-368297.html>

172 “Ukraine condemns ‘direct invasion’ as Russian aid convoy crosses border”, 22 August 2014, The Guardian. Available from: <https://www.theguardian.com/world/2014/aug/22/russian-convoy-crosses-border-ukraine-without-permission>

173 OSCE, ‘Protocol on the results of consultations of the Trilateral Contact Group, signed in Minsk, 5 September 2014. Available from: <https://www.osce.org/home/123257>

174 ‘Memorandum on stabilizing ceasefire another important step towards de-escalation, OSCE Chairperson-in-Office says’, OSCE, 20 September 2014. Available from: <https://www.osce.org/cio/123808>

175 ‘Package of Measures for the Implementation of the Minsk Agreements’, OSCE, 12 February 2015. Available from: <https://www.osce.org/cio/140156>

176 Ibid.

177 ‘Ukraine troops retreat from key town of Debaltseve’, BBC, 18 February 2015. Available from:

<https://www.bbc.com/news/world-europe-31519000>

178 International Criminal Court, Report on Preliminary Examination Activities 2017. Available from: https://www.icc-cpi.int/itemsDocuments/2017-PE-rep/2017-otp-rep-PE_ENG.pdf

179 Available from https://www.osce.org/files/f/documents/4/6/491220_0.pdf

Table No 2 Ceasefire Agreements in Ukraine

Date	Event
26 August 2015	Trilateral Contact Group (TCG) reached an agreement on another temporary ceasefire along the contact line in Donbas by 1 September.
16 December 2015	Trilateral Contact Group had negotiated the ceasefire during the New Year holidays.
30 March 2016	In the framework of TCG, an agreement was reached on the cessation of military exercises up to 15km from the contact line in Donbas and the creation of 12 demining zones along the demarcation line.
29 April 2016	Trilateral Contact Group (TCG) reached an agreement on another ceasefire along the contact line in Donbas which was unofficially called the “Easter ceasefire”
26 August 2016	TCG confirmed the intentions of the parties to cease fire from 1 September with respect to the beginning of a new school year.
15 September 2016	A new ceasefire was announced based on the outcomes of the meeting between Petro Poroshenko with Ministers of Foreign Affairs of Germany and France in Kyiv.
21 December 2016	Trilateral Contact Group (TCG) in Minsk announced an agreement on a sustainable ceasefire in relation to the upcoming New Year holidays from 00:00 hours on 24 December.
18 February 2017	The TCG meeting in Minsk resulted in a new ceasefire agreement starting on 20 February.
29 March 2017	The TCG reached a new ceasefire agreement taking place from 1 April 2017, related to the Easter holidays and so-called “memorial days”.
21 June 2017	The TCG negotiated a regime of full ceasefire along the contact line during the harvest period (June 24 – August 31). In media publications, it was named ‘a bread ceasefire’ (<i>‘kholebnoye’</i> in the original language).
23 August 2017	The OSCE Special Representative for Ukraine Martin Saydik announced that, upon the results of the meeting, the TCG confirmed its full support for the permanent ceasefire related to the beginning of a new school year starting from midnight on 25 August. Unofficially, it is known as the “school ceasefire” (<i>‘shkolnoye’</i>).

Date	Event
20 December 2017	The TCG reached an agreement on a full ceasefire along the contact line starting from midnight on 23 December related to the upcoming New Year holidays.
2 March 2018	The result of the TCG meeting was an agreement on a full and permanent ceasefire in Donbas starting on 5 March. The statement focused on “the importance of a strict ban on fire towards and therefrom populated areas, as well as on the deployment and use of heavy weapons in and around populated areas.” The media called it the “spring truce”.
26 March 2018	The TCG reached an agreement on another ceasefire starting from 30 March (midnight), unofficially called an “Easter ceasefire”.
27 June 2018	The TCG reached an agreement on another ceasefire starting from 1 July (midnight), related to the harvest season.
23 August 2018	The TCG reached an agreement on a new ceasefire starting from August 29 (midnight), called a “School ceasefire”.
27 December 2018	An OSCE Special Representative in Ukraine and TCG Martin Saydik announced that the ceasefire obligations of the parties would be resumed at midnight on 29 December in relation to the New Year and Christmas holidays.
18 July 2019	The TCG in Minsk announced another agreement on a comprehensive and sustainable ceasefire starting from 21 July 2019, at midnight.
August 2020	The TCG negotiated on a school ceasefire but no agreement was reached.
22 July 2020	Based on the outcomes of the TCG meeting, the OSCE Special Representative for Ukraine, Heidi Grau shared a message that the TCG together with the representatives of some parts of the Donetsk and Luhansk regions of Ukraine had reached an agreement on additional measures for strengthening the ceasefire regime. The goal of the measures was to provide a comprehensive, permanent and sustainable ceasefire starting at midnight (Kyiv time) on 27 July 2020, till the full resolution of the conflict.

In July 2017, the leader of the DPR proposed the establishment of Malorossiya: translated as “Little Russia”, a phrase widely used in the Russian Empire in the nineteenth century to describe the land that now makes up Ukraine. The idea was not popular, even among local politicians from Donetsk and the Russian Federation.¹⁸⁰ Some years before, in February 2015, the Parliament of the DPR had passed a resolution claiming that the DPR was the legitimate successor to the Donetsk-Krivoy Rog Republic, a short-lived independent territory founded in 1918 by a close associate of Joseph Stalin.¹⁸¹

Throughout 2017, the international community attempted to re-establish a truce between the warring parties, albeit with little success. From 14 April 2014 to 15 November 2017, OHCHR recorded 35,081 conflict-related casualties in Ukraine, including 10,303 fatalities and 24,778 injuries.¹⁸²

On 18 January 2018, the Verkhovna Rada passed a bill that aims to reintegrate the eastern territories. The bill describes the areas in Ukraine’s Donetsk and Luhansk regions as “temporarily occupied”. On 16 March 2018, the Ukrainian president further explained the reasoning behind reclassifying the Anti-Terrorist Operation as the Joint Forces Operation (HFC). He noted that it was done to conform to the Donbass reintegration law.¹⁸³ The security situation on the ground remained volatile and unpredictable. On 26 March 2018, the TCG for the settlement of the situation in Donbas agreed on a comprehensive, sustainable

and unlimited ceasefire starting from 30 March.¹⁸⁴ The ceasefire parameters were immediately violated, and fighting persisted. The OSCE Special Monitoring Mission voiced concern at repeated skirmishes near Horlivka, during which the Ukrainian army retook the village of Chihari in May of the same year.¹⁸⁵ The first signs of an easing in tensions came in September 2018, when a prisoner swap between Moscow and Kiev took place, after many months of negotiations.¹⁸⁶ Under the swap, 35 prisoners were exchanged, including the film director Oleg Sentsov and Kyrylo Vyshynsky, a journalist for Russian state media. There were also the 24 Ukrainian sailors taken prisoner by Russia in the Kerch Strait.¹⁸⁷ On 27 December 2018, a “New Year Truce” starting at midnight 29 December was agreed on by the warring parties in Donbas. The aim was to repair critical infrastructure.¹⁸⁸ On 30-31 December however, several violations of the truce occurred, with associated casualties, when Russian proxy forces and Ukrainian troops exchanged fire.¹⁸⁹ In August 2019, four casualties were recorded in eastern Donbas, despite a ceasefire agreement that had been in place for 17 days.¹⁹⁰

Following extensive negotiations, Ukraine, Russia, the Donetsk People’s Republic (DPR), the Luhansk People’s Republic (LPR), and the OSCE signed an agreement on 1 October 2019 to end the conflict. Known as the

180 A. Taylor, 19 July 2017, ‘Ukrainian separatists claim to have created a new country: Malorossiya, or ‘Little Russia’, Washington Post. Available from: https://www.washingtonpost.com/news/worldviews/wp/2017/07/19/ukrainian-separatists-claim-to-have-created-a-new-country-malorossiya-or-little-russia/?utm_term=.8163364e2c14

181 T. Parfitt, 7 February 2015, ‘Ukraine crisis: No breakthrough in talks between Hollande, Merkel and Putin’, The Telegraph. Available from: <https://www.telegraph.co.uk/news/worldnews/europe/ukraine/11397591/Ukraine-crisis-No-breakthrough-in-talks-between-Hollande-Merkel-and-Putin.html>

182 Office of the United Nations High Commissioner for Human Rights, ‘On the human rights situation in Ukraine 16 August to 15 November 2017’, UN Report, 2017. Available from: https://www.ohchr.org/Documents/Countries/UA/UAReport20th_EN.pdf

183 ‘Poroshenko: ATO over, Joint Forces Operation starting’, UNIAN, 16 March 2018. Available from: <https://www.unian.info/war/10045583-poroshenko-ato-over-joint-forces-operation-starting.html>

184 “‘Easter ceasefire’ in Donbas fails on its first day with attacks on Ukrainian positions”, UNIAN, 30 March 2018. Available from: <https://www.unian.info/war/10062323-easter-ceasefire-in-donbas-fails-on-its-first-day-with-attacks-on-ukrainian-positions.html>

185 ‘Ukraine News, May’, International Crisis Group, May 2018, <https://www.crisisgroup.org/crisiswatch/may-2018#ukraine>

186 Alexander Baunov. 2019. Fresh Approaches Enable Russia-Ukraine Prisoner Swap. Carnegie Moscow Center. Available from: <https://carnegie.ru/commentary/79803>

187 Ibid.

188 ‘Parties to conflict in Donbas agree on New Year Truce from Dec 29 – Ukrainian Envoy’, published 27th December 2018 on UNIAN Information Agency. Available from: <https://www.unian.info/war/10392612-parties-to-conflict-in-donbas-agree-on-new-year-truce-from-dec-29-ukrainian-envoy.html> [accessed 20 July 2020]

189 ‘New Year Truce in Donbas: Ukraine Forces come under fire, two WIAs reported’ on UNIAN Information Agency published 31st December 2018. Available from: <https://www.unian.info/war/10395855-new-year-truce-in-donbas-ukraine-forces-come-under-fire-two-wias-reported.html> [accessed 20 July 2020]

190 ‘Ukraine calls for more peace talks after four die in eastern Donbass’, published 6th August 2020 on Reuters. Available from: <https://www.reuters.com/article/us-ukraine-crisis-casualties/shelling-kills-four-ukrainian-soldiers-in-eastern-donbass-idUSKCN1UW15D> [accessed 20th July 2020]

“Steinmeier formula”, after the German President Frank-Walter Steinmeier, who had proposed it, the agreement foresaw: 1) the holding of free elections in DPR and LPR territories, observed and verified by the OSCE; and 2) and the subsequent reintegration of those territories into Ukraine, though with a special status.¹⁹¹ Shortly after the signing of the Steinmeier Formula, Ukrainian and separatist troops began withdrawing from the town of Zolote on 29 October. They also later moved out of Petrovske.¹⁹² Following the withdrawals, Russian President Vladimir Putin, Ukrainian President Volodymyr Zelensky, French President Emmanuel Macron and German Chancellor Angela Merkel met in Paris on 9 December 2019. This was a resumption of the Normandy format talks, marking what was arguably the largest diplomatic breakthrough since October 2016, when the fifth round of Normandy talks had been held.¹⁹³ During the talks, the two sides agreed to: exchange all remaining prisoners of war by the end of 2019; work toward new elections in Donbass; and schedule further talks.¹⁹⁴

In January 2020, and despite ceasefire violations on both sides,¹⁹⁵ further diplomatic progress was made, with Ukraine, Russia and separatist rebels agreeing in Minsk on a new disengagement area around the Hnutove checkpoint.¹⁹⁶ At the Munich Security Conference on 14 February 2020, President Zelensky announced his intention of completing the process of the reintegration of Donbas by the end of the year. His aim was to hold local elections in the fall of 2020 in accordance with the Ukrainian Constitution.¹⁹⁷ To achieve this goal, he signaled his desire to separate the fighting forces in the east from the rest of the country, and to remove military equipment from the demarcation line in eastern Ukraine.¹⁹⁸ Armed confrontations intensified, though, along the demarcation line and, on 18 February, the Seventy-second Ukrainian Brigade was forced to retreat from its positions between Zolote and Orikhove, with numerous casualties reported.¹⁹⁹ Engagements continued throughout February and March, with 19 civilians killed in March, more than in the five previous months combined.²⁰⁰ In April, 16 Ukrainian soldiers were injured or killed.²⁰¹

While the long-term efforts of Covid-19 on diplomatic efforts to end hostilities in Eastern Ukraine remain to be seen, there is no doubt that they have increased the

191 Radio Free Europe / Radio Liberty (2019). Mixed Reactions For Zelenskiy's Eastern Ukraine Election Deal. Available at: <https://www.rferl.org/a/mixed-reactions-for-zelenskiy-s-election-deal-for-eastern-ukraine/30195496.html>

192 ‘Ukraine and Russia agree to implement ceasefire’ published on 10th December 2019 on BBC News. Available from: <https://www.bbc.com/news/world-europe-50713647>

193 John Irish, Margaryta Chornokondratenko. 9 December 2019. ‘Russia and Ukraine leaders, in first talks, agree to exchange prisoners’, Reuters. Available from:

<https://www.reuters.com/article/us-ukraine-crisis-summit-communique/russia-and-ukraine-leaders-in-first-talks-agree-to-exchange-prisoners-idUSKBN1YD2GA>

194 Ibid.

195 published 17 January 2020 ‘One Ukrainian soldier killed, 10 wounded in Donbas’ RFERL Available from: <https://www.rferl.org/a/one-ukrainian-soldier-killed-10-wounded-in-donbas-conflict-with-russian-backed-separatists/30385944.html> [accessed 20 July 2020]

196 ‘Donbas settlement talks: parties agree on new disengagement area’, published on 17 January 2020 by UNIAN Information Agency. Available from: <https://www.unian.info/war/10833905-donbas-settlement-talks-parties-agree-on-new-disengagement-area.html>

197 Valerg Engel (2020). Can Volodymyr Zelensky Bring Peace to Eastern Ukraine?

198 ‘Zelensky announced his readiness to patrol the state border with militants’, published on 15 February 2020 by ‘Obshchitje Online’. Available from: <https://obs.in.ua/news/ukraina/16050-zelenskij-zayavil-o-gotovnosti-patrulirovat-gosgranitsu-s-boevikami>

199 Nolan Peterson. ‘The War in Ukraine Was Supposed to End 5 Years Ago. But It Didn’t’, published on 19 February 2020 by The Daily Signal. Available from: <https://www.dailysignal.com/2020/02/19/the-war-in-ukraine-was-supposed-to-end-5-years-ago-but-it-didnt/> and ‘Enemy offensive in Donbas: Ukraine loses ground near Zolote – media (Video)’, published on 18th February 2020 by UNIAN Information Agency. Available at: <https://www.unian.info/war/10878740-enemy-offensive-in-donbas-ukraine-loses-ground-near-zolote-media-video.html>

200 Lily Hyde. ‘COVID-19 turns the clock back on the war in Ukraine, as needs grow’, published on 20 April 2020 by The New Humanitarian. Available from: <https://www.thenewhumanitarian.org/feature/2020/04/20/coronavirus-ukraine-war>

201 Ibid.

vulnerability of those living in and around the contact line. The pandemic has also highlighted the extent of the damage to critical infrastructure caused by six years of war, particularly with regard to healthcare and the provision of basic public services.²⁰²

The Normandy Format was created, 6 June, 2014, when leaders from France, Germany, Russia, and Ukraine met on the margins of the seventieth anniversary of the allied landings in Normandy.²⁰³ The Format has been criticised for its lack of effectiveness. But it has also been noted that: “there is little that an alternative negotiating format could have achieved that the Normandy Format did not, even if it hasn’t succeeded yet in all its objectives”.²⁰⁴ On 22 July 2020, a regular meeting of the Trilateral Contact Group (Ukraine, Russia, OSCE) took place in a video conference format. According to the adopted decision, starting from 00:01, 27 July 2020 a full and comprehensive ceasefire must be observed. The parties agreed to take measures to enhance the ceasefire regime until a full settlement of the international armed conflict in Ukrainian Donbas.

Relevant measures were agreed at the TCG meeting by Ukraine and Russia, and supported by the OSCE. The regime of full and comprehensive ceasefire, if observed by the other party, is a basic precondition for the implementation of the Minsk agreements. This would, in turn, pave the way for the implementation of the other provisions of these agreements. The situation has radically changed in February 2022. On 21 February 2022 Russian president Vladimir Putin conveyed an extraordinary session of the Security Council, the body drafts policy proposals on defending the vital interests of individuals, society and the state against internal or external threats and helps determine a uniform state policy on security. Allegedly, all members of the Council expressed concerns over the threat posed by Kyiv to Russian speaking people in Donbas and offered *in corpore* to give formal recognition to the breakaway regions. Russian president made a televised address to the nation, which underlined the facts that (1) modern

Ukraine was entirely created by Russia or, to be more precise, by Bolshevik, Communist Russia; (2) the officials in Kyiv replaced partnership with Russia with a parasitic attitude; (3) Kyiv tried to use dialogue with Russia as a bargaining chip in its relations with the West, a role in this was played by external forces, which used a ramified network of NGOs and special services to nurture their clients in Ukraine; (4) Radical nationalists took advantage of the justified public discontent and saddled the Maidan protest, escalating it to a coup d’état in 2014; (5) Kyiv does not recognize any solution for Donbas but military one. This was followed by the independence recognition act signed by the Russian President, *de facto* representatives Denis Pushilin and Leonid Pasechnik; follow-up agreements on friendship, cooperation and mutual assistance between Russia and *de facto* Donetsk and Luhansk people’s republics (DNR and LNR) were signed as well. The recognition act states that the Ministry of Defence of Russia, upon request of *de facto* authorities, is to fulfill peacekeeping functions. On 22 February, the lower chamber of Russian Parliament State Duma approved the act of recognition by voting 400 in favor and 0 against. Analogically, it was approved by the Federal Council thus authorizing the deployment of military contingent to Donbas. Following this, V.Putin announced that peaceful resolution is possible only if (1) Ukraine is demilitarized, (2) remains neutral and (3) recognizes the results of referendum in Crimea. On 24 February, RF president launched the so-called ‘special operation’ and invaded Ukraine, the act condemned by majority of UN member states. This turned the conflict into international armed conflict and formed an unprecedented ‘anti-Russian coalition’. Up to now, no ceasefire has been negotiated.

202 Lily Hyde. ‘COVID-19 turns the clock back on the war in Ukraine, as needs grow’, published on 20 April 2020 by The New Humanitarian.

203 CSIS. 2915. The Impact of the Normandy Format on the Conflict in Ukraine: Four Leaders, Three Cease-fires, and Two Summits. Available from: <https://www.csis.org/analysis/impact-normandy-format-conflict-ukraine-four-leaders-three-cease-fires-and-two-summits>

204 Ibid.

Degree of SSRP integration

The Minsk agreements failed to achieve its objectives with the military intervention initiated by the Russian Federation on 24 February 2022. It seemed that the Minsk agreements established roadmaps that seek to ensure an immediate bilateral ceasefire: decentralise power; allow temporary local self-government in Donetsk and Luhansk in eastern Ukraine under a “special status” law; immediately free all hostages and illegally detained persons; ensure the monitoring of the Ukrainian-Russian border and a security zone; ensure the holding of local elections in Donetsk and Luhansk; remove illegal armed groups, military hardware, and all fighters and mercenaries from Ukrainian territory; and pass a law against the prosecution and punishment of people over certain events in Donetsk and Luhansk region. Significant attention was given to oversight and monitoring. The OSCE Special Monitoring Mission to

Ukraine (SMM) began its work on 21 March 2014.²⁰⁵ The SMM was an unarmed civilian mission that operated 24 hours a day, seven days a week, in all regions of Ukraine. Its main tasks were impartial and objective interaction with the situation on the ground, as well as facilitating dialogue between all parties in the conflict.²⁰⁶

205 For the decision and mandate of the OSCE Special Monitoring Mission see - OSCE, Decision No. 1117, Deployment of an OSCE Special Monitoring Mission to Ukraine, PC.DEC/117, 21 March 2014. For the extension of the mandate see – OSCE, Decision No. 1289, Extension of the Mandate of the OSCE Special Monitoring Mission to Ukraine, PC.DEC/1289, 22 March 2018.

206 OSCE.org. 2015. Специальная мониторинговая миссия ОБСЕ в Украине: Факты. Available from: <https://www.osce.org/ru/ukraine-smm/116920>

Area	Political cluster	Structural and organizational cluster	Legislative cluster	Budgetary cluster	Cross-cutting issues (human rights, good governance, gender and transitional justice)	Oversight and monitoring
Defence reforms	no provisions	clearly expressed provisions	no provisions	clearly expressed provisions	clearly expressed provisions	clearly expressed provisions
Justice reforms	clearly expressed provisions	clearly expressed provisions	clearly expressed provisions	clearly expressed provisions	clearly expressed provisions	clearly expressed provisions
Police reforms	no provisions	clearly expressed provisions	no provisions	clearly expressed provisions	clearly expressed provisions	clearly expressed provisions
Intelligence reforms	no provisions	clearly expressed provisions	no provisions	clearly expressed provisions	clearly expressed provisions	clearly expressed provisions



clearly expressed provisions
Value - 4.16%



hinted provisions
Value - 2.08%



no provisions
Value - 0.

The overall score is 66.56 %, or “likely integrated” however it is based on the agreements that failed.

FINAL ASSESSMENT

SSR provisions should always be included in ceasefires and peace agreements. Although a political and technical process, at its basis, SSR remains a normative endeavour. It is grounded in the principles of good security sector governance: accountability, transparency, the rule of law, participation, responsiveness, effectiveness and efficiency. It contends that state and human security will improve if these principles are applied to the provision, management and oversight of security. That, in turn, it is reasoned, reduces the chances of conflict. With the purpose of methodologically identifying the existing provisions of SSR in ceasefires and peace agreements, this study created and applied the SSPRI. The SSPRI included each of the SSR sectorial components (defence, justice, police and intelligence) and divided them into six clusters to capture different types of provisions. This is essentially discussed by focusing on the following components:

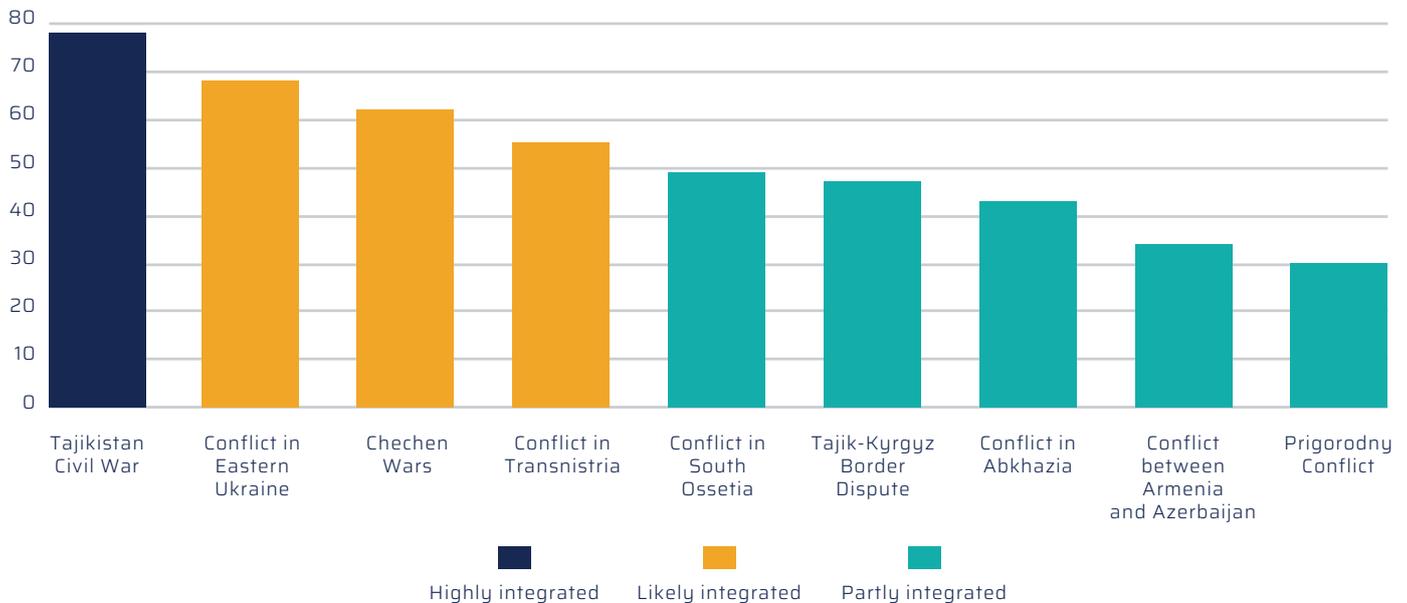
- Degree of integration of SSRPs across the nine conflicts addressed in this research;
- Prevalence of sectorial SSRPs across the nine conflicts;
- Prevalence of sectorial SSRPs across all ceasefire and peace agreements;
- General inclusion of thematic SSRPs in ceasefires and peace agreements;
- Sectorial inclusion of thematic SSRPs in ceasefire and peace agreements.

1. DEGREE OF INTEGRATION OF SSRPS ACROSS THE NINE CONFLICTS ADDRESSED IN THIS RESEARCH

Nine case studies were analysed through this approach (see Figure below). The research has shown that the level of integration of SSR provisions in ceasefire and peace agreements is at most moderate. Only in the case of the Tajik Civil war was there a high level of integration of SSR provisions. This was due to comprehensive peace agreements that cover much of the SSR. The agreements related to this conflict included more comprehensive SSR measures in both peace agreements and ceasefires, including reference

to concrete measures for reform of the justice sector, and the intelligence sector. The conflicts in Moldova, Chechnya and Ukraine are "likely integrated". Most conflicts fall, instead, under the category of "partly integrated" and their chances for resolution are slim. Of note, the conflicts in Chechnya and Prigorodny have been largely resolved through the role/different tactics of federal center and the agreements negotiated have not played a significant role there (see Figure below)

Degree of SSRP integration by Conflict

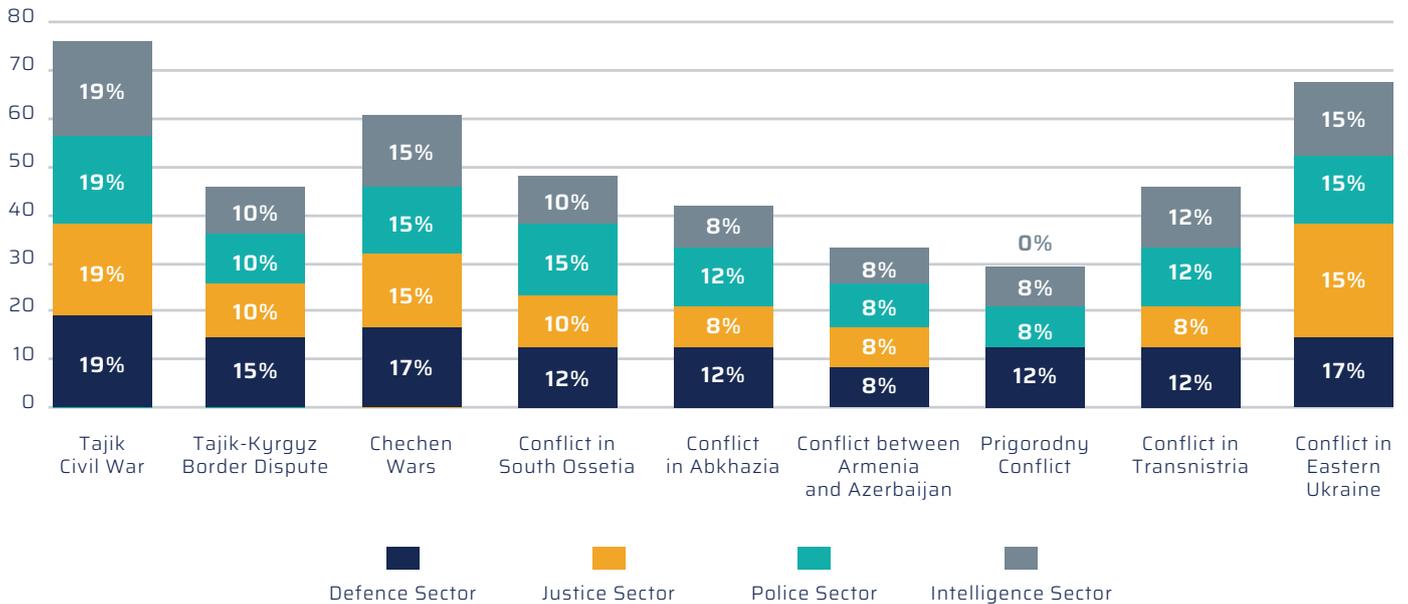


2. PREVALENCE OF SECTORIAL SSRPS ACROSS THE NINE CONFLICTS

In general, ceasefire and peace agreements for conflicts in the post-Soviet space addressed all security sectors (see Figure below). In the case of the Tajik Civil war this balance was equal among all sectors. In general, the defence and police sector appear to predominate over provisions addressing the justice and intelligence sector. Noteworthy in this regard is the conflict in South Ossetia, where some SSRPs addressed the

police sector. As regards the intelligence sector, while SSRPs did not appear in most agreements, Tajik civil war was the only case study addressing this domain. In terms of the police sector, SSRPs, even though less extensive, were included in several agreements. Of note is the conflict in Eastern Ukraine, where justice sector provisions were predominant in the agreements.

Prevalance of Sectorial SSRP by conflict

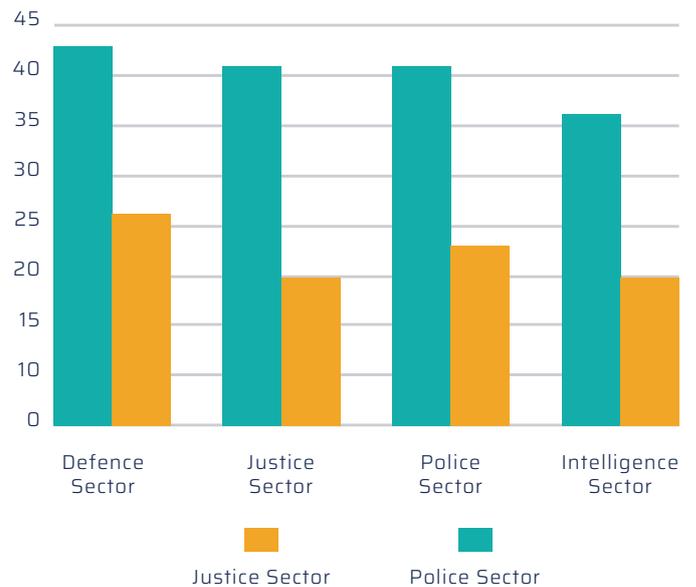


3. PREVALENCE OF SECTORIAL SSRPS ACROSS ALL CEASEFIRE AND PEACE AGREEMENTS

This is supported by a broader finding that the most representative SSRPs are those addressing the defence sector, followed by justice and police sectors (see Figure on the right). The intelligence sector reform provisions are least integrated in the ceasefire and peace agreements in the post-Soviet space. The data shows a relatively balanced occurrence of references to intelligence provisions in contrast to other sectors. However, it should be noted that throughout the analysis the intelligence sector was explicitly considered only rarely, and most instances of both direct and indirect references occurred when the intelligence sector was considered as a part of broader security sector provisions. Furthermore, the police sector, in addition to being addressed through direct references, is also extensively addressed indirectly. It is noteworthy that indirect references are extensive through all sectors and constitute about one third of all SSRP references. This may be explained by the fact that during conflicts the importance of various aspects of these sectors varied and the parties to the conflict were not willing to commit themselves to specific measures in that area. The lack of directness, thus,

leaves them flexible to address ongoing developments in an unstable situation. They are not accused of breaching or violating terms of the agreement.

Prevalance of SSRP by Sector



4. GENERAL INCLUSION OF THEMATIC SSRPS IN CEASEFIRES AND PEACE AGREEMENTS

While the representativeness of security sectors in the ceasefire and peace agreements was largely well-balanced, the same cannot be said about the types of provisions included therein (see Figure below). Of the topics addressed by far deal with cross-cutting issues and oversight and monitoring. Less prevalent are provisions addressing structural and organizational matters, followed by political and legislative SSRPs. Overall, the least addressed points are budgetary provisions. Both legislative and budgetary provisions tend to be included implicitly throughout the agreements and very limited provisions were identified that would address them directly.

The differences in the prevalence of SSRP among various topic clusters can, as above, be explained by the realities of conflict. Parties to a conflict develop ceasefire and peace agreements to address the most pressing issues at hand. These are generally humanitarian concerns encompassed in cross-cutting issues. Similarly, such agreements would be ineffective if they did not encompass commitments to oversight and monitoring mechanisms. These, after all, increase the likelihood of the implementation of the agreement. On the contrary, budgetary matters are generally not regarded as pressing issues during conflict situations. In the case of legislative provisions, they are closely related to the political affairs of state and their marginal consideration can be understood to arise from the fact that most conflicts addressed in this study have significant political aspects; for instance, dealing with break-away or occupied regions. In this context, states are naturally reluctant to refer to legislative issues which would interfere and may have a broader impact on their internal affairs.

Structural and organisational points are somewhat important. They are certainly pressing at the point when ceasefire and peace agreements are drafted. Part of the reason for this is that they encompass DDR provisions aimed at de-escalating ongoing violence or tensions. DDR provisions are visible in most of the agreements and its scope varies in terms of content and details. For example, the Chechen-Russian agreement, signed in 1995, details disarmament and a gradual withdrawal of troops. These are the most important

issues of this agreement. The sides have agreed that complete disarmament entails the disarmament of illegally-armed formations (i.e. formations not covered by the Law “On Defense”) and individual citizens illegally possessing arms. Disarmament is conducted in three stages. The first stage involves the disarmament of illegally armed formations, subdivisions and other organizations under the command of field commanders. In the second stage, citizens belonging to defending militias are subject to disarmament. In the third stage, individuals are disarmed. The 2008 Agreement on the conflict in Georgia is less specific and calls for the return of the Georgian armed forces to their usual quarters and for Russian armed forces to withdraw to the positions held before hostilities began in South Ossetia. Russian peacekeepers should also implement additional security measures until an international monitoring mechanism is in place.

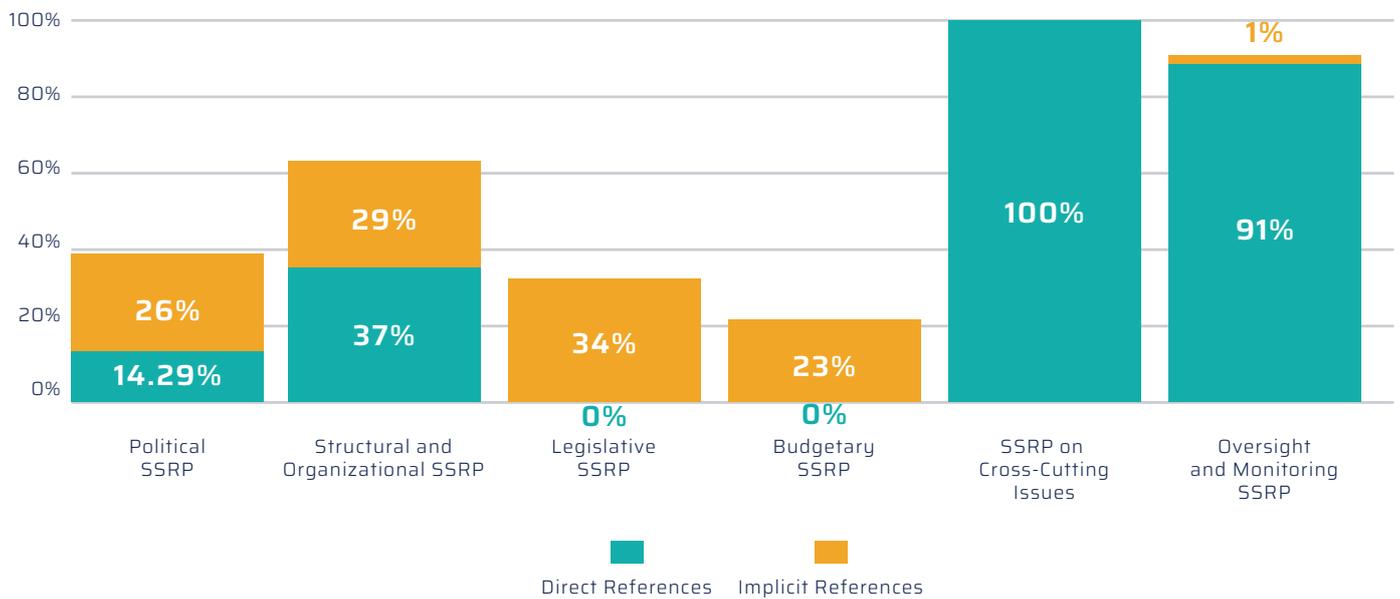
In the case of cross-cutting issues, humanitarian aspects are particularly well covered in all conflicts. For instance, in November 2020, Armenian and Azeri leaders agreed that IDPs and refugees were to return to Nagorno-Karabakh and adjacent areas under the control of the Office of the UN High Commissioner for Refugees. All economic and transport links in the region were to be unblocked. The Republic of Armenia guaranteed the safety of transport links between the western regions of the Republic of Azerbaijan and the Nakhichevan Autonomous Republic with a view to organizing the unimpeded movement of citizens, vehicles and goods in both directions. Control over transport communication is exercised by the Border Guard Service of the FSS of Russia. The 2008 Agreement that stopped hostilities in Georgia demanded the granting of access to humanitarian aid. The Minsk Agreement in 2014 sought to adopt measures aimed at improving the humanitarian situation in Donbass.

Lastly, provisions on the monitoring of implementation are well-placed in the agreements. The agreements can provide for national or multilateral monitoring and oversight mechanisms. For example, the Minsk Agreement negotiated in 2014 confirms permanent monitoring on the Ukrainian-Russian State border

and verification by OSCE. This is done along with the establishment of a security area in the border regions of Ukraine and the Russian Federation. The Sochi Agreement signed in 1992 stipulates that a mixed Control Commission composed of representatives of opposing parties was to be set up and this Commission would carry out its functions in close cooperation with the joint group of military observers created in accordance with the agreements reached in Kazbegi.

This commission would exercise control over the implementation of cease-fire; withdrawal of armed formations; the disbanding of self-defense forces; and general security in the region. Every party participating in the work of the Commission was to appoint its own representatives. The above goes to show that the difference in provision type prevalence in the ceasefire and peace agreements reflects what issues are considered pertinent by parties to the conflict.

Overall Prevalance of SSRP by Cluster

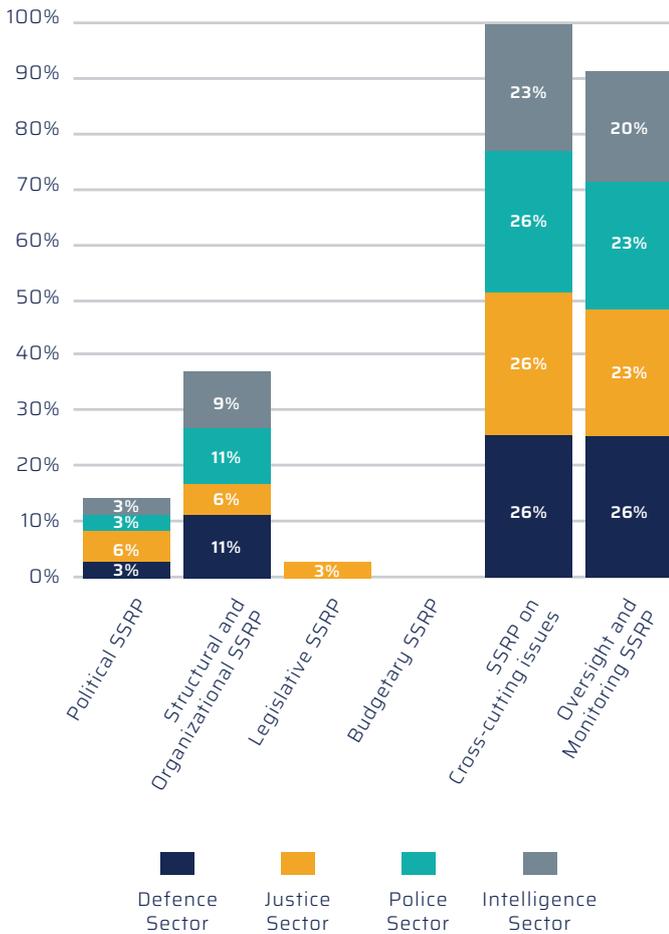


5. SECTORIAL INCLUSION OF THEMATIC SSRPS IN CEASEFIRE AND PEACE AGREEMENTS

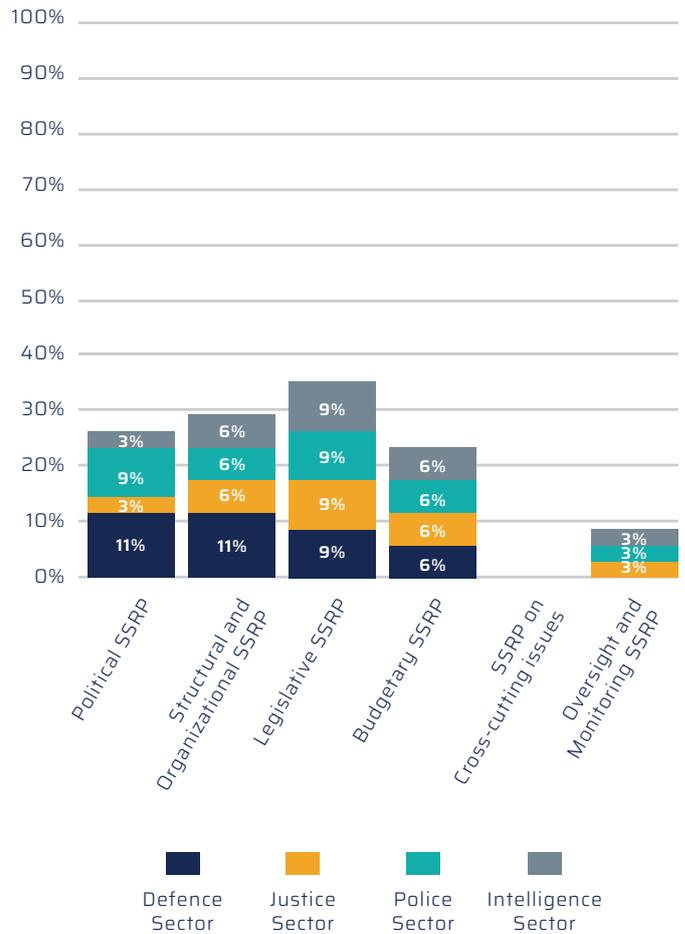
A secondary level of analysis explores the trends in prevalence of types of provisions across the four security sectors. This analysis is used to identify any tendency to prioritise or omit any given security sector in either direct or indirect references to issue types (see Figure below). In the case of political SSRPs, provisions addressing the justice sector tend to be included more directly in agreements, while defence and police provisions are more likely to be included indirectly. On the contrary, structural and organizational SSRPs, show slight preference for direct references to the police and intelligence sector. As described above, legislative and budgetary clusters are most likely to be addressed indirectly, but cover all sectors equally. Lastly, there

are direct references to the defence sector in cross-cutting issues and in oversight and monitoring. This indicates that cross-cutting issues and oversight and monitoring obligations targeting the defence sector are considered of high importance. Indeed, parties are inclined to address them directly in ceasefire and peace agreements. Otherwise, these two areas are addressed in a balanced manner across all sectors. These findings show that while there is a substantial difference in the types of issues that ceasefire and peace agreements encompass, in general, security sectors are approached holistically. As such no sector is significantly under-represented.

Explicit references to SSRP by cluster



Implicit references to SSRP by cluster



In conclusion, our research shows that humanitarian, international monitoring and DDR aspects dominate in ceasefire and peace agreements in the post-Soviet space. While the four security sectors are represented in a relatively balanced manner, there is a tendency to focus more on the defence sector and least on the intelligence sector. Furthermore, the study has identified that there is a trend in differentiating thematic issues by prioritizing either direct or indirect references to them. Ceasefire and peace agreements tend to be more direct and specific when addressing humanitarian matters and oversight and monitoring. On the other hand, budget and legislation issues tend to be implicit. These findings show that states are less likely to agree to specific commitments in some areas. The authors have not tested the assumptions that the presence of SSR in the ceasefire and peace agreements guarantee stability. However, the situation in Tajikistan, with highly integrated SSR provision in the peace agreements, remains calm.

In conclusion, our research shows that humanitarian, international monitoring and DDR aspects dominate in ceasefire and peace agreements in the post-Soviet space. While the four security sectors are represented in a relatively balanced manner, there is a tendency to focus more on the defence sector and least on the intelligence sector. Furthermore, the study has identified that there is a trend in differentiating thematic issues by prioritizing either direct or indirect references to them. Ceasefire and peace agreements tend to be more direct and specific when addressing humanitarian matters and oversight and monitoring. On the other hand, budget and legislation issues tend to be implicit. These findings show that states are less likely to agree to specific commitments in some areas. The authors have not tested the assumptions that the presence of SSR in the ceasefire and peace agreements guarantee stability. However, the situation in Tajikistan, with highly integrated SSR provision in the peace agreements, remains calm.

ANNEXES



ANNEX 1

Khorog Agreement

NEZAVISIMAYA GAZETA

28 July 1992

Monday, No. 142 (313) p. 3

WARRING FORCES LEADERS REACHED AN AGREEMENT

Kulyabers will not lay down their arms

Igor Rotar

Tajikistan

On 26 - 27 July, in the town of Khorog (Gorno-Badakhshan Autonomous Region), a meeting of government officials, representatives of parties and political movements of Tajikistan took place.

It was attended by representatives of Kulyab region, Gharm district, Kurgan-Tyube region, as well as the Islamic Renaissance Party (Coordination Council member Sayid Abdulohi Nuri), the Democratic Party of the Republic (Shodmon Yusuf), and the Rastokhez movement (Chairman Tokhir Abduzhabbor). The leadership of the Republic was represented by acting Chairman of the SS (Supreme Soviet) of Tajikistan Akbarsho Iskandarov.

At the meeting, an Armistice Agreement between the warring parties was drawn up.

1. From 10:00 on 28 July 1992, a ceasefire shall be declared throughout the territory of Tajikistan. The parties concerned shall guarantee its implementation.
2. Within 24 hours after signing the agreement, the armed groups shall be obliged to release the hostages and take them to their places of residence.
3. By 6 p.m. on 28 July, all armed groups must remove all their armed checkpoints on highways, in state institutions, as well as disband headquarters, vacate the occupied buildings and facilities and return motor vehicles to their owners under the control of the MIA (Minister of Internal Affairs) and the National Security Committee.
4. Leaders of political parties and associations of regions, districts, and the executive committee of the city of Dushanbe, as well as leaders of armed groups and kaziats of the Republic, shall guarantee the disbandment of the armed groups loyal to them within three days after the day of signing the agreement and turn in the available weapons.
5. Regional, city and district executive committees, as well as the executive committee of the city of Dushanbe, shall cancel their orders on establishing armed groups after signing this agreement.

Control over the implementation of this provision shall rest with prosecution agencies.

6. Individuals who arbitrarily created detachments that have firearms, ammunition and other types of weapons shall be obliged to turn them in to special weapon accepting offices at departments of MIA and National

Security Committee by 10:00 on 3 August.

7. Individuals voluntarily turning in their weapons shall be exempt from criminal liability according to the decree of the President of the Republic.

Special assets and means shall be deployed to forcefully seize the weapons from those armed groups and individuals who fail to turn in their weapons within this period. These individuals shall be held criminally liable in accordance with the current legislation.

8. The republican commission and special commissions for weapon acceptance made up of representatives of political parties and movements, government authorities and clergy, trade union federation, and youth organisations should be established. Representatives of armed groups may participate in the work of the commissions as observers.
9. To ensure the safety of residents of Kurgan-Tyube and Kulyab regions from sudden armed attacks, additional checkpoints shall be set up on 30 July 1992 on the following borders: Kulyab — Dushanbe, Kulyab — Kurgan-Tyube, Kurgan-Tyube - Dushanbe. The participation of personnel of the MIA and the National Security Committee shall be ensured to use military equipment.
10. Necessary measures shall be taken to reinforce borders by border forces jointly with government and law enforcement agencies and to interdict weapons importing from outside the Republic.

Individuals supplying weapons shall be held criminally liable and shall not be subject to amnesty in accordance with the law.

11. The President of Tajikistan shall be requested to issue a decree on exempting from liability the individuals who crossed the border upon return without weapons.
12. Leaders of political parties and movements, regional, district, and city executive councils shall undertake from now on not to use force to resolve political differences but to be guided by the requirements of democracy and secular society, as well as the Constitution of the Republic.
13. The government and law enforcement agencies of the Republic shall guarantee emergency care to those who were forced to leave their places of residence as a result of a clash of the warring parties, upon their return.
Leaders of political parties and movements as well as local government authorities shall guarantee that refugees who have returned to their previous places of residence will not be prosecuted in any way.
14. All these processes shall be covered by the mass media of the Republic.
15. The government of the Republic shall be requested to resolve the issue of buying out weapons at stated prices from the individuals who have purchased them to ensure their safety.
16. Should armed groups and individuals fail to comply with the requirements of this agreement, decisive measures may be applied towards them by law enforcement agencies with the use of service weapons.

This agreement became effective on 27 July 1992. However, it gives rise to some doubts. Immediately after it was signed, the leader of Kulyab self-defence groups Sangak Safarov said that his people will not turn in their weapons before the resignation of the illegitimate, in his opinion, coalition government.

Tajikistan's Democratic Party leader Shodmon Yusuf said that all foreign formations including border forces must immediately leave the territory of the Republic. This is contrary to paragraph 10 of the agreement.

Representatives of the Democratic Party, Rastokhez, and the Islamic Renaissance Party sent a letter to President Rahmon Naiyev, in which they expressed their indignation and bewilderment in connection with his failure to come to Khorog for the warring parties meeting.

ANNEX 2

Agreement on a Temporary Cease-fire and the Cessation of Other Hostile Acts on the Tajik-Afghan Border and within the Country for the Duration of the Talks

Agreement on a Temporary Cease-fire and the Cessation of Other Hostile Acts on the Tajik-Afghan Border and within the Country for the Duration of the Talks

The delegations of the leaders of the Republic of Tajikistan and the Tajik opposition (hereinafter referred to as “the Parties”), in the course of the consultations on national reconciliation held in Tehran from 12 to 17 September 1994 under United Nations auspices, as a major step towards a global political settlement of the conflict, national reconciliation and the solution of the problem of refugees, the constitutional system and the consolidation of the statehood of the independent and sovereign Republic of Tajikistan, have agreed:

1. To halt, on a temporary basis, hostilities on the Tajik-Afghan border and within the country.
2. The Parties have agreed that the concept of “cessation of hostilities” shall include the following:
 - (a) The cessation by the Parties of all military activities, including all violations of the Tajik-Afghan border, offensive operations within the country, the shelling of adjacent territories, the conduct of all forms of military training, the redeployment of regular and irregular military formations in Tajikistan, which might result in the breakdown of this Agreement;
 - Note: The Collective Peace-keeping Forces of the Commonwealth of Independent States and the Russian troops in Tajikistan shall carry out their duties in keeping with the principle of neutrality, which is part of their mandate, and shall cooperate with United Nations military observers.
 - (b) The cessation by the Parties of acts of terrorism and sabotage on the Tajik-Afghan border, within the Republic and in other countries;
 - (c) The prevention by the Parties of murders, the taking of hostages, unlawful arrest and detention, and acts of pillage against the civilian population and servicemen in the Republic and other countries;
 - (d) The prevention of blockades of populated areas, national economic and military installations and of all means of communication;
 - (e) The cessation of the use of all forms of communication and mass media to undermine the process of national reconciliation;
 - (f) The Parties shall refrain from using religion and the religious feelings of believers, as well as any ideology, for hostile purposes.
3. The Parties have agreed to a temporary cease-fire and the cessation of other hostile acts on the Tajik-Afghan border and within the country until the referendum on the draft of the new constitution and the election of the president of the Republic of Tajikistan, on the understanding that this is only a first step towards the achievement of national harmony and the settlement of all issues included in the agenda of the talks.
4. With a view to building confidence, the Parties have agreed that, within one month following the signing of

this Agreement:

- (a) The authorities of the Republic of Tajikistan shall release those who have been arrested and sentenced, in conformity with the list annexed hereto;
 - (b) The Tajik opposition shall release the prisoners of war in conformity with the list annexed hereto.
5. With a view to ensuring the effective implementation of this Agreement, the Parties have agreed to establish a Joint Commission consisting of representatives of the Government of the Republic of Tajikistan and the Tajik opposition. The Parties request the Security Council of the United Nations to assist the work of the Commission by providing political mediation services and dispatching United Nations military observers to the areas of conflict.
 6. This Agreement was signed at Tehran on 17 September 1994 and shall enter into force as soon as United Nations observers are deployed in Tajikistan.

ANNEX 3

Protocol on the Joint Commission for the implementation of the Agreement on a provisional cease-fire and the cessation of other hostilities on the Tajik-Afghan border and within the country and Joint Communiqué on the results of the third round of Inter-Tajik talks on national reconciliation

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1994/1253
4 November 1994

ORIGINAL: ENGLISH

LETTER DATED 3 NOVEMBER 1994 FROM THE PERMANENT REPRESENTATIVE
OF PAKISTAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT
OF THE SECURITY COUNCIL

The third round of Inter-Tajik peace talks under United Nations auspices was held in Islamabad from 20 October to 1 November 1994. The following documents, the Russian and English texts of which are attached, were signed at the conclusion of these talks:

- (i) Protocol on the Joint Commission for the implementation of the Agreement on a provisional cease-fire and the cessation of other hostilities on the Tajik-Afghan border and within the country.
- (ii) Joint Communiqué on the results of the third round of Inter-Tajik talks on national reconciliation.

It would be appreciated if the above two documents are circulated as documents of the Security Council.

(Signed) Jamsheed K. A. MARKER
Ambassador
Permanent Representative

Annex

[Original: Russian]

Protocol on the Joint Commission for the implementation of the Agreement on a provisional cease-fire and the cessation of other hostilities on the Tajik-Afghan border and within the country

I. Purpose of the Joint Commission

1. The Joint Commission, established in accordance with paragraph 5 of the Agreement on a provisional cease-fire and the cessation of other hostilities on the Tajik-Afghan border and within the country for the duration of the talks (hereinafter referred to as the "Joint Commission"), shall, by the decision of the Government of the Republic of Tajikistan and the Tajik opposition, be the principal body responsible for monitoring the implementation of the Agreement.

II. Composition of the Joint Commission

2. The Joint Commission shall be established on the basis of equality and shall be composed of three representatives of the Government of the Republic of Tajikistan and three representatives of the Tajik opposition. One representative of each Party shall serve as co-chairman of the Joint Commission.

III. Powers of the Joint Commission

3. The Joint Commission shall have the right to interpret the provisions of the Agreement on a provisional cease-fire and the cessation of other hostilities on the Tajik-Afghan border and within the country, and also to investigate possible violations of the Agreement by the Parties thereto. In its investigations, the Joint Commission shall have the right to request the submission, at the earliest possible time, of objective, complete and reliable information from any State body or official of the Republic of Tajikistan and also leaders and field commanders of the opposition. In the performance of their duties, the members of the Joint Commission should have free and unimpeded access to all officials of the Republic of Tajikistan and the leaders of the Tajik opposition.

IV. Functions of the Joint Commission

4. The Joint Commission shall monitor the implementation by the Parties of the Agreement on a provisional cease-fire and the cessation of other hostilities on the Tajik-Afghan border and within the country; investigate cases of violations of the Agreement on the basis of objective information obtained during the investigation; and submit to the Government of the Republic of Tajikistan and the Tajik opposition, the United Nations and representatives of observers at the

inter-Tajik talks proposals on ways of preventing such violations and of addressing their consequences.

5. In the exercise of its functions, the Joint Commission shall cooperate with the United Nations Mission of Observers, the Conference on Security and Cooperation in Europe (CSCE) and the International Committee of the Red Cross (ICRC) in Tajikistan.

V. Guarantees of security

6. The Government of the Republic of Tajikistan and the Tajik opposition shall guarantee the safety and inviolability of the members of the Joint Commission in the performance of their duties. The members of the Joint Commission shall not be subject to detention or arrest and shall not be prosecuted for activities in which they engaged prior to their appointment to the Joint Commission or for acts relating to the performance of their duties as members of the Joint Commission. The Tajik Parties shall guarantee the inviolability of the official premises and living quarters in which the members of the Joint Commission and their families will work and live. The members of the Joint Commission shall have the right to safe and unimpeded travel within the territory of Tajikistan and, with the consent of the Islamic State of Afghanistan, in the territory of Afghanistan, in the areas where camps and bases of the Tajik opposition are situated. They will be accompanied by the United Nations observers. The members of the Joint Commission shall also have the right to maintain without hindrance all forms of communication with the Government of the Republic of Tajikistan and the leaders of the Tajik opposition.

VI. Role of the United Nations in assisting the work of the Joint Commission

7. At the request of the Tajik Parties, which is contained in the Agreement, the United Nations shall, through the United Nations Mission of Observers in Tajikistan, assist the work of the Joint Commission. In accordance with the principle of independence and impartiality, United Nations observers shall monitor implementation of the Agreement by the Tajik Parties and shall investigate possible violations of the Agreement on a provisional cease-fire and the cessation of other hostilities. They shall assist the Joint Commission in drafting proposals on the prevention of such violations and shall submit such proposals to the Parties on their own initiative.

VII. Location and duration of the mandate of the Joint Commission

8. The Joint Commission shall have its headquarters in Dushanbe. The Joint Commission shall be established for the duration of the validity of the Agreement on a provisional cease-fire and the cessation of other hostilities on the Tajik-Afghan border and within the country.

VIII. Logistical support for the Joint Commission activities

9. The Government of the Republic of Tajikistan pledges to provide logistical support for the Joint Commission, including providing office space, living quarters and board for the members of the Joint Commission on the territory of the Republic while the opposition provides the same on the territory of Afghanistan. The parties, with United Nations assistance, appeal to the collective peace-keeping forces of the Commonwealth of Independent States stationed on the territory of Tajikistan and to the international community for financial and logistical support for the Joint Commission. A trust fund to support the work of the Commission, established on the basis of voluntary contributions, will be administered by the United Nations mission in Tajikistan.

IX. Amendment and termination of applicability
of provisions of the Protocol

10. The provisions contained in this Protocol and the procedure for their implementation by mutual agreement of the Tajik Parties, as well as the other parties mentioned in this Protocol that are affected by its individual provisions, may be amended or deleted so long as this Protocol remains in force.

Head of the delegation of
the Republic of Tajikistan:

Head of the delegation of
the Tajik opposition:

(Signed) A. DOSTIEV

(Signed) A. TURAJONZODAH

Special Envoy of the Secretary-General
of the United Nations:

(Signed) R. PIRIZ-BALLON

[Original: Russian]

Joint communiqué on the results of the third round
of inter-Tajik talks on national reconciliation

1 November 1994

The third round of inter-Tajik talks on national reconciliation, held under United Nations auspices with the participation of observers from Afghanistan, the Islamic Republic of Iran, Kazakhstan, Pakistan, the Russian Federation, Uzbekistan, CSCE and the Organization of the Islamic Conference, took place in Islamabad from 20 October to 1 November 1994. The delegation of the Republic of Tajikistan was headed by Mr. Dostiev, First Deputy Chairman of the Supreme Council of the Republic of Tajikistan, and the delegation of the Tajik opposition by Mr. Turajonzodah, First Deputy Chairman of the Islamic Revival Movement of Tajikistan. In the course of the negotiations, good offices were provided by Ambassador Ramiro Piriz-Ballon, Special Envoy of the Secretary-General of the United Nations.

The negotiations were businesslike and open. Both parties demonstrated a will to solve complicated problems pertaining to the situation in Tajikistan in a constructive spirit. They reached agreement on an extension of the Agreement on a temporary cease-fire and the cessation of other hostilities on the Tajik-Afghan border and within the country until 6 February 1995, and signed the Protocol on the Joint Commission for the implementation of the Agreement.

The parties confirmed their commitment to the spirit of the Tehran Agreement. In this regard, they paid attention to the need to provide additional security guarantees to the civilian population of the Karategin Valley by sending United Nations military observers to that area and by initiating action by international human rights organizations.

In view of the noncompliance with paragraph 4 of the Agreement within the established time-frame, the parties reaffirmed their commitment to release, through the good offices of the International Committee of the Red Cross, equal numbers of detainees, prisoners and prisoners of war (27 persons on each side) before midnight on 5 November 1994, in accordance with the lists exchanged at the inter-Tajik consultations in Tehran on 12-17 September 1994. The Agreement will become null and void in the event of the failure by either party to fulfil these obligations before 6 November 1994 (the lists of the persons to be released are contained in annexes 1 and 2). The issue of releasing other supporters of the opposition and prisoners of war of the Republic of Tajikistan will be discussed during subsequent rounds of talks.

The parties reaffirmed their commitment to the settlement of the conflict through political means. In this regard, they agreed, in accordance with the principle of rotation, to hold the next round of talks in early December 1994 in Moscow, where they will continue their efforts to reach national reconciliation and to resolve all the issues listed in the agenda of the talks.

The parties expressed their deep appreciation to the Government of Pakistan for its hospitality, assistance and support in the organization and conduct of the third round of talks in Islamabad.

The parties also expressed their appreciation to the Secretary-General of the United Nations and to his Special Envoy, Mr. Piriz-Ballon, as well as to the representatives of the observer States, CSCE and the Organization of the Islamic Conference at the talks for their help and support in conducting the inter-Tajik talks on national reconciliation.

(Signed) A. DOSTIEV
Head of the delegation of
the Republic of Tajikistan

(Signed) A. TURAJONZODAH
Head of the delegation of
the Tajik opposition

(Signed) R. PIRIZ-BALLON
Special Envoy of the Secretary-
General of the United Nations

ANNEX 4

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

UNITED
NATIONS

S



Security Council

Distr.
GENERAL

S/1995/720*
23 August 1995
ENGLISH
ORIGINAL: RUSSIAN

LETTER DATED 21 AUGUST 1995 FROM THE PERMANENT REPRESENTATIVE
OF TAJIKISTAN TO THE UNITED NATIONS ADDRESSED TO THE
SECRETARY-GENERAL

I have the honour to transmit herewith the text of the "Protocol on the fundamental principles for establishing peace and national accord in Tajikistan" signed by the President of the Republic of Tajikistan, E. Rakhmonov, and the leader of the Tajik opposition, A. Nuri, thanks to the good offices of your Special Envoy Ambassador Ramiro Píriz-Ballón.

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(Signed) Rashid ALIMOV
Ambassador
Permanent Representative

Annex

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

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 democratization 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 organizations 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 Píriz-Ballón.

(Signed) E. RAKHMONOV
President of the Republic of
Tajikistan

(Signed) A. NURI
Leader of the Tajik opposition

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

S/1997/56
English
Page 7

Annex II

[Original: Russian]

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

The President of the Republic of Tajikistan, Mr. Emomali S. Rakhmonov, and the leader of the United Tajik Opposition, Mr. S. Abdullo 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-Jirgatal highway. The United Tajik Opposition shall withdraw its armed formations from the regional centres of Komsomolabad, Garm, Tajikabad and Jirgatal. 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, Komsomolabad, Garm, Tajikabad and Jirgatal 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 Jirgatal 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, Komsomolabad, Garm, Tajikabad and Jirgatal 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.

(Signed) Emomali Sharipovich RAKHMONOV
President of the Republic
of Tajikistan

(Signed) Said Abdullo NURI
Leader of the United
Tajik Opposition

(Signed) Gerd Dietrich MERREM
Special Representative of the Secretary-General
of the United Nations for Tajikistan

**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
December 1996**

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Annex I

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 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 ceasefire 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 organizing the meeting in Moscow.

(Signed) Emomali Sharipovich RAKHMONOV
President of the Republic of
Tajikistan

(Signed) Said Abdullo NURI
Leader of the United Tajik
Opposition

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

General Agreement on the Establishment of Peace and National Accord in Tajikistan

UNITED
NATIONS

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General Assembly
Security Council

Distr.
GENERAL

A/52/219
S/1997/510
2 July 1997
ENGLISH
ORIGINAL: RUSSIAN

GENERAL ASSEMBLY
Fifty-second session
Item 20 (b) of the preliminary list*
STRENGTHENING OF THE COORDINATION OF
HUMANITARIAN AND DISASTER RELIEF
ASSISTANCE OF THE UNITED NATIONS,
INCLUDING SPECIAL ECONOMIC ASSISTANCE:
SPECIAL ECONOMIC ASSISTANCE TO INDIVIDUAL
COUNTRIES OR REGIONS

SECURITY COUNCIL
Fifty-second year

Letter dated 1 July 1997 from the Permanent Representative
of the Russian Federation to the United Nations addressed
to the Secretary-General

I have the honour to transmit herewith the texts of the General Agreement on the Establishment of Peace and National Accord in Tajikistan (annex I), the Moscow Declaration by the President of Tajikistan, E. S. 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, (annex II) and the Protocol of Mutual Understanding between the President of Tajikistan, E. S. Rakhmonov, and the leader of the United Tajik Opposition, S. A. Nuri (annex III), all signed in Moscow on 27 June 1997.

I should be grateful if you would have this letter and its attachments circulated as a document of the General Assembly, under item 20 (b) of the preliminary list, and of the Security Council.

(Signed) S. LAVROV

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Annex I

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

For the purposes 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 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, Ashgabat, Bishkek, Islamabad, Kabul, Meshkhed (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 (annex I);*¹
- the Protocol on political questions of 18 May 1997 (annex II)² 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 (annex III);³ the Protocol on the main functions and powers of the Commission on National Reconciliation of 23 December 1996 (annex IV);⁴ the Statute of the Commission on National Reconciliation, of 21 February 1997 (annex V);⁵ the Additional Protocol to the Protocol on the main functions and powers of the Commission on National Reconciliation, of 21 February 1997 (annex VI);⁶
- the Protocol on military issues (annex VII);⁷
- the Protocol on refugees of 13 January 1997 (annex VIII);⁸
- 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 (annex IX).⁹

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

* These annexes, containing earlier agreements, have not been included here (see the relevant Security Council documents).

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 Organization for Security and Cooperation in Europe (OSCE), the Organization 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.

(Signed) E. RAKHMONOV
President of Tajikistan

(Signed) A. NURI
Leader of the United
Tajik Opposition

(Signed) G. MERREM
Special Representative of the
Secretary-General of the
United Nations

Notes

- ¹ S/1995/720, annex.
- ² S/1997/385, annex I.
- ³ S/1996/1070, annex I.
- ⁴ Ibid., annex II.
- ⁵ S/1997/169, annex I.
- ⁶ Ibid, annex II.
- ⁷ S/1997/209, annex II.
- ⁸ S/1997/56, annex III.
- ⁹ S/1997/410, annex.

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Annex II

The Moscow Declaration, signed in
Moscow on 27 June 1997

We, the President of Tajikistan, E. S. 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, Kazakstan, Kyrgyzstan, 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 Organization for Security and Cooperation in Europe and the Organization 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.

(Signed) E. RAKHMONOV
President of Tajikistan

(Signed) A. NURI
Leader of the United
Tajik Opposition

(Signed) G. MERREM
Special Representative of the
Secretary-General of the
United Nations

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Annex III

Protocol of Mutual Understanding between the President of Tajikistan,
E. S. Rakhmonov and the leader of the United Tajik Opposition,
S. A. Nuri, signed in Moscow on 27 June 1997

The President of Tajikistan, E. S. 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 (S/1997/385, annex II) 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. S. RAKHMONOV
The President of Tajikistan

(Signed) S. A. NURI
The leader of the United
Tajik Opposition

In the presence of:

(Signed) G. D. MERREM
The Special Representative of the Secretary-General
of the United Nations for Tajikistan

(Signed) E. M. PRIMAKOV
The Minister for Foreign Affairs
of the Russian Federation

(Signed) A. A. VELAYATI
The Minister for Foreign Affairs
of the Islamic Republic of Iran:

ANNEX 8

Protocol on Political Questions and the Bishkek Memorandum signed at the conclusion of the inter-Tajik talks in Bishkek on 18 May 1997

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1997/385
20 May 1997
ENGLISH
ORIGINAL: RUSSIAN

LETTER DATED 20 MAY 1997 FROM THE PERMANENT REPRESENTATIVE
OF KYRGYZSTAN TO THE UNITED NATIONS ADDRESSED TO THE
SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit herewith the text of the Protocol on Political Questions and the Bishkek Memorandum signed at the conclusion of the inter-Tajik talks in Bishkek on 18 May 1997 (see annexes I and II).

I should be grateful if you would have this letter and its annexes circulated as a document of the Security Council.

(Signed) Z. ESHMAMBETOVA
Permanent Representative
of the Kyrgyz Republic
to the United Nations

Annex I

Protocol on Political Questions, signed in Bishkek
on 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. S. 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 Questions. 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

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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.

(Signed) E. RAKHMONOV
President of the Republic
of Tajikistan

(Signed) A. NURI
Leader of the United
Tajik Opposition

(Signed) G. MERREM
Special Representative of
the Secretary-General

Annex II

Bishkek Memorandum, signed in Bishkek on 18 May 1997

The President of the Republic of Tajikistan, E. S. 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 questions 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 Questions. In the context of the provisions of the Protocol on Military Questions, 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. Rakhmonov, 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

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of Kyrgyzstan for their hospitality and cordiality, the outstanding organization of the talks and the active assistance provided for their fruitful completion.

(Signed) E. RAKHMONOV
President of the Republic
of Tajikistan

(Signed) A. NURI
Leader of the United
Tajik Opposition

(Signed) G. MERREM
Special Representative of
the Secretary-General

Protocol on the main functions and powers of the Commission on National Reconciliation

Annex II

[Original: Russian]

Additional Protocol to the Protocol on the main functions and powers of the Commission on National Reconciliation

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:

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 (page 2).

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

(Signed) E. S. RAKHMONOV
President of the Republic
of Tajikistan

(Signed) S. A. NURI
Leader of the United Tajik
Opposition

(Signed) G. D. MERREM
Special Representative of the
Secretary-General of the
United Nations

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

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.

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

(Signed) E. S. RAKHMONOV
President of the Republic of
Tajikistan

(Signed) S. A. NURI
Leader of the United Tajik
Opposition

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

23 December 1996

Annex II

[Original: Russian]

Additional Protocol to the Protocol on the main
functions and powers of the Commission on
National Reconciliation

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:

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 (page 2).

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

(Signed) E. S. RAKHMONOV
President of the Republic
of Tajikistan

(Signed) S. A. NURI
Leader of the United Tajik
Opposition

(Signed) G. D. MERREM
Special Representative of the
Secretary-General of the
United Nations

ANNEX 10

Statute of the Commission on National Reconciliation; Additional Protocol to the Protocol on the main functions and powers of the Commission on National Reconciliation; Joint communiqué, issued at Mashhad, Islamic Republic of Iran, on 21 February 1997

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1997/169*
27 February 1997

ORIGINAL: ENGLISH

LETTER DATED 24 FEBRUARY 1997 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF THE ISLAMIC REPUBLIC OF IRAN TO
THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions from my Government, I have the honour to enclose herewith the text of three documents signed by H.E. Mr. Imamali Rakhmonov, President of the Republic of Tajikistan, and H.E. Mr. Abdollah Nuri, Leader of the United Tajik Opposition, in the presence of the Special Representative of the Secretary-General of the United Nations, at Mashhad, Islamic Republic of Iran, on 21 February 1997.

It would be appreciated if the text of the present letter and its annexes could be circulated as a document of the Security Council.

(Signed) Majid TAKHT-RAVANCHI
Ambassador
Chargé d'affaires a.i.

Annex I

[Original: Russian]

Statute of the Commission on National Reconciliation

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.

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 Chairman 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 Organization 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.

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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 publicize 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.

(Signed) E. RAKHMONOV
President of the Republic
of Tajikistan

(Signed) S. A. NURI
Leader of the United Tajik
Opposition

(Signed) G. MERREM
Special Representative of the
Secretary-General of the
United Nations

Annex II

[Original: Russian]

Additional Protocol to the Protocol on the main
functions and powers of the Commission on
National Reconciliation

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:

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 (page 2).

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

(Signed) E. S. RAKHMONOV
President of the Republic
of Tajikistan

(Signed) S. A. NURI
Leader of the United Tajik
Opposition

(Signed) G. D. MERREM
Special Representative of the
Secretary-General of the
United Nations

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Annex III

[Original: English]

Joint communiqué, issued at Mashhad, Islamic Republic of
Iran, on 21 February 1997

We, Imamali Rakhmonov, the President of the Republic of Tajikistan, and Seyed Abdollah 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 realize 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 organizations, government employees, members of the opposition and correspondents hostage as well as acts of terrorism carried out by the Rezvan Sodirov 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.

Imamali RAKHMONOV
President
Republic of Tajikistan

Seyed Abdollah NURI
Leader
United Tajik Opposition

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 the inter-Tajik talks held in Moscow from 26 February to 8 March 1997 and the Protocol on Military Issues

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1997/209
10 March 1997
ENGLISH
ORIGINAL: RUSSIAN

LETTER DATED 10 MARCH 1997 FROM THE PERMANENT REPRESENTATIVE
OF THE RUSSIAN FEDERATION TO THE UNITED NATIONS ADDRESSED TO
THE SECRETARY-GENERAL

As the representative of the State that arranged the meeting, I have the honour to transmit herewith the texts of the 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 the inter-Tajik talks held in Moscow from 26 February to 8 March 1997 and the Protocol on Military Issues (see annexes).

I should be grateful if you would have the text of this letter and its annexes circulated as a document of the Security Council.

(Signed) S. LAVROV

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Annex I

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 THE
INTER-TAJIK TALKS HELD IN MOSCOW FROM 26 FEBRUARY TO
8 MARCH 1997

The round of the inter-Tajik talks held under the auspices of the United Nations took place from 26 February to 8 March 1997. The delegation of the Government of the Republic of Tajikistan was headed by the Minister for Foreign Affairs, Talbak Nazarov, and the delegation of the United Tajik Opposition by the First Deputy Leader of the United Tajik Opposition, Hodja Akbar Turajonzodah. The Special Representative of the Secretary-General of the United Nations, Gerd Dietrich Merrem, served as intermediary during the talks. Observers from 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 and the Organization for Security and Cooperation in Europe (OSCE) were present at the talk.

There was a discussion of the military problems related to 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. The discussion of this group of complicated issues, which are of vital importance for promoting the process of national reconciliation, constituted an important step in enhancing mutual trust. The signing of the Protocol on Military Issues that took place was a further important step on the path towards the successful completion of the inter-Tajik political dialogue.

The sides decided to hold the next round of talks beginning on 9 April 1997 in Tehran, in accordance with the kind invitation by the Government of the Islamic Republic of Iran.

The sides express their profound gratitude to the Government of the Russian Federation for its hospitality and assistance in organizing and holding the talks in Moscow. They also express their gratitude to the representatives of the observer countries and international organizations for their assistance and support during the talks.

The delegations of the Government of the Republic of Tajikistan and the United Tajik Opposition express their sincere appreciation to the Special Representative of the Secretary-General and the staff of his mission for their efforts in achieving progress at the talks.

(Signed) T. NAZAROV
Head of the delegation of the
Government of the Republic
of Tajikistan

(Signed) A. TURAJONZODAH
Head of the delegation of the
United Tajik Opposition

(Signed) G. MERREM
Special Representative
of the Secretary-General
of the United Nations

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Annex II

PROTOCOL ON MILITARY ISSUES

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, Garm,

Jirgatal, Komsomolabad, Kofaringan, 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 the 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 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 the 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.

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(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 have 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 for 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 destabilize the situation in Tajikistan. At all stages of the reintegration of the armed formations of the United Tajik Opposition and the reform 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 organized 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.

T. Nazarov
Head of the delegation of the
Government of Tajikistan

A. Turajonzodah
Head of the delegation of the
United Tajik Opposition

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

ANNEX 12

Protocol on refugees, signed in Tehran on 13 January 1997

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Annex III

[Original: Russian]

Protocol on refugees, signed in Tehran on 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. Emomali S. Rakhmonov, and the leader of the United Tajik Opposition, Mr. S. Abdullo 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 Organization 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 organized 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 Governments 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

ANNEX 13

Protocol on the Guarantees of Implementation of the General Agreement on Establishment of Peace and National Accord in Tajikistan, signed by the delegations of the Republic of Tajikistan and of the United Tajik Opposition in Tehran, on 28 May 1997

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1997/410
28 May 1997

ORIGINAL: ENGLISH

LETTER DATED 28 MAY 1997 FROM THE PERMANENT REPRESENTATIVE OF
THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS ADDRESSED
TO THE SECRETARY-GENERAL

Upon instructions from my Government, I have the honour to enclose herewith the text of the Protocol on the Guarantees of Implementation of the General Agreement on Establishment of Peace and National Accord in Tajikistan, signed by the delegations of the Republic of Tajikistan and of the United Tajik Opposition in Tehran, on 28 May 1997.

It would be appreciated if this letter and its annex were circulated as a document of the Security Council.

(Signed) Kamal KHARRAZI
Ambassador
Permanent Representative

Annex

Protocol on the guarantees of implementation of the General Agreement on Establishment of Peace and National Accord in Tajikistan, signed at Tehran on 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 Organization for Security and Cooperation in Europe (OSCE), the Organization of the Islamic Conference (OIC), the Islamic State of Afghanistan, the Islamic Republic of Iran, the Republic of Kazakstan, 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 Ministers 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 Organization 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.

(Signed) T. NAZAROV
Head of the delegation
of the Republic of Tajikistan

(Signed) A. TURAJONZODAH
Head of the delegation
of the United Tajik Opposition

(Signed) Gerd MERREM
Special Representative of the
Secretary-General of the United Nations

Representative of the Organization for Security and Cooperation in Europe
[Signature illegible]

Representative of the Organization of the Islamic Conference
[Signature illegible]

For the Government of the Islamic State of Afghanistan [Signature illegible]

For the Government of the Islamic Republic of Iran [Signature illegible]

For the Government of the Republic of Kazakstan [Signature illegible]

For the Government of the Kyrgyz Republic [Signature illegible]

For the Government of the Islamic Republic of Pakistan [Signature illegible]

For the Government of the Russian Federation [Signature illegible]

For the Government of Turkmenistan [Signature illegible]

For the Government of the Republic of Uzbekistan [Signature illegible]

ANNEX 14

Agreement on the peaceful regulation of the situation in the Chechen Republic (on a set of military issues) signed in Grozny on 30 July 1995

Signed in Grozny on 30 July 1995

The plenipotentiary delegations of the Government of the Russian Federation and the Government of the Chechen Republic of Ichkeriaⁱ on the peaceful regulation of the situation in the Chechen Republic, guided by the sincere desire to cease military activities and achieve peace, rejecting the use of force or the threat of force in the resolution of disputed issues, and striving to create conditions for the conducting of free democratic elections, came to the following agreement:

a) The cessation of military activities is secured by the following measures:

the simultaneous issuance of orders to cease fire, signed by the Commander of the Joint group of Russian troops in the Chechen Republic and the Chief of the main staff of the armed forces of the Chechen Republic;

the creation of a Special Observation Commission (SNK), upon which is laid the task of the organization of the work and control over the fulfillment of the understandings and agreements on the whole set of military issues. Within the SNK, by mutual agreement, are included the military representatives of the sides, the Committee of national accord, the council of elders, the clergy, and the Territorial Administration of federal organs of executive power in the Chechen Republic. Representatives of the OSCE are invited as observers;

a mutual exchange of maps of the location and deployment of military formations and maps of minefields, and the handing over of these maps to the SNK.

b) The freeing of forcibly detained people entails the conducting of the following mutually agreed actions:

a mutual exchange of lists of forcibly detained persons, including the submission of lists of persons confined in filtration points in Mozdok, Grozny and other areas of their confinement;

a mutual exchange of lists of persons disappearing without a trace;

a mutual freeing of forcibly detained persons on the principle of "all for all" within a period of a week from the day of the signing of this Agreement;

c) Disarmament and a gradual withdrawal of troops are the most important issues of this set. Under their examination, the sides have agreed that complete disarmament entails the disarmament of illegal armed formations (i.e. formations not covered by the Law "On Defense") and individual citizens illegally possessing arms. Disarmament is conducted in three stages. The first stage involves the disarmament of illegal armed formations, subdivisions and other organizations under the command of field commanders. In the second stage, subject to disarmament are citizens belonging to militias defending villages and populated points. In the third stage, individual persons are disarmed.

The sides have also agreed that:

ⁱ The delegation of the government of the Russian Federation states that the Chechen Republic of Ichkeria is not recognized by the Legislation of the Russian Federation.

- disarmament is conducted under the control of the SNK;
- the mechanism of disarmament is agreed in every concrete instance with the council of elders of the village, with the participation of the SNK;
- weapons are handed over to the SNK according to the procedure established by law: by the decision of the council of elders of populated points and with the agreement of the SNK in populated points, detachments of 15 to 25 persons are formed for their defense until the formation of law-enforcement organs. Arms given over to them are registered and stored according to established procedure;
- disarmament in individual cases entails the buyback of weapons;
- during the period of disarmament, there takes place the withdrawal of military formations from the lines of contact to a distance of 2-4 kilometers in order to secure safety and the impermissibility of unprovoked incidents;
- simultaneously with disarmament, there takes place a gradual withdrawal of troops.

The sides have agreed also, that on the territory of the Chechen Republic there will be deployed the Internal Troops of the Interior Ministry (MVD) of Russia in numbers up to one brigade. Among the tasks of this brigade will be included the provision of aid to law-enforcement organs in support of social order and the securing of the safety of citizens. From the Armed Forces of the Russian Federation there will be one machine-gun (motostrelkovaya) brigade. The plan of deployment for the aforementioned brigades in the following is agreed with the organs of state power of the Chechen Republic.

d) The cessation of terrorist acts and sabotage entails a declaration of the military command of the sides on the full condemnation and impermissibility of any terrorist acts and sabotage. The delegation of the Chechen Republic of Ichkeria has condemned any terrorist acts and has obligated itself to provide the Russian side with aid in the search and detention of Shamil Basaev and his group, accused of undertaking a terrorist act in the city of Budyennovsk.

For the period of the decision of the set of military issues until the holding of elections there are created the following structures with the exclusive right of control over the implementation of the Agreement that has been reached:

The plenipotentiary of the Representative of the President of the Russian Federation in the Chechen Republic;

A Special Observation Commission, created on an agreed basis with the participation of the OSCE;

The plenipotentiary of the Representative of the President of the Russian Federation in the Chechen Republic, and also the SNK, the co-presidents of which are the Commander of the Unified group of Russian troops in the Chechen Republic and the Chief of the Main Staff of the Armed Forces of the Chechen Republic A. Maskhadov, act as the guarantors of the implementation of the present Agreement.

The sides have agreed on the continuation of negotiations on the political and economic sets of issues.

The agreement goes into force from the moment of its signing.

From the government of the Russian Federation:

Mikhailov, V.A.

Volsky, A.N.

Krasnov, M.A.

Kulikov, A.S.

Semenov, I.I.

From the government of the Chechen Republic of Ichkeria:

Imaev, U.K.

Zakaev, A.Kh.

Idigov, A.D.

Maskhadov, A.A.

Yarikhanov, Kh.A.

Signed in the presence of the OSCE Support Group in the Chechen Republic:

S. Mesarosh, O.M. Pelen

ANNEX 15

Agreement on the basic principles of relations between the Russian Federation and the Chechen Republic

The plenipotentiary representatives of the organs of state power of the Russian Federation and the organs of state power of the Chechen Republic:

guaranteeing the observance of basic rights and freedoms of individuals and citizens, independent of nationality, religion, place of residence and other difference;

proceeding from the generally recognized right of peoples to self-determination, principles of equal rights, voluntarism and freedom of expression, guaranteeing their observance;

expressing the striving of peoples to restoration of mutual understanding, trusts, and the preservation and development of their friendly ties;

guaranteeing the preservation of territorial integrity and the unity of the economic space;

rejecting the use of force or the threat of force in the resolution of disputed issues;

guided by the political securing of civil peace, international concord and the security of peoples;

proceeding from the right of the Chechen Republic to participate in international and foreign economic ties;

have agreed the following:

to recognize the necessity of establishing a special status for the Chechen Republic as part of the Russian Federation, the adoption by the Chechen Republic of a Constitution and legislation.

The organs of state power of the Chechen Republic independently realize the authority of state power, including:

they establish a system of organs of state power of the Chechen Republic, a regime for their organization and activity;

they form organs of state power of the Chechen Republic;

they form the republican budget, establish and collect republican taxes;

they decide issues of the ownership, use and distribution of natural resources, and also state enterprises, organizations and other movable and immovable state property located on the territory of the Chechen Republic, with the exception of objects of federal ownership;

they decide issues of advocacy and notary publics, family, residential and labor relations;

they establish the particulars of the organization of education considering the national and historical traditions of the peoples residing on the territory of the Chechen Republic;

they establish and support relations with other subjects of the Russian Federation, and conclude with them treaties and agreements;

they realize international and foreign economic ties, and participate in the activity of the corresponding international organizations.

The organs of state power of the Russian Federation and the organs of state power of the Chechen Republic jointly realize:

the defense of the rights and freedoms of the individual and citizen, and the rights of national minorities;

the defense of the sovereignty and the territorial integrity of the Russian Federation;

coordination of the international and foreign economic ties of the Chechen Republic;

formation of comprehensive funds for the financing of joint programs, the liquidation of the consequences of extreme disasters and catastrophes;

the organization of the mobilized preparation of the economy;

the coordination of the administration of general objects of energy, rail, pipeline, and air transport, ties and the information system;

the conducting of a common policy in the sphere of employment of the population, migration processes, social security, issues of health preservation, education, science, culture, physical culture and sport, and preparation of national cadres;

coordination of activity in the battle against crime and the securing of public safety.

The government of the Russian Federation:

will continue the allocation to the Government of the Chechen Republic financial and material-technical resources for the compensation of the population of the Republic for losses, the restoration of housing, the economy, and objects of the social sphere;

will confirm a special program of development for the Chechen Republic, including measures to accelerate the development of its mountain districts, to create the necessary jobs for securing employment of the population able to work;

will establish necessary customs and tax privileges;

will provide aid to organs of state power of the Chechen Republic for the restoration of museums, architectural landmarks, higher and secondary educational institutions, and for the preparation of national cadres in the scientific and educational institutions of the Russian Federation;

will create the necessary conditions and provide for the opening of regular international flights from Grozny.

The Government of the Russian Federation and the Government of the Chechen Republic will take measures to secure conditions for the return and equipping of refugees, the creation of centers of medical rehabilitation of the population of the Chechen Republic, of those suffering as a result of military activities, and also the establishment of a special procedure for undertaking alternative civil service on the territory of the Chechen Republic and a special regime of undertaking military service will be secured, including in military construction units, created for the restoration of the economy and the social sphere of the republic.

The delimitation of powers between federal organs of executive power and organs of executive power of the Chechen Republic on issues of their joint sphere of competence can be realized by separate treaties and agreements.

The command of the joint armed forces, executing orders on the disarmament of illegal armed formations on the territory of the Chechen Republic, coordinates its activity with the Government of the Chechen Republic.

Decisions of the organs of state power of the Chechen Republic, adopted within the bounds of its competency, are

obligatory for fulfillment on the territory of the Chechen Republic.

Organs of state power of the Russian Federation and organs of state power of the Chechen Republic are obligated to strive for a widening of the zones of peace on the territory of the Chechen Republic.

The organs of state power of the Russian Federation and the organs of state power of the Chechen Republic have plenipotentiary representation, respectively, in Grozny and Moscow.

The Chechen Republic, with the goal of developing cultural, trade and economic ties, can have its own representations in other states.

The present Agreement goes into force from the moment it is signed and is in effect until the conclusion of a Treaty on delimitation of powers between the organs of state power of the Russian Federation and the organs of state power of the Chechen Republic.

Concluded in Moscow, 3 December 1995.

From the Government of the Russian Federation

V.S. Chemomyrdin

From the Government of the Chechen Republic

D.G. Zavgaev

Plenipotentiary Representative of the President of the Russian Federation in the Chechen Republic

O.I. Lobov

Agreement on a Ceasefire, the Cessation of Military Activities, and on Measures for a Settlement of the Armed Conflict on the Territory of the Chechen Republic

Agreement on a Ceasefire, the Cessation of Military Activities, and on Measures for a Settlement of the Armed Conflict on the Territory of the Chechen Republic

Moscow, 27 May 1996

We, the Undersigned, vested with appropriate plenipotentiary powers, renouncing the use of force or the threat of force in the resolution of any and all points of contention, have agreed:

1. To assure a full cease-fire and cessation of military activities beginning on 1 June 1996 at 00 hours.
2. Within the course of two weeks from the moment of signature of the present Agreement of the Parties, to provide for the liberation of all persons being retained by force.
3. The commissions for negotiations continue their work.

Established in Moscow on 27 May 1996 in two original copies.

V. Chernomyrdin
Z. Yandarbiev

Established in the presence of the President of the Russian Federation, Boris Yeltsin
Under the mediation of the OSCE Mission

ANNEX 17

Protocol of the Meeting of the Working Groups, formed under the Negotiations Commissions, to locate Missing Persons and to Free Forcibly Detained Persons

Protocol of the Meeting of the Working Groups, Formed under the Negotiations Commissions, to locate Missing Persons and to Free Forcibly Detained Persons

Nazran, 10 June 1996

The working groups, formed under the Negotiations Commissions, to locate missing persons and to free forcibly detained persons, consisting of the following persons:

For the Negotiations Commission formed by order of the Government of the Russian Federation – N. Bezborodov, Working Group Head,

For the Negotiations Commission formed by order of the Cabinet of Ministers of the Chechen Republic of Ichkeriya* – K. Makhachev, Working Group Head,

In the presence of Mr. Z. Kochoika,

For the purpose of implementing paragraph 2 of the Agreement signed by V.S. Chernomyrdin and Z. Yandarbiev on 27 May 1996 in Moscow,

Have adopted the following decision:

1. By 11 June 1996 a joint working group (hereinafter referred to as the Joint Working Group) shall be established to locate missing persons and to free forcibly detained persons.
2. Six persons from each side shall make up the Joint Working Group.
3. The Joint Working Group shall be quartered in Grozny in specially assigned premises.

4. The Negotiations Commissions shall provide for the material and logistic requirements of the Joint Working Group (transport, office equipment and communications), in addition to ensuring that the members of the Joint Working Group are able to travel around the territory of the Chechen Republic on passes signed by the Commander of the Provisional United Forces, B. Tikhomirov, and the Chief of Staff of the Armed Forces of the Chechen Republic of Ichkeriya, A. Maskhadov.
5. The competence of the Joint Working Group shall extend to the location of persons who have been missing since 11 December 1994 and to the release of forcibly detained persons seized in the course of the armed conflict.
6. By 11 June 1996 the working groups shall exchange lists of forcibly detained persons.
7. The representatives of the Joint Working Group shall be guaranteed the possibility of visiting places where forcibly detained persons are confined.
8. Questions pertaining to visits to sensitive facilities of the Ministry of Defence of the Russian Federation and of the Ministry of Internal Affairs of the Russian Federation and to other places of confinement of forcibly detained persons shall be resolved in accordance with the established procedure.
9. Arrangements shall be made for the issuance of orders by both sides calling for the cessation of the practice of detaining persons in a manner not provided for by law, including detentions based on lists and other documents of insufficient legal force. At the same time that questions connected with the release of forcibly detained persons are being resolved, screening centres and such other places of confinement of detained persons as are not provided for under the law shall be shut down.
10. Both sides recognize that they regard instances of the abduction of persons with a view to their subsequent sale or use in exchanges as a criminal offense, and they are prepared to prosecute any persons committing such offenses.
11. The prosecution of officials of either side for matters not connected with criminal offenses shall cease.
12. A joint effort shall be undertaken to locate burial sites, to exhume the remains of the dead, and to hand over such remains to their relatives.
13. On 10 June 1996 an exchange shall be conducted involving 27 military personnel of the Interior Forces of the Ministry of Internal Affairs of Russia, seized on 31 May 1996, and an equal number of persons detained by the Federal side, on the basis of lists that have been turned over.

This Protocol has been drawn up in three authentic copies.

Working Group Head

N. Bezborodov

Working Group Head

K. Makhashev

With the mediation of the OSCE Mission

T. Guldemann

* The Negotiations Commission formed by order of the Government of the Russian Federation states that the Chechen Republic of Ichkeriya is not recognized under the legislation of the Russian Federation.

Source: Transitional Justice Peace Agreements Database (University of Ulster, Transitional Justice Institute, Incore)

Agreement on Urgent Measures to Stop Fire and Combat Operations in the City of Grozny and on the Territory of Chechnya

signed by Alexander Lebed and Aslan Maskhadov on August 22, 1996.

1. To stop fire and combat operations as of 1200 on 23 August 1996 and to begin an exchange, without any preconditions and based on the “all for all” principle, of prisoners, refugees and bodies of the dead.
 - 1.2. In the event of violation of provisions of this point, the sides can take joint measures to cut short such a violation. In other cases, they are obliged to act in conformity with the requirements of the Manual of Garrison and Guard Duties of the Russian Federation Armed Forces.
2. To carry into effect a set of mutually specified and agreed measures on the simultaneous withdrawal of troops to specified areas.
3. The troops shall be withdrawn together with all the arms and ammunition, with the mutual provision of information on the number and strength and arms of formations being withdrawn.
4. To carry out the withdrawal of all warring sides from the city of Grozny and to concurrently set up joint military commandant’s offices organized on the basis of the federal troops commandant offices.
5. The sides shall refrain from any actions or statements hampering implementation of this agreement.
6. The control over the observance of all the points in this agreement shall be carried out by an observer commission in correspondence with instructions of the Russian Federation Security Council secretary.
7. The withdrawal of federal troops from the territory of the Chechen Republic and the unblocking of built-up areas shall be implemented in correspondence with the Nazran agreement.

ANNEX 19

Russian-Chechen truce agreement

We, the undersigned, taking into account the progress achieved towards the ending of the warfare, endeavoring to create a mutually acceptable basis for the political solution of the armed conflict, recognizing that it is prohibited to use armed forces or to threaten the use of force as a means towards the resolution of issues under dispute, embarking upon the universally recognized right of nations to self-determination, upon the principles of equality, freedom of choice, free expression of will, strengthening of international accord and security of all nations, exercising the will towards the defense of human and civil rights regardless of his or her nationality, religious affiliation, place of residence and other differences, towards the ending of acts of violence in the relations of political adversaries, while at the same time embarking upon the Universal Declaration of Human Rights of 1949 and upon the International Pact on Civil and political Rights of 1966, have jointly worked out the principles for Determining the Fundamentals of Relations Between the Russian Federation and the Chechen Republic according to which the further peace process shall be developed:

Principles for Determining the Fundamentals of Relations Between the Russian Federation and the Chechen Republic

1. The treaty regulating the basis fundamentals of relations between the Russian Federation and the Chechen Republic, to be governed by the universally accepted principles and norms of the international law, shall have been reached prior to 31 December, 2001.
2. No later than on 1 October, 1996, a Joint Commission shall have been formed, constituted by the representatives of the state authorities of the Russian Federation and of the Chechen Republic, the duties of which shall be as follows:
 - to assume control over the implementation of the Decree of the President of the Russian Federation issued on 25 June, 1996, under No. 985, and to prepare proposals concerning the completion of the withdrawal of the armed forces;
 - to initiate joint undertakings directed towards the combat of crime, terrorism and nationalist and religious prejudices, and to control their implementation;
 - to prepare proposals for the reconstruction of currency, fiscal and budgetary relations;
 - to prepare for the enactment by the Government of the Russian Federation of programmes for the rebuilding of the socio-economic infrastructure of the Chechen Republic
 - to control the agreed forms of cooperation of the state authorities and other relevant organizations concerning the supply and distribution of food and medical aid among the population.
3. The legal system of the Chechen Republic is based upon the respect for human and civil rights, upon the right of nations towards the self-determination, upon the principles of equal rights of nations, of the priority of civil accord, international peace and security for citizens residing on the territory of the Chechen Republic regardless of their nationality, religious identity and other differences.
4. The Joint Commission shall end its work upon the mutual agreement of the parties.

Signed by: A. Lebed, A. Maskhadov, S. Kharlamov, S-Kh. Abumuslimov

Date of signing: 25.08.1996 Place of signing: Khasavyurt, Republic of Dagestan

In the presence of the Head of the Special Task Group of the OSCE for Chechnya, Mr. T. Guldumann

**Khasavyourt Joint Declaration and Principles for Mutual Relations.
Khasavyourt, Dagestan, 31 August 1996**

**Khasavyourt Joint Declaration and Principles for Mutual
Relations**

Khasavyourt, Dagestan, 31 August 1996

We, the undersigned,

Taking into account the progress achieved in implementing the agreement on the cessation of military activities,

Striving to create mutually acceptable preconditions for a political resolution of the armed conflict,

Recognising the inadmissibility of using armed force or threatening its usage in the resolution of all issues,

Proceeding from the universally recognised right of peoples to self-determination, the principles of equality, voluntary and free expression of will, strengthening interethnic accord and the security of peoples,

Expressing the will to protect unconditionally human rights and freedoms and those of the citizen, irrespective of ethnic origin, religious beliefs, place of residence or any other distinctions, and to prevent acts of violence against political opponents, in doing so proceeding from the 1948 Universal Declaration of Human Rights and the 1966 International Covenant on Civil and Political Rights.

Have jointly developed Principles concerning mutual relations between the Russian Federation and the Chechen Republic, on the basis of which the future negotiation process will be conducted.

(Signed)

A. Lebed A. Maskhadov
B. Khartamov S. Abumuslimov

31 August 1996

In the presence of the Head of the OSCE Assistance Group of the Chechen Republic,

(signed)

T. Guldumann

Principles for Determining the Basis for Mutual Relations between the Russian Federation and the Chechen Republic

1. An Agreement on the basis for mutual relations between the Russian Federation and the Chechen Republic, to be determined in accordance with universally recognised principles and norms of international law, should be achieved by 31 December 2001.
2. A Joint Commission shall be established by 1 October 1996, composed of representatives of the organs of state power of the Russian Federation and the Chechen Republic, the tasks of which shall be:
 - To monitor the implementation of Decree No. 985 of the President of the Russian Federation of 25 June 1995 and to prepare proposals concerning the completion of the withdrawal of troops;
 - To prepare and monitor the fulfilment of agreed measures against crime, terrorism and manifestations of ethnic and religious enmity;
 - To prepare proposals for the restoration of currency, financial and budgetary interrelations;
 - To prepare and submit to the Government of the Russian Federation programmes for the restoration of the socio-economic structure of the Chechen Republic;
 - To monitor the coordinated interaction of the organs of state power and other interested parties in the provision of food and medicines for the population.
3. Legislation of the Chechen Republic shall be based on the observance of human and civil rights, the right of peoples to self-determination, the principles of equality among nationalities, the guaranteeing of civil peace, interethnic accord and the security of those residing on the territory of the Chechen Republic, irrespective of their ethnic origin, religious beliefs or other distinctions.
4. The Joint Commission shall complete its work by mutual agreement

Source: Transitional Justice Peace Agreements Database (University of Ulster, Transitional Justice Institute, Incore)

Agreement on the principles of relations between the federal center and the Chechen Republic

Text of Russian-Chechen Agreement

ITAR-TASS World Service, November 23, 1996

By ITAR-TASS correspondent Gennadiy Yezhov

FBIS-SOV-96-228

Daily Report

23 Nov 1996

[FBIS Translated Text] Moscow, 23 Nov (ITAR-TASS) -- An agreement on the principles of relations between the federal center and the Chechen Republic was signed today by delegations from both sides led by Russian Federation Prime Minister Viktor Chernomyrdin and Aslan Maskhadov, Prime Minister of the coalition government of Chechnya. The text of the agreement follows:

On the basis of the necessity of reinforcing the peace process, for the purposes of determining the principles of cooperation until the elections of a new parliament and president of the Chechen Republic, the parties have agreed the following:

1. In the economic sector:

1.1. An agreement is to be concluded on the principles of special economic mutual relations between the parties after the election of a new president and parliament of the Chechen Republic;

1.2. In the sphere of economic mutual relations between the parties in the period up to the conclusion of the above mentioned agreement the legislation of the Chechen Republic and the Russian Federation is to be employed;

1.3. The unimpeded movement of citizens, officials, and freight is to be guaranteed, for the purpose of which: The activity of the civil airport in the city of Groznyy, as well as railway and road traffic, are to be resumed by 1 December 1996; - a regulation is to be jointly drawn up and approved by 1 December 1996 on procedures for the customs handling of goods travelling in the Chechen Republic and into the Chechen Republic; -an agreement is to be concluded by 1 December 1996 on the issues of the production, processing, and transportation of oil, refined oil products, and gas on the territory of the Chechen Republic. The Chechen side guarantees the safety of pipeline transportation and of petroleum and gas extraction and processing facilities;

1.4 Social and humanitarian issues will be addressed as a matter of immediacy, for which purpose:

- Measures will be implemented to restore life-supporting facilities in populated areas of the Chechen Republic, after the payment of pensions and wages has been provided for;
- Measures will be implemented to pay compensation to persons who suffered during combat;

2. It will be established that ministries and departments of the Russian Federation and ministries and departments of the Chechen Republic on the territory of the Chechen Republic will be guided by this agreement. [sentence as heard] Separate agreements may be concluded on specific issues arising from the present agreement.
3. It will be recognized as necessary to agree actions in the defense sector, in which respect the parties take upon themselves the obligation not to undertake any actions that threaten their security.
4. The present agreement will be valid until the election of a new parliament and president of the Chechen Republic.

Signed by Russian Federation Prime Minister Viktor Chernomyrdin and Aslan Maskhadov, Prime Minister of the Coalition Government of Chechnya.

Peace Treaty and Principles of Interrelation between the Russian Federation and the Chechen Republic Ichkeria

Peace Treaty and Principles of Interrelation between the Russian Federation and the Chechen Republic Ichkeria

Moscow, 12 May 1997

The esteemed parties to the agreement, desiring to end their centuries-long antagonism and striving to establish firm, equal and mutually beneficial relations, hereby agree:

1. To reject forever the use of force or threat of force in resolving all matters of dispute.
2. To develop their relations on generally recognised principles and norms of international law. In doing so, the sides shall interact on the basis of specific concrete agreements.
3. This treaty shall serve as the basis for concluding further agreements and accords on the full range of relations.
4. This treaty is written on two copies and both have equal legal power.
5. This treaty is active from the day of signing.

(signed)

President of the Russian Federation

B. Yeltsin

President of the Chechen Republic Ichkeria

A. Maskhadov

Source: Transitional Justice Peace Agreements Database (University of Ulster, Transitional Justice Institute, Incore)

ANNEX 23

Kazbegi protocol

23 March 1991 Kazbegi protocol text from Nezavisimaya Gazeta page 3 of 8

Nezavisimaya Gazeta, 26 March 1991, No. 37

Minutes of the meeting and negotiations of the Chairman of the SS (Supreme Soviet) of the RSFSR (Russian Soviet Federative Socialist Republic) and the Chairman of the SS (Supreme Soviet) of Georgia

1. During April 1991, a draft agreement on interstate relations between the RSFSR and the Republic of Georgia shall be ready for signing. For this, a task force shall be formed. As a result of coordination of joint efforts to stabilize the situation in the former South Ossetian Autonomous Region, the Parties agreed on the following:
2. Within 10 days, the MIA (Ministry of Internal Affairs) of the RSFSR and the MIA of the Republic of Georgia shall establish a joint commission to study the situation in the specified region and objectively assess the situation by 20 April 1991.
3. By 10 April, the MIA of the RSFSR and the MIA of the Republic of Georgia shall establish a joint police detachment to disarm all illegal groups on the territory of the former South Ossetian Autonomous Region. The detachment shall be tasked with public order protection in this area to stabilize the situation.
4. To submit a proposal to the Ministry of Defence of the USSR to redeploy SA (Soviet Army) units from the territory of the former South Ossetian Autonomous Region.
5. The Council of Ministers of the RSFSR, the Republic of Georgia and the North Ossetian SSR shall immediately begin work on creating conditions for the return of refugees to their places of permanent residence and ensure the restoration of legitimate local authorities.
6. The governments of the Republic of Georgia, RSFSR and the North Ossetian SSR shall establish a Commission for the assessment of damage suffered by refugees and provide additional logistical and financial aid to compensate for the damage.
7. Peace restoration in the region shall be deemed the final objective of the commissions and the detachment being established.
8. A permanent group shall be established to monitor the implementation of provisions of these minutes and to address emerging issues.

Chairman of the SS of the RSFSR, B. Yeltsin.

Chairman of the SS of the Republic of Georgia, Z. Gamsakhurdia.

Urban settlement of Kazbegi

Republic of Georgia

23/03/91

(The text is provided by the press centre of the SS of Georgia)

Agreement on Principles of Settlement of the Georgian - Ossetian Conflict, Sochi, 24 June 1992

Agreement on Principles of Settlement of the Georgian - Ossetian Conflict

Sochi, 24 June 1992

The Republic of Georgia and the Russian Federation,

Striving for immediate cessation of bloodshed and achieving comprehensive settlement of the conflict between Ossetians and Georgians,

Being guided by the desire to witness speedy restoration of peace and stability in the region,

Reaffirming commitment to the principles of the UN Charter and the Helsinki Final Act,

Acting in the spirit of respect for human rights and fundamental freedoms, as well as rights of ethnic minorities,

Taking into account the agreement reached in Kazbegi on 10 June 1992,

Have agreed upon the following:

Article 1

1. From the very moment of signing this agreement, the opposing parties commit themselves to undertake all necessary measures aimed at termination of hostilities and achievement of comprehensive cease-fire by 28 June 1992.

2. From the moment of termination of hostilities, on 28 June 1992 the opposing parties shall withdraw their armed formation with a view of creation of corridor adjacent to the line of juxtaposition. The withdrawal of armed formations shall be completed within three days.

Passage through the line of juxtaposition, corridor and its width shall be determined by the joint group of observers.

Article 2

In order to secure demilitarization of the conflict region and to rule out the possibility of involvement of the Armed Forces of the Russian Federation in conflict, the Russian Federation shall withdraw the Tskhinvali-district deployed 37th engineer-sapper Regiment and 292 separate fighting helicopter regiment within 20 days from the moment of cease-fire and separation of opposing parties.

Article 3

1. In order to exercise control over the implementation of cease-fire, withdrawal of armed formations, disband of forces of self-defense and to maintain the regime of security in the region, a mixed Control Commission composed of representatives of opposing parties shall be set up and

this Commission shall carry out its functions in close cooperation with the joint group of military observers created in accordance with the agreements reached in Kazbegi.

2. Every Party participating in the work of Commission shall appoint its own representatives. Headquarters of the Control Commission shall be located in the town of Tskhinvali.

3. Until the aforementioned tasks are implemented, joint forces on coordination of activities aimed at establishment of peace and maintenance of order shall be created within the Control Commission. In addition, special mixed groups of observers, attached to the Control Commission, shall be deployed along the security perimeter.

4. The Control Commission and attached to it forces shall start immediate implementation of those tasks assigned by the present agreement.

5. In case of violation of provisions of this Agreement, the Control Commission shall carry out investigation of relevant circumstances and undertake urgent measures aimed at restoration of peace and order and non-admission of similar violations in the future.

6. Financial provision for activities of the Control Commission and forces attached to it shall be provided by the Parties on equal footing.

Article 4

The Parties shall start immediately negotiations on economic restoration of the regions located in the conflict zone and creation of proper conditions for return of refugees.

The Parties deem it inadmissible to apply economic sanctions and blockade, and any other impediments to free movement of commodities, services and people and commit themselves to provide humanitarian assistance to the affected population.

Article 5

The Parties shall seek objective and balanced mass media coverage of the settlement process. To this end, a multilateral press-center shall be established within the Control Commission.

Article 6

This Agreement shall come into force immediately after it is signed.

Sochi, 24 June 1992, in a set of three in Georgian, Russian and Ossetian languages, and each of these three copies are of equal validity.

On behalf of the Republic of Georgia **E. A. Shevardnadze**

On behalf of the Russian Federation **B. N. Yeltsin**

Source: Regional Research Center – Georgia (Website)

ANNEX 25

Memorandum on Measures of Providing Safety and Strengthening of Mutual Confidence between the Sides in the Georgian-Ossetian Conflict Moscow, 16 May 1996

Memorandum on Measures of Providing Safety and Strengthening of Mutual Confidence between the Sides in the Georgian-Ossetian Conflict

Moscow, 16 May 1996

The representatives of the Georgian and South Ossetian sides through the mediation of the representatives of the Russian Federation and with participation of the representatives of the Republic of North Ossetia-Alania and Organization for Security and Cooperation in Europe (OSCE) held negotiations about the further advance towards full scale political settlement of the Georgian-Ossetian conflict and, having the will to remove the consequences of the conflict and restore between them relations of peace and mutual respect;

being convinced in the necessity to put an end to the hard heritage of the last years and stand on the way leading to peace, confidence and agreement;

confirming the adeptness to the regulations of the UNO Charter, basic principles and decisions of OSCE, to internationally recognized norms of international law;

guiding by the principle of territorial integrity of states and right of people for self-determination;

successfully stating that on the basis of the Agreement on the principles of settlement of the Georgian-Ossetian conflict and engaging Joint Peacekeeping forces in July 1992 military activities in the conflict zone were ceased;

stating about the readiness to follow the way of conflict resolution in the spirit of mutual respect and only through politic methods;

finding it necessary to make steps which could lead to full scale political settlement of the conflict,

Agreed on the following:

1. The sides in the conflict refuse from using or the threat of using force, from putting political, economic and other forms of pressure to each other.
2. The sides will take all the necessary measures on preventing and suppressing any unlawful activities, infringing the rights of people on their nationality belonging;
3. The sides will carry out real measures to provide worthy settlement of the issue of refugees and internally displaced persons, who suffered in the Georgian-Ossetian conflict.
4. The sides agree that those who took part in the armed conflict but who didn't commit military crimes and also crimes against civil people are not subjected to criminal pursuit. In the near future the sides will create necessary conditions for the work of law-enforcement bodies on the investigation of the mentioned crimes and call to account guilty persons.
5. The sides successfully stress the positive character of practicing regular meetings of the representatives of law-enforcement bodies and will comprehensively assist to their work on recovery of criminal situation in the conflict zone.
6. On the way of full scale settlement of the Georgian-Ossetian conflict the zone will be de-militarized step-by-step on the basis of special agreements. Peacekeeping forces may present in the demilitarized zone.
7. The sides think it expedient to elaborate in frames of the Joint Control Commission a plan of stage-by-stage cutting down of the number of checkpoints of the Peacekeeping forces, lessening their concentration in places of permanent dislocation, organizing their service with consideration of providing the safety of people.
8. The sides express readiness jointly and with assistance of International organizations including NGOs to hold meetings of representatives of the Georgian and Ossetian political and social organizations, scientists with participation of the representatives of the Russian Federation and other countries, "round tables" of the representatives of creative intelligence, also to organize meetings of journalists so as to exchange objective information. The side will take measures for safe movement and staying of the representatives of Mass Media.
9. The side will continue negotiations with the aim to achieve full scale political settlement.

10. The sides successfully stress the readiness of the Russian Federation to be a guarantor, of the Republic of North Ossetia-Alania to participate in the implementation of the agreements, achieved in the existing Memorandum and of the OSCE to be an assistant to all this.

11. The given Memorandum comes into force since the moment of its signing.

For the Georgian side :

For the South Ossetian side:

through the mediation of:

The Republic of North Ossetia-Alania (the Russian Federation)

The Russian Federation:

Statement following the meeting of E. D.Kokoity and Z.V. Zhvania, November 2004

STATEMENT FOLLOWING THE MEETING OF E. D. KOKOITY AND Z. V. ZHVANIA

2356-06-112004

On 5 November 2004, a meeting of E. D. Kokoity and Z. V. Zhvania took place in Sochi. At the meeting, the Russian Federation was represented by the First Deputy Minister of Internal Affairs of the Russian Federation V. V. Loshchinin. The Republic of North Ossetia-Alania was represented by the State Advisor to the President of the Republic of North Ossetia-Alania T. E. Kusov. Co-chairs of the Mixed Control Commission (MCC) and the head of OSCE mission in Georgia also participated in the meeting. A representative of the European Commission was invited to discuss economic issues.

During the meeting, which was held constructively, a thorough exchange of views took place on the challenges of resolving the Georgian-Ossetian conflict including further de-escalation of the critical situation, the situation stabilization in the conflict zone, and confidence-building measures. The parties agreed that confidence-building measures, the conflict zone demilitarization, security guarantees, and the implementation of economic programmes would add momentum to further constructive negotiations aiming at a comprehensive political resolution of the conflict.

The meeting participants noted their worries and concerns over the fact that the peaceful conflict resolution process had been dangerously compromised as a result of the recent armed clashes in South Ossetia. They expressed their deep regret over the casualties including those among civilians.

The parties drew attention to the critical role of negotiations within MCC, direct contacts between representatives of the parties, and the actions of the Joint Peacekeeping Forces (JPF) aimed at the cessation of the armed confrontation.

The meeting participants reaffirmed their commitment to solely peaceful methods of stabilising relations between the conflicting parties and condemned any form of violence, including discrimination on ethnic grounds, as a means to achieve political goals. The parties also declared their commitment to the fundamental documents signed to resolve the Georgian-Ossetian conflict, which are also a solid basis for negotiations on a comprehensive political resolution of the Georgian-Ossetian conflict.

In this context, they specifically agreed on the following:

- to strictly comply with the reached agreements on the ceasefire;
- for a phased demilitarization of the conflict zone, as the first step - to fully implement the decisions of the MCC and complete the withdrawal from the conflict zone of all remaining armed groups, except for the JPF and law enforcement agencies, by 20 November of this year;
- by the same date, to submit agreements on the strength of militia / police units required for law enforcement specifying their locations for consideration to the MCC;

- in the future, not to deploy armed groups and checkpoints in the conflict zone without coordinating it with the MCC;
- to organise interaction between security agencies of the parties and take steps to resume the work of the Joint Coordination Center (JCC);
- to guarantee uninterrupted and safe transit along the Transcaucasian Highway and other roads connecting communities in the conflict zone to ensure unhindered movement of people and goods;
- the parties expressed intention to expand contacts at various levels including at a high political level, as well as meetings between parliamentarians and intellectuals;
- at one of the forthcoming MCC meetings, to consider specific economic projects, the implementation of which is of mutual interest, and submit agreed proposals, including for consideration by the OSCE and the EU;
- to hold an extraordinary MCC meeting to monitor the progress of the implementation of the made decisions within ten days.

The meeting participants appreciated the contribution the OSCE is making to the peaceful resolution of the conflict and the EU – to the economic rehabilitation of the region.

The parties noted the importance of the mediating role of the Russian Federation in facilitating an early peaceful resolution of the Georgian-Ossetian conflict.

Executed in Sochi on 5 November 2004

Six point agreement

12 AUGUST 2008

Protocol of Agreement

1. Do not resort to force.
2. Definitively cease hostilities.
3. Provide free access for humanitarian aid.
4. Georgian military forces shall return to their normal quarters.
5. Russian military forces shall return to their positions prior to the start of hostilities. While awaiting international protection, Russian security forces shall implement additional security measures.
6. International discussions shall begin on security and stability measures to be taken in Abkhazia and South Ossetia.

For the European Union

The French President Nicolas Sarkozy

For the Republic of Georgia

The Georgian President Mikheil Saakashvili

ANNEX 28

Implementation of the plan 12 August 2008, Communiqué issued by the presidency of the Republic, Paris, 9 September 2008

Reaffirmation of the commitment of all the parties to implement in full all the provisions of the Medvedev-Sarkozy six-point plan of 12 August 2008.

1. Withdrawal of forces

- Withdrawal of all Russian peace-keeping forces from the five observation posts on the line between Poti and Senaki, within a maximum of seven days, taking into account the signing on 8 September of legally binding documents guaranteeing the non-use of force against Abkhazia.
- Complete withdrawal of the Russian peace-keeping forces from the areas adjacent to South Ossetia and Abkhazia to their positions prior to the outbreak of hostilities. This withdrawal will take place within 10 days after the deployment in these areas of the international mechanisms, including at least 200 European Union observers, which must take place no later than 1 October 2008, in view of the existence of legally binding documents guaranteeing the non-use of force against Abkhazia and South Ossetia.
- Completion of the return of the Georgian armed forces to their bases by 1 October 2008.

2. International observation mechanisms

- The UNOMIG international observers will continue to carry out their mandate in their areas of responsibility with the same number of personnel and deployment blueprint as at 7 August 2008, subject to future adjustments decided by the UN Security Council.
- The OSCE international observers will continue to carry out their mandate in their areas of responsibility with the same number of personnel and deployment blueprint as at 7 August 2008, subject to future adjustments decided by the OSCE Permanent Council.
- The preparations will be speeded up to allow the deployment of additional observers in the areas adjacent to South Ossetia and Abkhazia in sufficient numbers to replace the Russian peacekeeping forces by 1 October 2008, including at least 200 European Union observers.

- The European Union as guarantor of the principle of non-use of force is actively preparing the deployment of an observation mission to complement the existing observation mechanisms.

3. International discussions

- The international discussions provided for in point six of the Medvedev-Sarkozy plan of 12 August 2008 will begin on 15 October 2008 in Geneva. The preparatory talks will begin in September.

These will focus, inter alia, on:

- the arrangements to ensure security and stability in the region;
- the issue of refugees and displaced persons on the basis of the internationally recognised principles and post-conflict settlement practice;
- any other subject, by mutual agreement of the parties.

Source: French Embassy in Moscow (Official Website)

ANNEX 29

Protocol of Consultations on the Regulation of the Conflict between Georgia and Abkhazia, Sochi, 29 August 1992

Due to the developments in Abkhazia the concern and alarm are constantly raising. Every day of military confrontation brings new suffering to the civilians and serious damage to the economy.

The situation has become complicated in the south of Russia. The republics of region, adjacent to the conflict zone are concerned at the established situation.

Participants of the consultations:

from the Georgian Side - T. Kitovani

from the Russian Side - S. Shoigu, A. Vorobev, A. Safronov, V. Lisenko, A. Klevtsov, B. Pastukhov

from the Abkhaz Side - V. Ardzinba, K.Ozgan

stated about their position on the ways aimed at overcoming the existing situation.

The sides agreed upon the following:

- 1) a firm commitment to stop bloodshed and secure conflict regulation through peaceful means;
- 2) suspension of military confrontation and movement of armed formations from 31 August of 1992;
- 3) establishment of permanent communication between the sides in order to exchange the information and respond to the changes of situation;
- 4) securing of regular and safe functioning of air and maritime transport; fulfillment of reconciled time-table of transportation of civil population in the conflict zone and on adjacent territories.

The sides commit themselves to take responsibility on prevention of possible incidents and provocations posing a threat to the people and delivery of cargo.

- 5) The conflicting sides expeditiously will hand over the wounded persons, hostages, war prisoners and dead bodies without any prior conditions.
- 6) The Russian Federation will render humanitarian assistance to the population affected by the conflict. The Red Cross Organizations of three Sides will determine the procedure and distribution of humanitarian aid.

The representatives of Russian federation reaffirmed their readiness to carry out the role of mediator in the conflict settlement.

The participants of consultations consider that forthcoming meeting in Moscow on 3 September 1992 is an event of special importance. Immediate cease-fire, normalization of the situation, unconditional protection of rights and freedoms of individuals will establish necessary preconditions for successful meeting.

Signed by: **T. Kitovani, S. Shoigu, V. Ardzinba**

Source: As translated by The Union - The Regionalism Research Center from the Chronicle of the Undeclared War, Part I, 14 August-14 September, Moscow, 1992, authors: G. Amkuab, T. Illarionova, p. 167-168

ANNEX 30

Moscow agreement

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/24523

8 September 1992
ENGLISH

ORIGINAL: RUSSIAN

LETTER DATED 8 SEPTEMBER 1992 FROM THE CHARGE D'AFFAIRES A.I. OF
THE PERMANENT MISSION OF THE RUSSIAN FEDERATION TO THE UNITED
NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the text of the final document of the meeting in Moscow between the President of the Russian Federation, Mr. B. N. Yeltsin, and the President of the State Council of the Republic of Georgia, Mr. E. A. Shevardnadze, on 3 September 1992.

At the request of the Minister for Foreign Affairs of the Russian Federation, Mr. A. V. Kozyrev, and the Minister for Foreign Affairs of the Republic of Georgia, Mr. A. D. Chikvaizde, I should like to ask that you have this text circulated as an official document of the Security Council, bearing in mind that article 12 contains an appeal by the parties to the United Nations for support for the principles of settlement set out in the final document and for assistance in their implementation, including the dispatching of fact-finding missions and observers.

(Signed) Valentin V. LOZINSKIY
Chargé d'affaires a.i. of
the Permanent Mission of the
Russian Federation to the United Nations

Annex

[Original: Russian]

The President of the Russian Federation and the President of the State Council of the Republic of Georgia,

Having considered, with the participation of the leaders of Abkhazia and the North Caucasian republics, territories and regions of the Russian Federation, the situation in Abkhazia,

Seeking an immediate cease-fire, a solution to the crisis and the creation of conditions for a comprehensive political settlement in Abkhazia, which has become an area of military conflict,

Reaffirming their commitment to the spirit and the letter of the Charter of the United Nations, the principles of the Final Act of the Conference on Security and Cooperation in Europe, the Paris Charter for a New Europe and the Helsinki Declaration of 1992,

Considering inadmissible any infringement of the universally recognized principles of the territorial integrity of States and the inviolability of borders,

Respecting human rights and freedoms as well as the rights of national minorities,

Have agreed as follows:

Article 1

The territorial integrity of the Republic of Georgia shall be ensured.

All armed formations taking part in the conflict shall cease their fire and all use of force against each other as of 5 September 1992 at noon. Prior to the entry into force of the cease-fire, the parties to the conflict shall undertake to refrain from any offensive actions.

A Monitoring and Inspection Commission, composed of representatives to be appointed by the authorities of Georgia, including Abkhazia, and Russia, shall be established immediately. The Commission shall ensure compliance with the cease-fire and with other provisions of this agreement, in accordance with the procedures to be elaborated by it.

In order for the Commission to function, members shall assign to it appropriate units to carry out disarmament, disbanding and withdrawal from Abkhazia and to prevent illegal armed formations and groups from entering Abkhazia, in order to maintain the entire conflict zone perimeter under strict control.

/...

Once the cease-fire is in force and troops have been deployed, the Commission shall ensure that the armed forces of the Republic of Georgia present in the conflict zone do not exceed the agreed level required for the purposes of this agreement (protection of the railway and certain other installations).

Recommendations by the Commission shall be given immediate consideration by the authorities at all levels.

Article 2

Until 10 September 1992, exchanges of detainees, hostages, prisoners and others shall take place in accordance with the principle "all for all".

Article 3

The Parties shall prohibit and prevent all terrorist acts or the taking of hostages and shall take effective steps to bring the perpetrators to justice.

Article 4

Measures shall be taken promptly to remove any impediment to the free movement of goods and services and of persons engaging in lawful activities. The smooth and uninterrupted operation of land, air and sea communications and the protection of borders shall be ensured accordingly. Particular emphasis shall be placed on guaranteeing the security of relevant segments of the Transcaucasian railway through the establishment of a joint mechanism.

The Monitoring and Inspection Commission shall submit the requisite recommendations on this subject.

Article 5

Conditions shall be created for the return of refugees to their permanent homes. Refugees will be provided with the necessary relief and assistance.

Steps will be taken to search for persons who have disappeared and to evacuate those wishing to leave Abkhazia.

Article 6

Effective measures shall be taken within the conflict zone to halt and prevent acts of violence and looting and to bring perpetrators to justice.

/...

Article 7

The Parties shall take steps to rehabilitate affected regions and to ensure that humanitarian assistance, including international assistance, is made available to the population affected by the conflict. The Red Cross, in consultation with the Monitoring and Inspection Commission, shall identify the procedure for the delivery and distribution of relief.

Article 8

The Parties reaffirm the need to respect international standards in the area of human rights and national minorities, to prevent discrimination based on nationality, language or religion and to hold free democratic elections.

Article 9

The armed forces of the Russian Federation which are temporarily located in the territory of the Republic of Georgia, including Abkhazia, shall remain strictly neutral and shall not take part in internal disputes.

All authorities and administrative entities in the Republic of Georgia, including Abkhazia, agree to respect the neutrality of the Russian armed forces deployed in the territory and to halt immediately all unlawful acts committed by soldiers, members of their families and military property.

Article 10

The Parties shall assist the legitimate authorities in Abkhazia to resume their normal functions by 15 September 1992.

Article 11

The authorities and administrative entities of the North Caucasian republics, regions and territories which form part of the Russian Federation shall take effective measures to halt and prevent all acts waged from their territory that are in violation of the provisions of this agreement. They shall promote respect for this agreement and the restoration of peace in the region. They shall take all necessary steps to explain the provisions of this agreement to the population.

/...

Article 12

The Parties appeal to the United Nations and to the Conference on Security and Cooperation in Europe to support the principles of settlement set out above and to promote respect for them, particularly by sending fact-finding missions and observers.

Moscow, 3 September 1992

FOR THE RUSSIAN FEDERATION

FOR THE REPUBLIC OF GEORGIA

Have agreed

G. S. Khizha
A. V. Kozyrev
P. S. Grachev
A. M. Mirzabekov
M. M. Magomedov
B. M. Kokov
K. M. Karmokov
V. N. Saveliev
V. I. Khubiev
S. V. Khetagurov
A. K. Galazov
A. A. Dzharimov

V. G. Ardzinba
V. I. Zarandia
T. Nadareishvili

T. I. Sigua
T. K. Kitovani
A. D. Chikvaidze

A. K. Tleuzh
V. N. Diakonov
E. S. Kuznetsov
V. F. Choub

Agreement on a cease-fire in Abkhazia and arrangements to monitor its observance

The representatives of the parties to the conflict have, with the mediation of the Russian Federation, agreed as follows:

1. With effect from 1200 hours on 28 July 1993, the parties to the conflict shall resume strict observance of the regime established on 20 May 1993 for a cease-fire and the non-use of force against each other in the conflict zone.

The combat use of aircraft, artillery, vessels and any military equipment and weapons shall be prohibited.

No additional troops or other armed formations shall be brought into the conflict zone (into the territory of Abkhazia) and there shall be no mobilization, unapproved movement of troops and other formations, deliveries of arms and ammunition or construction of military infrastructure.

2. With effect from 29 July 1993, the trilateral Georgian-Abkhaz-Russian interim monitoring groups (comprising three to nine persons each) shall begin to function; their membership shall be decided by agreement between the parties.

The interim monitoring groups shall supervise the observance of the cease-fire regime. They shall be stationed in Sukhumi, Gulripsh, Ochamchira, Gudauta, Novy Afon, Tkvarcheli, Gagra and Gali. If the need arises, the groups shall, by agreement of the parties, be stationed in other places as well. The monitoring groups shall have the right of access to any part of the conflict zone of interest to them, after they have notified the parties accordingly. The parties to the conflict shall ensure the safety of the monitoring groups and shall provide them with accommodation and means of transport.

The monitoring groups may consider appeals from members of the population on various issues.

When the international observers arrive, the interim monitoring groups shall establish close liaison with them.

3. Each of the parties to the conflict undertakes to adopt immediate and effective measures to put a stop to any action by its formations deemed by the monitoring groups to be in breach of the cease-fire regime and to respond efficiently to the recommendations and proposals of the monitoring groups.

The United Nations and the Conference on Security and Cooperation in Europe (CSCE) shall be notified of violations of the commitments which the parties to the conflict have entered into under this Agreement.

4. A Joint Commission on the settlement in Abkhazia shall be established by 5 August 1993. Its statute shall be approved by the parties. Representatives and observers from the United Nations and CSCE shall be invited to participate in the work of the Commission.

5. The parties consider it essential to invite international observers and peace-keeping forces to be deployed in the conflict zone. This shall be on the understanding that the size and composition of the international peace-keeping forces shall be determined in consultation with the United Nations Secretary-General and the Security Council and subject to the agreement of the parties.

6. The phased demilitarization of the conflict zone shall commence. International observers shall immediately be brought into the conflict zone and the armed formations of the Republic of Georgia shall be withdrawn from the territory of Abkhazia over a period of 10 to 15 days from the date of the cease-fire.

During this same period, the armed formations, groups and persons located in the conflict zone shall be demobilized and withdrawn from Abkhazia.

For the purposes of protecting main roads and important facilities, in accordance with the final document of the Moscow meeting of 3 September 1992, a subunit of internal troops shall be formed from the local population on the Georgian side and placed on stand-by. Subsequently this subunit, together with the regiment of internal troops referred to below, shall form part of the multinational internal troops of Abkhazia.

The armed formations on the Abkhaz side shall be amalgamated into a regiment of internal troops, which shall be placed on stand-by and, until a comprehensive settlement is reached, shall perform functions appropriate to internal troops (guarding main roads and important facilities).

All the above activities shall be conducted under the supervision of the Joint Commission.

International observers shall be deployed along the Gumista, Psou and Inguri rivers.

Immediately after the cease-fire, a multinational police force shall be established in the conflict zone for the purposes of maintaining public order. Its composition and size shall be determined by the parties.

International peace-keeping forces and, subject to consultation with the United Nations, the Russian military contingent temporarily deployed in the conflict zone shall participate in efforts to uphold the cease-fire regime and maintain law and order.

The parties to the conflict shall guarantee the rights of the multi-ethnic population.

Measures shall be taken to return refugees to their homes and to render assistance to them. The Joint Commission shall set up a special group to ensure that refugee problems are attended to efficiently.

7. The Russian troops temporarily located in the territory of Abkhazia shall observe strict neutrality.

The temporary deployment status, modus operandi and withdrawal timetable and procedure applicable to the military formations and frontier troops of the Russian Federation shall be determined by separate treaty documents.

The parties shall ensure the safety of Russian servicemen and their families.

8. In accordance with the final document of the Moscow meeting of 3 September 1992, the parties shall create conditions for the legitimate authorities in Abkhazia to resume their normal functions.

9. The parties to the conflict, acting under the auspices of the United Nations and with the facilitation of the Russian Federation, shall immediately resume negotiations on the preparation of an agreement on the comprehensive settlement of the conflict in Abkhazia.

The agreement shall reflect basic issues relating to the maintenance of peace, the demilitarization of the conflict zone, the deployment of international peace-keeping forces, the revival of economic life, the maintenance of law and order, the criminal prosecution of persons who have committed offences against the civilian population, the return of refugees to their homes, the observance of human rights and the rights of national minorities and guarantees to uphold the political status and state system of Abkhazia.

10. The participants in this agreement undertake not to use its provisions or the cease-fire regime for any actions which could be prejudicial to the interests of any one of them.

Sochi, 27 July 1993

For the Georgian side:

For the Abkhaz side:

For the Russian Federation:

[Signed]

[Signed]

[Signed]

Declaration on measures for a political settlement of the Georgian/ Abkhaz conflict

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1994/397
5 April 1994

ORIGINAL: ENGLISH

LETTER DATED 5 APRIL 1994 FROM THE PERMANENT REPRESENTATIVE
OF GEORGIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT
OF THE SECURITY COUNCIL

I have the honour to transmit to you the text of the declaration on measures for a political settlement of the Georgian/Abkhaz conflict and the text of the quadripartite agreement on voluntary return of refugees and displaced persons, signed in Moscow on 4 April 1994.

I would be grateful if the present letter and its annexes were circulated as a document of the Security Council.

(Signed) Peter P. CHKHEIDZE
Permanent Representative
Ambassador Extraordinary
and Plenipotentiary

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Annex I

[Original: English and Russian]

Declaration on measures for a political settlement of
the Georgian/Abkhaz conflict signed on 4 April 1994

1. The third round of negotiations on a comprehensive settlement of the Georgian-Abkhaz conflict took place from 22 to 25 February 1994 in Geneva, from 7 to 9 March 1994 in New York and from 29 to 31 March in Moscow under the aegis of the United Nations with the facilitation of the Russian Federation and with the participation of representatives of the Conference on Security and Cooperation in Europe (CSCE) and the United Nations High Commissioner for Refugees (UNHCR).
2. The negotiations were held in accordance with Security Council resolutions 849 (1993) of 9 July 1993, 854 (1993) of 6 August 1993, 858 (1993) of 24 August 1993, 876 (1993) of 19 October 1993, 881 (1993) of 4 November 1993, 892 (1993) of 22 December 1993, 896 (1994) of 31 January 1994, 901 (1994) of 4 March 1994 and 906 (1994) of 25 March 1994.
3. By signing this declaration, the parties hereby commit themselves to a strict formal cease-fire from this date and also reaffirm their commitment to the non-use of force or threat of the use of force against each other as expressed in their communiqué of 13 January 1994 (see S/1994/32, annex).
4. The parties have agreed to and signed a quadripartite agreement, a copy of which is attached to the present declaration, on the repatriation of refugees and displaced persons. The agreement provides for the return of refugees/displaced persons in accordance with existing international practice, including the practice of UNHCR. A special commission on refugees/displaced persons, which shall include representatives of the parties, UNHCR, the Russian Federation, and CSCE in an observer capacity, shall begin its work in Sochi in mid-April 1994. The implementation of the agreement will begin upon the deployment of a peace-keeping force.
5. The parties reaffirm their request for the early deployment of a peace-keeping operation and for the participation of a Russian military contingent in the United Nations peace-keeping force, as stated in the Memorandum of Understanding of 1 December 1993 (S/26875, annex) and the communiqué of 13 January 1994. The plan for carrying out the peace-keeping operation will be agreed upon with the parties to the conflict. The realization of the peace-keeping operation should also promote the safe return of refugees/displaced persons. The parties again appeal to the United Nations Security Council to expand the mandate of the United Nations Observer Mission in Georgia (UNOMIG).
6. Abkhazia shall have its own Constitution and legislation and appropriate State symbols, such as anthem, emblem and flag.
7. The parties held discussions on distribution of powers on the understanding that any agreement on this issue is part of a comprehensive settlement and will

be reached only once a final solution to the conflict has been found. At this stage, the parties have reached a mutual understanding regarding powers for joint action in the following fields:

- (a) Foreign policy and foreign economic ties;
- (b) Border guard arrangements;
- (c) Customs;
- (d) Energy, transport and communications;
- (e) Ecology and elimination of consequences of natural disasters;
- (f) Ensuring human and civic rights and freedoms and the rights of national minorities.

8. The parties agree to continue energetic efforts to achieve a comprehensive settlement. The Parties will set up an appropriate committee, which will work on a standing basis, taking into account the decisions of the Security Council under the chairmanship of the United Nations, with participation of representatives of CSCE and the Russian Federation and with the involvement of international experts. This body will meet alternatively in Moscow and Geneva. Its first meeting will be held in Geneva on 19 April 1994. A phased action programme will be worked out and proposals on the re-establishment of State and legal relations will be elaborated.

9. The parties decided to take additional measures in connection with the search for missing persons and the reburial of the dead.

10. The parties, based on the fact that there is no statute of limitations applicable to war crimes, agreed to intensify efforts to investigate war crimes, crimes against humanity and serious criminal offences as defined by international and national law and bring the perpetrators to justice. Inevitable punishment shall also be inflicted on persons who try or will try to undermine the peace process in Abkhazia by resorting to arms.

For the Georgian side:

(Signed) A. KAVSADZE

For the Abkhaz side:

(Signed) S. JINJOLIA

In the presence of:

From the United Nations:

(Signed) E. BRUNNER

From the Russian Federation:

(Signed) B. PASTUKHOV

From the Conference on Security and Cooperation in Europe:

(Signed) V. MANNO

ANNEX 33

Quadripartite agreement on voluntary return of refugees and displaced persons signed on 4 April 1994

The Abkhaz and Georgian sides, hereinafter referred to as the Parties, the Russian Federation and the United Nations High Commissioner for Refugees,

Recalling Security Council resolutions 849 (1993) of 9 July 1993, 854 (1993) of 6 August 1993, 858 (1993) of 24 August 1993, 876 (1993) of 19 October 1993, 892 (1993) of 22 December 1993, 896 (1994) of 31 January 1994, 901 (1994) of 4 March 1994 and 906 (1994) of 25 March 1994,

Recognizing that the right of all citizens to live in and to return to their country of origin is enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights,

Noting conclusions 18 (XXXI) and 40 (XXXVI) of the Executive Committee of the Programme of the Office of the United Nations High Commissioner for Refugees, which constitute internationally agreed principles governing the repatriation of refugees,

Acting in accordance with the Memorandum of Understanding signed by the Parties on 1 December 1993 and especially paragraph 4, under which Parties expressed their willingness to create conditions for the voluntary, safe and dignified return of displaced persons to their permanent places of residence in all regions of Abkhazia,

Recalling that resolution 428 (V) of 14 December 1950, by which the General Assembly of the United Nations adopted the statute of the Office of the United Nations High Commissioner for Refugees, ascribes to the High Commissioner the function of providing international protection to refugees and of seeking permanent solutions for the problems of refugees, inter alia, by promoting and facilitating their voluntary repatriation,

Given the responsibility entrusted to the United Nations High Commissioner for Refugees to act, under the Secretary-General's authority, as the international lead agency for the repatriation of displaced persons to Abkhazia,

Noting the desire of the Parties to cooperate with each other to achieve full observance of the principles and safeguards governing voluntary repatriation,

Considering the need, therefore, to establish a framework to define modalities of such cooperation for implementation of the repatriation,

Noting that the Parties agree that a repatriation operation to Abkhazia will imply, prior to its implementation, that the security and living conditions in the areas of return are guaranteed.

HAVE AGREED ON THE FOLLOWING PROVISIONS:

1. The Parties agree to cooperate and to interact in planning and conducting the activities aimed to safeguard and guarantee the safe, secure and dignified return of people who have fled from areas of the conflict zone to the areas of their previous permanent residence.

2. For the purpose of the present agreement, the parties will guarantee the safety of refugees and displaced persons in the course of the voluntary repatriation and rehabilitation operations to be organized.

3. In implementing this voluntary repatriation programme, the Parties undertake to respect the following principles:

(a) Displaced persons/refugees have the right to return voluntarily to their places of origin or residence irrespective of their ethnic, social or political affiliation under conditions of complete safety, freedom and dignity;

(b) The voluntary character of the repatriation shall be ascertained and respected through appropriate arrangements;

(c) Displaced persons/refugees shall have the right to return peacefully without risk of arrest, detention, imprisonment or legal criminal proceedings.

Such immunity shall not apply to persons where there are serious evidences that they have committed war crimes and crimes against humanity as defined in international instruments and international practice as well as serious non-political crimes committed in the context of the conflict. Such immunity shall also not apply to persons who have previously taken part in the hostilities and are currently serving in armed formations, preparing to fight in Abkhazia.

Persons falling into these categories should be informed through appropriate channels of the possible consequences they may face upon return;

(d) The Parties shall ensure that returnees, upon return, will enjoy freedom of movement and establishment including the right to return to the areas where they lived prior to leaving the conflict zone or to the area of their choice;

(e) The Parties shall ensure that refugees and displaced persons, upon return, will get their expired documents (propiska, passport) extended and validated for their previous place of residence or the elected place of return;

(f) The Parties shall ensure that repatriants, upon return, will be protected from harassment, including unauthorized charges or fees and threat to life or property;

(g) Returnees shall, upon return, get back movable and immovable properties they left behind and should be helped to do so, or to receive whenever possible an appropriate compensation for their lost properties if return of property appears not feasible.

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English
Page 6

The Commission mentioned in paragraph 5 below will establish a mechanism for such claims. Such compensation should be worked out in the framework of the reconstruction/rehabilitation programmes to be established with a financial assistance through the United Nations Voluntary Fund;

(h) Displaced persons/refugees who choose not to return to Abkhazia shall continue to be assisted and protected until acceptable alternative solutions are found for such cases;

(i) In accordance with the fundamental principle of preserving family unity, where it is not possible for families to repatriate as units, a mechanism shall be established for their reunification in Abkhazia. Measures shall also be taken for the identification and extra care/assistance for unaccompanied minors and other vulnerable persons during the repatriation process;

(j) The Parties agree that refugees and displaced persons will be guaranteed unimpeded access to all available information on the situation in the areas where repatriation will take place. Such an information should be provided in the framework of a campaign to be launched by the Commission as mentioned in paragraph 9 (b) below.

4. For the purpose of the implementation of voluntary return of displaced persons and refugees to Abkhazia, a quadripartite Commission is hereby established.

5. The principal tasks of the Commission shall be to formulate, discuss and approve plans to implement programmes for the safe, orderly and voluntary repatriation of the refugees and displaced persons to Abkhazia from Georgia, the Russian Federation and within Abkhazia and for their successful reintegration. Such plans should include registration, transport, basic material assistance for a period of up to six months and rehabilitation assistance.

In order to create the conditions for the return of refugees and displaced persons, the Commission will establish a working group of experts to undertake an assessment of the level of damage to the economic and social infrastructure in Abkhazia, the availability of housing and the extent of damage to houses in the areas of return as well as the projected needs in rehabilitation/reconstruction, with financial implications. This survey should be undertaken region by region according to the plan of return to be worked out and accepted by the Parties, bearing in mind that the Parties have agreed to start the repatriation operation with the Gali region.

6. The Commission shall be composed of four members, one being designated by each of the Parties and two representing the Russian Federation and the United Nations High Commissioner for Refugees.

In addition, the Conference on Security and Cooperation in Europe (CSCE) will designate a representative to attend the Commission's meetings in an observer capacity. If circumstances do not allow the designated CSCE representative to attend such meetings, the Commission will keep the CSCE mission in Georgia informed on a regular basis on the progress of the Commission's work.

7. Any member of the Commission may, when attending any meeting of the Commission, be accompanied by such advisers as the Party designating that member may deem necessary. Where a member of the Commission is unable to attend any meeting of the Commission, the Party concerned may designate a substitute.

8. The Commission shall meet as often as required, but no less frequently than once every month. Meetings of the Commission may be convened at the request of any of the members and shall be held on the territory of the Russian Federation, except as the members of the Commission may otherwise agree. The Parties agree to guarantee the personal security of the members of the Commission and personnel involved in the activities agreed.

The first meeting of the Commission shall be scheduled as soon as possible and no later than one week after the adoption by the Security Council of a resolution on a mechanism ensuring the security conditions in the areas of return.

9. During its first meeting, the Commission will set out the modalities of the assessment mentioned in paragraph 5 above and will establish a plan concerning:

(a) The areas where repatriation will be primarily conducted according to the level of guaranteed security and preparedness;

(b) The implementation of an information campaign among the displaced person/refugee population to encourage voluntary return;

(c) The registration process of persons expressing their willingness to return;

(d) The activities needed to safeguard the safety of returnees based on the principles set out in paragraph 3 (a) to (j) above;

(e) The needs for financial, transport and basic material assistance to displaced persons/refugees as well as projected needs for rehabilitation/reconstruction of the areas of return as mentioned in paragraph 5 above.

10. The Parties agree that representatives of refugees and displaced persons shall be provided with facilities to visit the areas of return and to see for themselves arrangements made for their return.

11. In the event of disagreement within the Commission regarding the application and interpretation of this Agreement, where such disagreement cannot amicably be settled among the members of the Commission, the Commission shall refer such disagreements to the Parties and to the Russian Federation and the United Nations High Commissioner for Refugees.

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English
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THE PARTIES, THE RUSSIAN FEDERATION AND THE UNITED NATIONS
HIGH COMMISSIONER FOR REFUGEES FURTHER AGREE AS FOLLOWS:

(a) UNHCR shall have direct and unhindered access to all displaced persons/refugees from Abkhazia in order to undertake activities essential to the discharge of its mandate and operational and monitoring responsibilities;

(b) Travel shall be facilitated between and within all areas where refugees and displaced persons are located and areas of return for the personnel of the United Nations and other relevant international and non-governmental agencies cooperating with the United Nations in repatriation, reintegration and rehabilitation programmes. It shall include the free use of airspace and authorized airstrips and airports for relief flights and the exemption from taxes and duties of all goods imported for use in the voluntary repatriation programme of displaced persons/refugees from Abkhazia and for the provision of relief integration and rehabilitation assistance to the Abkhazian region by the United Nations and cooperating agencies, as well as the expeditious clearance and handling of such goods;

(c) The Russian Federation will guarantee unimpeded transit of humanitarian supplies through its territory for the purposes of the present Agreement;

(d) UNHCR shall establish local offices, as deemed appropriate, at locations to be approved by the Parties concerned, to facilitate voluntary repatriation, reintegration and rehabilitation;

(e) The security of the staff and property of the United Nations and the cooperating agencies shall be guaranteed;

(f) The allocation and continued use by the Parties, the United Nations and the cooperating agencies of particularly designated radio frequencies for radio communications between their offices, vehicles, and staff, in areas where refugees and displaced persons are located and in areas of return, shall be provided.

This agreement shall enter into force with immediate effect and shall remain in force for the period required for the effective voluntary return of the displaced persons/refugees.

In witness whereof, the authorized representatives of the Abkhaz and Georgian sides, the Russian Federation and the United Nations High Commissioner for Refugees, have signed the present agreement.

Done at Moscow, this fourth day of April 1994 in four originals, three in the Russian language, and one in the English language, the four texts being equally authentic but the English text being authoritative for interpretation purposes.

For the Abkhaz side

(Signed) S. JINJOLIA

For the Georgian side

(Signed) A. KAVSADZE

For the Russian Federation

(Signed) B. PASTUKHOV

For the United Nations
High Commissioner for Refugees

(Signed) J. AMUNATEGUL

ANNEX 34

Agreement on a Cease-Fire and Separation of Forces, signed in Moscow on 14 May 1994

In the Declaration on Measures for a Political Settlement of the Georgian-Abkhaz Conflict, signed in Moscow on 4 April 1994 (S/1994/397, annex I), the Parties committed themselves to strict compliance with a formal cease-fire from that date, and once again reaffirmed their commitment to the non-use of force or threat of the use of force against each other, as expressed in their communiqué of 13 January 1994. That commitment remains valid. This Agreement on a Cease-Fire and Separation of Forces formalizes that commitment.

1. The parties shall scrupulously observe the cease-fire on land, at sea and in the air and shall refrain from all military actions against each other.

2. The armed forces of the parties shall be separated in accordance with the following principles:

(a) The area between lines B and D on the attached map (see appendix) shall constitute a security zone. There shall be no armed forces or heavy military equipment within this zone. The territory between lines A and B and lines D and E shall constitute a restricted-weapons zone. There shall be no heavy military equipment within this zone. The local civil authorities shall function in the security zone and the restricted-weapons zone. The police/militia employed for this purpose may carry personal arms;

Heavy military equipment includes:

- (i) All artillery and mortars of a calibre exceeding 18 mm;
- (ii) All tanks;
- (iii) All armoured transport vehicles;

(b) The peace-keeping force of the Commonwealth of Independent States and the military observers, in accordance with the Protocol to this Agreement, shall be deployed in the security zone to monitor compliance with this Agreement;

(c) The heavy military equipment to be withdrawn from the security zone and the restricted-weapons zone shall be stored in designated areas to be determined by the parties and shall be monitored by United Nations military observers;

(d) Under the supervision of representatives of the peace-keeping force of the Commonwealth of Independent States and United Nations observers, with the participation of representatives of the parties from the Kodori valley, the troops of the Republic of Georgia shall be withdrawn to their places of deployment beyond the frontiers of Abkhazia;

A regular patrol of the peace-keeping force and international observers shall be organized concurrently in the Kodori valley;

(e) All volunteer formations made up of persons from beyond the frontiers of Abkhazia shall be disbanded and withdrawn;

(f) The movement of units and subunits of the peace-keeping force and of the international observers outside the security zone in the relevant areas shall be subject to agreement with the parties;

(g) United Nations military observers shall also monitor the coastal waters and airspace between lines A and D;

(h) In the event of an attack or a direct military threat against the peace-keeping force, it shall take appropriate measures for its safety and self-defence.

3. The precise demarcation on a detailed map and a plan for the separation of forces in the initial phase of the deployment of the peace-keeping force shall be worked out by the command of the peace-keeping force with the participation of the parties in the context of a step-by-step, comprehensive settlement, with a continuation of the return of refugees and displaced persons and in compliance with this Agreement, in a working group, which shall begin its work to this end in Moscow within five days after the signing of this Agreement. It shall complete this task within five days. Disengagement shall commence five days after the working group has completed its task. The process of disengagement shall be completed no later than 10 days after it has commenced.

4. A map indicating the security zone and the restricted-weapons zone is contained in the appendix.

Protocol. The Protocol concerning the peace-keeping force of the Commonwealth of Independent States is as follows:

"The parties agree that:

"The function of the peace-keeping force of the Commonwealth of Independent States shall be to exert its best efforts to maintain the cease-fire and to see that it is scrupulously observed. Further, its presence should promote the safe return of refugees and displaced persons, especially to the Gali district. It shall supervise the implementation of the Agreement and the Protocol thereto with regard to the security zone and the restricted-weapons zone. In carrying out its mission, the force shall comply with local laws and regulations and shall not impede the functioning of the local civil administration. It shall enjoy freedom of movement in the security zone and the restricted-weapons zone and freedom of communications, and other facilities needed to fulfil its mission.

"The peace-keeping force of the Commonwealth of Independent States shall operate under the Interim Unified Command and the Commander of the Peace-keeping Force."

S/1994/583
English
Page 4

5. The process of achieving a comprehensive political settlement shall be pursued.

6. The parties appeal to the United Nations Security Council to expand the mandate of the United Nations military observers in order to provide for their participation in the operations indicated above.

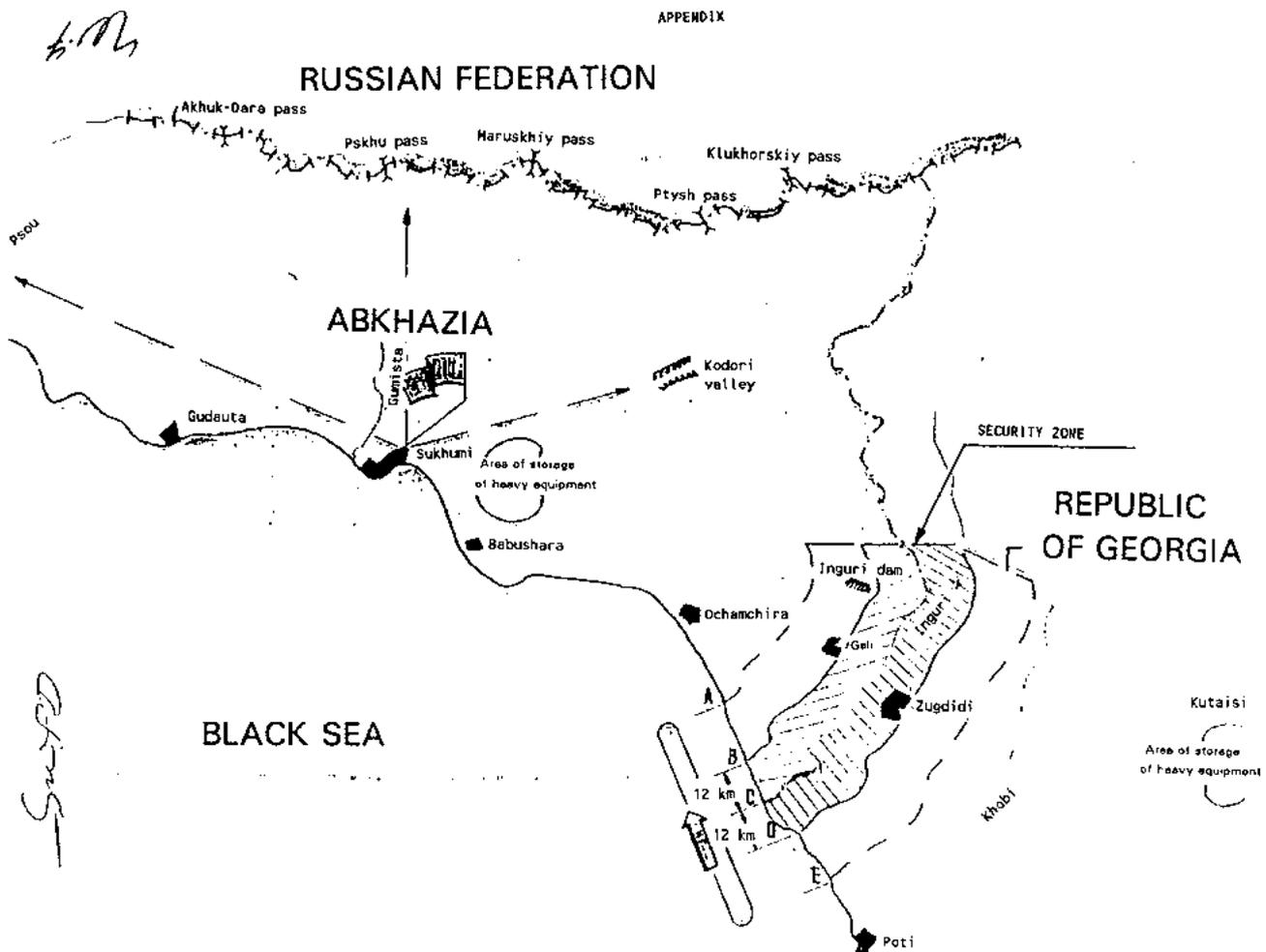
7. On the basis of the statement by the Council of Heads of State of the Commonwealth of Independent States dated 15 April 1994 (S/1994/476, annex), the parties appeal to the Council to take a decision on the use of a collective peace-keeping force within the zone of the Georgian-Abkhaz conflict.

For the Georgian side:

For the Abkhaz side:

(Signed) J. IOSELIANI

(Signed) S. JINJOLIA



Proposal for the Establishment of a Coordinating Commission, signed in Moscow on 11 May 1994

Proposal for the Establishment of a Coordinating Commission,
signed in Moscow on 11 May 1994

[Original: English/Russian]

1. Both parties to the conflict agree to establish a Coordinating Commission to discuss practical matters of mutual interest (energy, transport, communications, ecology and so on). The Commission will be established for the transitional period until the conflict has been resolved.
2. The Coordinating Commission will work in the town of Sochi. At its first meeting, which will take place on 1 June 1994, the Commission will be chaired by a representative of the Russian Federation. Further meetings will be chaired alternately by representatives of both parties, unless agreed otherwise.
3. Both parties to the conflict will each designate four representatives of their choice to the Coordinating Commission. Both parties invite representatives of the United Nations, the Russian Federation and the Conference on Security and Cooperation in Europe to participate as observers in the work of the Commission. In discussion of matters affecting both the interests of the parties and territory of the Russian Federation, the representatives of the latter will take part in the work of the Commission with the rights of a delegation.
4. By the first meeting of the Coordinating Commission the parties to the conflict will prepare proposals for the programme of work of the Coordinating Commission, including those to be discussed at its first meeting. Both parties welcome the readiness of the observers to present their proposals for the programme of work of the Commission.
5. Proposals for the work of the Coordinating Commission will be prepared taking into account the provisions of paragraphs 3, 5 and 6 of the Memorandum of Understanding between the Georgian and the Abkhaz sides of 1 December 1993 (S/26875, appendix).
6. The Commission will act without prejudice to the work of the standing committee agreed on in the Moscow declaration of 4 April 1994 (S/1994/397, annex I).
7. Both parties agree to take all decisions by consensus of delegations.
8. Participation in the Coordinating Commission will not prejudice the legal positions of both parties with regard to the future status of Abkhazia.

For the Georgian side:

(Signed) J. IOSELIANI

For the Abkhaz side:

(Signed) S. JINJOLIA

In the presence of:

From the
United Nations:

(Signed)
E. BRUNNER

From the Russian
Federation

(Signed)
B. PASTUKHOV

From the Conference on
Security and Cooperation
in Europe

(Signed)
V. MANNO

Protocol on Ceasefire, Separation of Armed Formations and Guarantees on Inadmissibility of Forcible Activities Gagra, 25 May 1998

1. The Sides commit themselves to cease fire from 6 am of 26 May 1998.
2. From the moment the cease-fire regime comes into effect the Sides commit themselves to start separating of opposing military formations.

The Abkhaz Side commits itself, from 9 am till 01 pm of 26 May 1998, to withdraw from Gali region additional contingent detached there beyond limits of the militia personnel.

The Georgian Side commits itself to withdraw all armed formations from Gali region from 9am till 01pm of 26 May 1998.

3. In order to exercise control on the implementation of commitments pledged by the Sides, the special groups will be set up composing of representatives from the UNOMIG and Collective Peacekeeping Force starting their operation since the moment of cease-fire in compliance of the elaborated scheme that will establish conditions for return of the peaceful population of Gali region fled the region due to the military operations.

4. The Abkhaz Side commits itself to refrain from unlawful forcible acts against the peaceful population of Gali region.

The Georgian Side commits itself to take effective measures aimed at preventing from penetration of terrorist and subversive groups, armed formations and individuals to the territory of Abkhazia.

With this regard and pursuant to the Decisions of the Coordinating Council, the Sides shall establish necessary mechanisms with participation of the Sides, UNOMIG and CPKF of the CIS.

For the Abkhaz Side **S. Shamba, A. Kchach**

For the Georgian Side **I. Menagarishvili, K. Targamadze**

From the CPKF the Commander of the CPKF of the CIS **S. Korobko**

From the UN: Special Representative of the UN Secretary-General **L. Bota**

ANNEX 37

Zheleznovodsk Declaration

Joint Communiqué on the Results of the Mediating Mission of President Boris Yeltsin of the Russian Federation and President Nursultan Nazarbayev of Kazakhstan

[Unofficial translation, Moscow TASS, 24 Sep 1991]

The intense conflict in the region of Nagorno Karabakh has gone on unabated for four years, claiming the lives of numerous people of different nationalities - civilians and services personnel of regular Army units and interior troops.

The central authorities of the USSR have been unable to work out and implement effective measures to normalize the situation in the region. Gross errors were made resulting in the worsening of confrontation between the sides and the increase of distrust in federal bodies.

In the obtaining [as received] situation, the need arose for mediating efforts aimed at creating conditions to start the negotiating process capable of gradually laying the foundation for the normalization of the situation in the region.

Upon agreement with the Azerbaijani and Armenian sides, the leaders of the Russian Federation and Kazakhstan took upon themselves the role of mediators.

On September 20-23, 1991, the mediating mission, led by President Boris Yeltsin of the Russian Federation and President Nursultan Nazarbayev of Kazakhstan, visited Baku, Gyandzha, Stepanakert and Yerevan.

The sides seeking settlement of the conflict are guided by the principles of non-interference in internal affairs of sovereign states and the undeviating observance of civil rights of citizens, irrespective of their nationality and in accordance with international legal norms.

Through mediation some problems of the gradual settlement of the conflict were discussed.

The main results of discussion are as follows:

The sides believe that the necessary and binding conditions for settlement of the conflict are a ceasefire, the repeal, before January 1 1992, of all unconstitutional Azerbaijani and Armenian enactments concerning Nagorno Karabakh, the recognition of authority of legitimate bodies of power, the withdrawal from the conflict zone of all armed forces, except units of Soviet Interior Ministry and Soviet Defence Ministry troops.

When this period has expired, the presence of all armed forces and their activities will be considered illegal by all sides and will be suppressed by the Soviet Interior Ministry troops, and members of armed forces are liable under [word indistinct].

A working group of observers is hereby entrusted with working out measures to safeguard the ceasefire, neutralize all armed forces defined as illegitimate, create guarantees of safety for all citizens residing in the conflict zone.

2. For purposes of taking coordinated measures to normalize the situation in the conflict zone a provisional working group is set up, including authorized representatives of the Russian Federation and Kazakhstan. The working group begins activities from 1 October.

3. The Republic of Azerbaijan and the Republic of Armenia ensure the eventual return of deported people to their homes, beginning with the fully vacated villages.

The sides guarantee safety in places of permanent residence. Talks on this problem must begin from October 1991.

4. The sides involved in the conflict begin an immediate release of hostages. This process must be completed within a period of two weeks, upon the expiry of which persons involved in holding hostages may be prosecuted under the law.

Control over compliance with this provision is exercised by authorized representatives of the mediating sides.

5. Together with federal bodies, the sides guarantee to normalize all railway, air traffic and communications systems within two weeks.

All sides, with the cooperation of mediators, will start negotiations to ensure the free and mutually beneficial functioning of all highways.

6. During the talks the sides arrived at a unanimous decision to guarantee the flow of impartial information into the conflict zone.

It was decided to set up an information group, consisting of representatives of the Russian Federation and Kazakhstan authorized to prepare official information about developments in the conflict zone.

7. The supreme bodies of the state authority of Azerbaijan and Armenia will approve authorized delegations, which will immediately begin bilateral negotiations on a permanent basis.

8. The sides believe the negotiation process will begin once bilateral treaties have been prepared and signed between the Russian Federation and the Azerbaijani Republic, the Russian Federation and the Republic of Armenia, Kazakhstan and Azerbaijan, and Kazakhstan and the Republic of Armenia.

9. The working group of observers is entrusted with preparing, within a month, proposals for the subsequent stages of settling the conflict.

10. The working group of observers will regularly inform the top leaders of the four republics on progress on realizing the measures envisaged by this communiqué.

The provisions contained in this communiqué cannot be viewed as the right of the mediators to interfere in the internal affairs of sovereign states - the Azerbaijani Republic and the Republic of Armenia.

The communiqué is signed by:

For the Russian Federation:

Boris Yeltsin

For the Azerbaijani Republic:

Ayaz Mutalibov

For Kazakhstan:

Nursultan Nazarbayev

For the Republic of Armenia:

Levon Ter-Petrosian

Taking part in the discussion of the communiqué were:

Ye. Shaposhnikov

V. Barannikov

S. Voskanyan

M. Gezalov

V. Dzhabarov

R. Kocharian

L. Petrosian

M. Radayev

September 23, 1991

Zheleznovodsk

Joint Statement of the Heads of State in Tehran, 7 May, 1992

Upon the invitation of the President of the Islamic Republic of Iran Mr. Akbar Hashemi Rafsanjani, Mr. Yakub Mamedov, Acting President of the Azerbaijan Republic, and Mr. Levon Ter-Petrosyan, President of the Republic of Armenia, arrived in Tehran to hold bilateral negotiations and discuss regional problems. Using this opportunity, upon the initiative and at the suggestion of the Iranian side, within the framework of diplomatic efforts on the normalisation of the situation in Nagorno Karabakh and at the Azerbaijani-Armenian border and bringing the viewpoints closer together with the purpose of reliving tensions in the region, the leaders of the two states met and conducted negotiations on May 7, 1992.

The sides started with expressing their gratitude to the Islamic Republic of Iran, international and regional organizations as well as other countries for their efforts directed at a peaceful settlement of the conflict in the region and expressed hope that peaceful wishes and goodwill would promote peace and stability.

With a view to develop bilateral relations and provide security in the region, the sides agreed to organise meetings of representatives of the both countries at a top level and periodically of the leaders of regions and responsible military representatives.

The sides expressed a desire for solving all issues connected with the normalisation of bilateral relations at different levels by peaceful means on the basis of principles of the CSCE and international law.

Taking international legal norms and the UN Charter as a basis, the sides emphasised the necessity of ensuring peace and stability on the borders, in Nagorno Karabakh, pointing out that it is advantageous both for the two states and for the region.

Respecting human rights and the rights of minorities, the sides drew each other's attention to the questions of solving problems of Armenian and Azeri refugees.

The sides agreed that within a week after the arrival of the special representative of the President of the Islamic Republic of Iran Mr. M. Vaezi in the region (Baku, Yerevan, Nagorno Karabakh), after conducting negotiations with the concerned sides and with the support of the heads of state of Azerbaijan and Armenia, ceasefire is established and simultaneously all communication roads are open with the purpose of meeting all economic needs.

In case of consent for the implementation of the reached agreement, besides the observers of the Islamic Republic of Iran, observers of the CSCE and others will be involved.

Positively assessing the work of the summit in Tehran, the sides agreed that all questions connected with bilateral relations should be solved by means of meetings and consultations of responsible persons at different levels and through negotiations.

The leaders of the two states, highly appreciating the efforts of the Islamic Republic of Iran, expressed hope that the Islamic Republic of Iran would continue its efforts until the ultimate peace and stability were established in the region.

The Islamic Republic of Iran

Akbar HASHEMI RAFSANJANI

The Azerbaijan Republic

Ya. MAMEDOV

The Republic of Armenia

L. TER-PETROSYAN

Source: ABASOV, A., KHACHATRIAN H. (2005), “The Karabakh Conflict, Variants of settlement: Concepts and reality”, Published by Areat, Noyan Tapan, Apendix 3.

Protocol for the Complete Cessation of Hostilities

February 18, 1994

Moscow

The Minister of Defense of Azerbaijan and the Minister of Defense of Armenia with the participation of the Plenipotentiary Representative of the Armed Forces of Nagorno-Karabakh, hereinafter referred to as the parties: guided by the fundamental interests of the people involved in the armed conflict,

showed its determination in supporting the implementation of the UN Security Council Resolutions No. 882, 853, 874, 884 and its readiness to contribute to the comprehensive settlement of the Nagorno-Karabakh conflict within the framework of the OSCE Minsk Conference

with the mediation of the Russian Defense Minister, they agreed:

1. The use of the term "Parties" does not imply recognition of any political or legal status other than that specified in this Protocol.
2. The parties agreed to ensure a complete cessation of hostilities on March 1st, 1994 at 00:00, and the withdrawal of the troops on March 1, 1994 at 10:00.

On the ceasefire and the withdrawal of troops, the relevant orders will be given to the commanders (chiefs) of the military formations responsible for their implementation in February 28, 1994 at no later than 15:00.

3. To implement the withdrawal of the troops within three days in the agreed lines of the separation of the troops of the parties, considering the liberation of the occupied territories as soon as possible with the full confidence in each other.
4. Create a mutual security zone - 20-30 km in width (at the same time, withdrawal and concentration of at least 20 km from the contact line of troops at a distance for heavy weapons) - Northern, central and southern directions, in which it will be prohibited any military action of forces, including move auxiliary forces, military and military equipment, as well as and armed units of the transport ship supplier vehicles for combat aircraft and combat helicopters, and other flying flights of devices that can be used for military purposes, including intelligence flights to the settlements and military installations blockade.
5. Establish a security (control) zone to monitor the implementation of the agreements reached, and deploy observation posts of a mixed staff consisting of the representatives of the parties and the Russian Ministry of Defense. Establish a joint headquarters to oversee the implementation of the agreements reached, headed by a representative of the Russian Ministry of Defense. Deploy groups in the security (control) zones by the Joint Staff, which is also headed by representatives of the Russian Ministry of Defense. The beginning of the work of the Joint Staff is on March 1st, 1994 at 12:00. Determine the composition, powers, deployment points of the Joint Staff, the necessary transport for its protection, including helicopters, the specific composition of the observation posts, the locations and the order of their provision, as well as the coordinated areas of the

withdrawal of troops, determine the working areas to the expert groups of the parties until March 1, 1994 in the accordance with the current norms of international law.

6. Eliminate the activities of all armed groups in the security (control) zones of the areas controlled by the parties, to prevent the violations of the ceasefire regime.
7. The Parties reserve for the mediator the right in the security (control) zones to cease hostilities violation of the agreements reached in the event of the application of all necessary measures and means, up to military, to the armed forces violating the terms of the protocol to the entities:

The participants of the meeting express confidence that the implementation of the provisions of this Protocol will favorably create conditions for a political conflict among all interested parties for a meeting of leaders:

Minister of Defense of Azerbaijan - Mamedrafi Mamedov,

Armenian Defense Minister - Serzh Sargsyan,

Armed formations of Nagorno-Karabakh

Plenipotentiary Representative: Bako Sahakyan,

Ministry of Defense of the Russian Federation

Minister: Pavel Grachev:

Source: Tatul Hakobyan, Green about sei. Artsakh Diary, third edition, 2011, pp. 482-483

<http://www.aniarc.am/2020/02/18/serzh-sargsyan-bakosahakyan-1994-february-18>

Bishkek protocol

The Bishkek Protocol

5 May 1994

Participants of the meeting held in May 4-5 in Bishkek on the initiative of the CIS Inter-Parliamentary Assembly, Parliament of Kyrgyz Republic, Federal Congress and Ministry of Foreign Affairs of the Russian Federation:

express determination to assist in all possible ways to the cessation of armed conflict in and around Nagorno Karabakh, which does not only cause irretrievable losses to Azerbaijani and Armenian people, but also significantly affects the interests of other countries in the region and seriously complicates the international situation; supporting the April 15, 1994 Statement by the CIS Council of heads of states, express readiness to fully support the efforts by heads and representatives of executive power on cessation of the armed conflict and liquidation of its consequences by reaching an appropriate agreement as soon as possible; advocate a naturally active role of the Commonwealth and Inter-Parliamentary Assembly in cessation of the conflict, in realization of thereupon principles, goals and the UN and OSCE certain decisions (first of all the UN Security Council resolutions 822, 853, 874, 884); call upon the conflicting sides to come to common senses: cease to fire at the midnight of May 8 to 9, guided by the February 18, 1994 Protocol (including the part on allocating observers), and work intensively to confirm this as soon as possible by signing a reliable, legally binding agreement envisaging a mechanism, ensuring the non-resumption of military and hostile activities, withdrawal of troops from occupied territories and restoration of communication, return of refugees; agree to suggest Parliaments of the CIS member-states to discuss the initiative by Chairman of Council of the Inter-Parliamentary Assembly V. Shumeyko and Head of the Assembly's Peacemaking Group on Nagorno Karabakh M. Sherimkulov on creating a CIS peacemaking force; consider appropriate to continue such meetings for peaceful resolution of the armed conflict; express gratitude to the people and leadership of Kyrgyzstan for creating excellent working conditions, cordiality and hospitality.

[Signatories]

ANNEX 41

Agreement on the Armed Conflict Cessation

TO: MINISTRY OF DEFENCE OF THE RUSSIAN FEDERATION

P. S. GRACHOV

MFA (MINISTRY OF FOREIGN AFFAIRS) OF THE RUSSIAN FEDERATION

A. V. KOZYREV

V. N. KAZIMIROV

Responding to the call for a ceasefire set forth in the Bishkek Protocol of 5 May 1994 and relying on the Protocol of 18 February 1994, the warring parties agreed on the following:

1. To ensure a complete ceasefire and cessation of hostilities from 00 hours 01 minute on 12 May 1994. The corresponding ceasefire orders will be issued and communicated to commanders of military units responsible for their execution, no later than 11 May 1994. On 12 May by 23:00, the Parties will exchange the texts of their ceasefire orders to be able to make their mutual update and subsequently unify main provisions of similar documents.
2. To request the Minister of Defence of the Russian Federation to convene in Moscow no later than 12 May of this year an urgent meeting of Ministers of Defence of Azerbaijan and Armenia and the Commander of the army of Nagorno-Karabakh to agree on the boundaries of forces separation, other urgent military and technical matters, and to prepare for the deployment of the forward group of international observers.
3. This agreement will be used to complete the negotiations within the upcoming 10 days and to enter, no later than 22 May of this year, into an Agreement on the Armed Conflict Cessation.
4. This agreement will come into effect immediately after the Mediator notifies on the receipt from the opposing forces of completely identical documents signed by authorized representatives.

Minister of Defence of Azerbaijan

Minister of Defence of Armenia

Commander of the army of Nagorno-Karabakh

May 1994

Note: the text is signed correspondingly by M. I. Mamedov in Baku on 9 May, S. A. Sarkisian in Yerevan on 10 May, S. Babayan in Stepanakert on 11 May 1994.

<http://www.vn.kazimirov.ru/doc10.htm>

Mediator's proposals on strengthening the ceasefire in the Nagorno-Karabakh conflict

TO: PRESIDENT OF THE REPUBLIC OF AZERBAIJAN

Mr Heydar ALIYEV

Highly honoured Heydar Aliyevich,

According to the exchange of opinions held in Baku on strengthening the ceasefire regime, I am sending you, as agreed, the proposals of the Minsk Conference Co-chairmanship.

Mediator's proposals on strengthening the ceasefire in the Nagorno-Karabakh conflict

On behalf of the Co-chairmanship of the OSCE Minsk Conference (hereinafter - the Mediator), to strengthen the ceasefire regime established in the area of the conflict since 12 May 1994 and to create more favourable conditions for furthering the peace process we jointly invite the warring parties (hereinafter – the Parties) to assume the following obligations:

1. – In the event of incidents threatening the ceasefire, notify immediately the other Party (with the Mediator in copy) thereof in writing by fax or via PM line with the exact indication of the incident location, time, nature and its consequences.

The other Party shall be advised that measures are being taken to prevent retaliation that could lead to an escalation of the incident; the other Party is expected therefore to take immediate appropriate action. If possible, proposals shall also be made for immediate measures to be taken to overcome this incident and restore the status quo ante.

2. – Upon receipt of such notification from the other Party, immediately conduct a fact-check and provide a written response within 6 hours (with the Mediator in copy).

3. – The Parties agree that official sources will report the incident to mass media only upon receipt of a response from the other Party, and if the receipt of such a response is delayed then no earlier than 7 hours after the initial notification of the other Party on this issue. It is understood that the Parties will fairly report

the response of the other Party to the media and inform that the communication on this issue is ongoing.

4. – To establish reliable direct emergency communication, each Party shall allocate two PM line sets and maintain a 24-hour presence of responsible officials at both sets. The respective numbers of the PM line sets should be communicated via the Mediator no later than 6 February 1995.

Should it be impossible to use fax for transmission by the Parties of emergency messages to one another or the Mediator, these texts shall be dictated via the PM line.

5. – The Parties agree that the Mediator will accept for consideration only those appeals of the Parties in which it is confirmed that this issue has already been raised before the other Party.

6. – In special cases, the Parties may request the Mediator to hold an urgent meeting with their representatives to address the incident and the situation at hand.

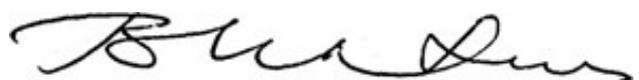
7. – As necessary, upon request of either Party and with the consent of the other Party, a mixed group of inspectors including representatives of the Mediator, should the Parties so request, may be sent to study the situation on the ground.

8. – Without waiting for the completion of the incident investigation, the Parties undertake to put in place measures to prevent escalation in order to restore status quo ante while taking into consideration possible recommendations of the Mediator as much as practical.

9. – The situation depending on its severity may be proposed by the Mediator for consideration at the meeting of OSCE Minsk Group or in the OSCE Permanent Council.

10. – The Parties undertake to refrain from public statements that may result in an escalation of the conflict.

Please formally confirm at the highest military authority level no later than 4 February 1995 your willingness to assume the above obligations in full so that upon receipt of the respective responses from the Parties these obligations may be deemed effective on 6 February 1995.



Vladimir Kazimirov
on behalf of the Co-chairmanship
of OSCE Minsk Conference

Appendix: response wording proposal.

To: Co-chairmanship of OSCE Minsk Conference

Ambassador V. N. Kazimirov

Ambassador A. Biorner

Herewith I confirm the consent of Azerbaijan to assume in full the obligations outlined in your proposal dated 3 February 1995.

Should we receive from you a confirmation of the unanimous consent to undertake these obligations, we will deem this agreement effective on 6 February 1995.

A handwritten signature in black ink, appearing to be 'M. Mamedov', written in a cursive style.

M. Mamedov

Minister of Defence of Azerbaijan

4 February 1995

Note: on the same day, 3 February 1995, similar letters were sent to the President of the Republic of Armenia L. Ter-Petrosian and the leader of Nagorno-Karabakh R. Kocharian.

On the same day, 4 February 1995, responses were received (identical to the above) from the Minister of Defence of Armenia S. Sarkisian and the Commander of the army of Nagorno-Karabakh S. Babayan.

ANNEX 43

Madrid principles

Basic principles for a peaceful settlement of the Nagorno-Karabakh conflict, transmitted at the OSCE Ministerial Council (Madrid, 29 November 2007) as an official proposal of France, the Russian Federation and the United States of America, as Co-Chairs of the OSCE Minsk Group, for consideration by the Presidents of Armenia and Azerbaijan

We, the Presidents of Armenia and Azerbaijan, agree that the stability, security, and prosperity of the region require the peaceful resolution of the Nagorno-Karabakh (NK) conflict.

We refer to the provisions of the Declaration on Principles Guiding Relations Between CSCE/OSCE Participating States of the Final Act of the Helsinki Conference (1975), in particular to Article II related to refraining from the threat or use of force, to Article IV related to the territorial integrity of States, and to Article VIII related to the equal rights and self-determination of peoples.

In accordance with these provisions, we hereby instruct our Foreign Ministers, in cooperation with the Co-Chairs of the OSCE Minsk Group, to draft¹ a comprehensive agreement on the peaceful resolution of the conflict (hereinafter, the "Peace Agreement"), based on the principles below:

1) The final legal status of NK will be determined through a plebiscite allowing the free and genuine expression of the will² of the population of NK. The modalities and timing of this plebiscite will be agreed by the parties through future

negotiations as described in (9). The population of NK is understood as the population of all ethnicities living in NK in 1988, in the same ethnic proportions as before the outbreak of the conflict³. The formulation of the question or questions to be asked in the plebiscite should not be limited, and could cover the full range of status options.

2) During the interim period until the determination of the final legal status of NK, its inhabitants will enjoy certain rights and privileges⁴ to be specified in the Peace Agreement, in accordance with the guidelines below:

The inhabitants of NK will have the right to protect and control their political and economic viability and security within a democratic society committed to the rule of law. Their human rights and fundamental freedoms will be respected.

The inhabitants of NK will have the right to elect officials to govern NK during the interim period. These officials will exercise legislative and executive power over the internal affairs of NK, as well as provide for the establishment and maintenance of courts of law to administer justice. These officials will also be able to engage in external relations in those areas specified in the Peace Agreement.

The interim authorities of NK will be allowed observer status in the OSCE for those sessions in which issues directly related to NK are discussed. They will also have the right to seek membership in international organizations for which statehood is not a precondition.

The inhabitants of NK will be entitled to receive aid from foreign countries and international donor organizations provided that such aid intended to promote human rights, peaceful economic and democratic development, cultural and commercial ties or to meet basic humanitarian needs. They will also be able to seek foreign direct investment and access to international markets.

3) All the Azerbaijani territories around NK under Armenian control will be returned to Azerbaijan's control in stages in accordance with the guidelines below, with detailed modalities to be agreed between the parties in Peace Agreement:

The territories situated east and south of NK, as far as the southern limit of the corridor stipulated in (4), will be returned when the Peace Agreement enters into force, international peacekeeping forces (PKF) have been deployed and are operational, and international security assurances are in place (including those of the UN Security Council).

Armenian settlers shall depart from the areas indicated above, with assistance of the international community (IC). Azerbaijani civil authorities shall reenter these areas after the deployment of the PKF and redeployment of the Armenian forces.

Armenian troops shall redeploy from Kelbajar district, with the exception of a remaining limited contingent stationed in an agreed area stipulated in the Peace Agreement.

Kelbajar district shall be placed under transitional international monitoring by an OSCE commission that will include Armenian and Azerbaijani representatives. During the transitional international monitoring of Kelbajar district, Armenian settlers shall be encouraged, with the assistance of the IC, to depart from Kelbajar district.

Azerbaijani IDPs will be allowed to return to Kelbajar district five years after entry into force of the Peace Agreement. (This period can either be extended or reduced by the joint commission described in (11), depending on the efficacy of the security assurances.

4) A corridor of an agreed width will link NK to Armenia. Until the determination of the final legal status of NK, this corridor will be maintained by the NK interim authorities under the conditions of the status quo prevailing when the Peace Agreement enters into force. After the determination of the final legal status of NK, the functioning of the corridor will be regulated taking into account NK's final status.

5) All internally displaced persons and refugees from the conflict-affected areas will have a right to return on a voluntary basis, as soon as the Office of the U. N. High Commissioner for Refugees has determined that conditions are appropriate, in the places of their former residence according to provisions to be specified in the Peace Agreement. All persons who have returned to their places of former residence will enjoy human rights and fundamental freedoms without discrimination of any kind. Inter-communal coexistence will be prompted by the parties with the support of the international community to reduce tension and normalize economic, political, and social life among ethnic Armenians and Azerbaijanis.

6) All international peacekeeping operations will be deployed immediately after entry into force of the Peace Agreement to monitor the Armenian redeployment and the demilitarization of evacuated areas. PKF units shall be drawn from nations that volunteer troops. The selection of troops for the PKF shall be done by the parties by mutual consent. Each party has the right to veto the other's choice.

Azerbaijan will commit not to send military personnel or equipment beyond the current line of contact, with the exception of police units (in equivalent proportion with civilian population as pertains to police units currently deployed in other Azerbaijani provinces) and with the exception of border detachments and associated equipment along the Azerbaijan-Iran border (at a level equivalent to those currently maintained per kilometer along the eastern Azerbaijan-Iran border).

The sides will pledge non-use of force against each other, including in NK and around NK. The Co-Chair countries will consult with Armenia and Azerbaijan on developing bilateral as well as collective security guarantees and assurances to support the implementation of the Peace Agreement and overall security in the South Caucasus.

7) Open and unimpeded transport and communication links between the parties will be prompted throughout the region, including, in particular, direct and immediate land access for Azerbaijan to Nakhichevan and reopening of all borders and communications.

8) An International Donors' Conference convened by the International Financial Institutions, in cooperation with the Co-Chair countries, will develop a fund for demining and reconstruction of infrastructure, including roads and telecommunications in the conflict-affected areas around and inside NK.

9) Four separate working committees will be created by the parties, in cooperation with the Co-Chair countries. These committees will work on the basis of consensus and will:

Addressed the detailed modalities and the timing of a plebiscite to determine the final legal status of NK.

Work out the technicalities of the corridor on the basis of the concept described in (4).

Elaborate the modalities in Kelbajar District of the transition from the international OSCE monitoring commission to Azerbaijan's resumption of full administrative control.

Assess all remaining questions not yet dealt with in these basic principles.

10) Five years after the entry into force of the Peace Agreement, a review conference will be convened by the Co-Chair countries to assess the progress of the working committees and the overall implementation of the Peace Agreement.

11) A joint supervisory commission led by the Co-Chair countries, with members to be agreed by the parties, will settle all issues related to the implementation of the Peace Agreement.

12) The Minsk Group Co-Chair countries will be requested by the parties to witness the Peace Agreement and to affirm their intention their intention to monitor closely the implementation of the Peace Agreement and to take appropriate measures to promote compliance with the Peace Agreement.

13) The UN Security Council will be asked by the parties, with the support of the Co-Chair countries, to adopt a resolution endorsing the Peace Agreement as guarantor of its implementation and of the rights of the population of NK during the interim period until the determination of NK's final status.

14) The OSCE and UN will be asked by the parties, after consultation with the Co-Chair countries, to adopt measures in accordance with the OSCE Declaration on Principles and the UN Charter, should the need arise.

1. The parties will start work on drafting the Peace Agreement **immediately after the two Presidents' endorsement of the basic principles, witnessed by the Co-Chair s, and will conduct drafting negotiations in good faith to conclude the Agreement within 6 months.**
2. Per the Advisory Opinion of the International Court of Justice for West Sahara, 16 October 1975.
3. The references to be used will be the results of the last census organized in the Soviet Union before the outbreak of the conflict.
4. **The rights and privileges of the inhabitants of NK during the interim period will be finalized by the parties with the participation (in a form to be agreed) of NK representatives.**

ANNEX 44

Statement by the Prime Minister of the Republic of Armenia, the President of the Republic of Azerbaijan and the President of the Russian Federation

“Statement by the Prime Minister of the Republic of Armenia, the President of the Republic of Azerbaijan and the President of the Russian Federation

10.11.2020

We, Prime Minister of the Republic of Armenia Nikol Pashinyan, President of the Republic of Azerbaijan Ilham Aliyev, and President of the Russian Federation Vladimir Putin state the following:

1. We hereby declare that a complete ceasefire shall be established and all hostilities shall be stopped in the Nagorno-Karabakh conflict zone as of 00:00 Moscow time on November 10, 2020.

The Republic of Azerbaijan and the Republic of Armenia, hereinafter referred to as the Parties, shall remain at their current positions.

2. Aghdam region shall be returned to the Republic of Azerbaijan until November 20, 2020.
3. Peacekeeping troops of the Russian Federation shall be deployed along the line of contact in Nagorno-Karabakh and along the Lachin corridor, including 1,960 servicemen with firearms, 90 armored personnel carriers, 380 units of motor vehicles and special equipment.
4. The peacekeeping troops of the Russian Federation are being deployed in parallel with the withdrawal of the Armenian armed forces. The peacekeeping troops of the Russian Federation shall stay there for a period of 5 years, with automatic extension for the next 5-year periods, if none of the Parties declares of its intention to terminate the application of this provision 6 months before the expiration of the preceding period.
5. A peacekeeping center shall be deployed to monitor the ceasefire with a view to increasing the effectiveness of control over the implementation of the agreements reached by the Parties to the conflict.

6. The Republic of Armenia shall return the Kelbajar region to the Republic of Azerbaijan by November 15, 2020, and the Lachin region by December 1, 2020. The Lachin corridor (5 km wide), which will provide for communication between Nagorno-Karabakh and Armenia and at the same time will not affect the city of Shushi, shall remain under the control of the peacekeeping troops of the Russian Federation.

The Parties have agreed that a plan for the construction of a new route along the Lachin corridor shall be determined within the next three years, providing communication between Nagorno-Karabakh and Armenia, with the subsequent redeployment of Russian peacekeeping troops to protect this route.

The Republic of Azerbaijan shall guarantee traffic safety for citizens, vehicles and goods in both directions along the Lachin corridor.

7. Internally displaced persons and refugees shall return to Nagorno-Karabakh and adjacent areas under the control of the Office of the UN High Commissioner for Refugees.
8. An exchange of prisoners of war, hostages and other detained persons and bodies of the dead is to be carried out.
9. All economic and transport links in the region shall be unblocked. The Republic of Armenia guarantees the safety of transport links between the western regions of the Republic of Azerbaijan and the Nakhichevan Autonomous Republic with a view to organizing the unimpeded movement of citizens, vehicles and goods in both directions. Control over transport communication is exercised by the Border Guard Service bodies of the FSS of Russia.

The Parties agree that the construction of new transport communications linking the Nakhichevan Autonomous Republic with the western regions of Azerbaijan shall be provided.”

ANNEX 45

Protocol of Intent

Agreement of the Ingush Republic and the North Ossetian SSR on the procedure for considering para. 2 of the negotiations agenda; Agreement on measures to comprehensively address the issue of refugees and internally displaced persons on the territories of the Ingush Republic and the North Ossetian SSR; Procedure for the return and resettlement of refugees and internally displaced persons in their previous localities of compact residence in the settlements of Chermen, Dongaron, Dachnoe, Kurtat of Prigorodnyi District of the Republic of North Ossetia; Agreement between the Republic of North Ossetia - Alania and the Republic of Ingushetia on the implementation of decrees of the President of the Russian Federation on the relief of consequences of the Ossetian-Ingush conflict; Procedure for the return of internally replaced persons to their previous places of permanent residence on the territories of the Republic of North Ossetia-Alania and the Republic of Ingushetia

The delegations of the Ingush Republic and the North Ossetian SSR through the mediation of the delegations of the Republic of Dagestan and Stavropol Krai agree to be guided in their negotiations by the following:

- the parties' commitment to the Constitution of the Russian Federation, laws of the Russian Federation, decisions of the Congresses of Peoples' Deputies of the Russian Federation and the Supreme Soviet of the Russian Federation, and Decrees of the President of the Russian Federation;
- mutual respect for the sovereignty of the parties and non-interference into each other's internal affairs;
- unconditional renunciation of any violence in resolving contentious issues;
- mutual aspirations to resolve contentious issues by peaceful means, through negotiations;
- the necessity of unconditional release of hostages and search of missing persons;
- the necessity of disarmament and disbandment of illegal armed groups;
- compensation of damage to legal entities and individuals;
- comprehensive addressing of the refugee issue.

The Ingush and North Ossetian parties advocate for the establishment of peaceful and good-neighbourly relations between the two republics, condemn any manifestation of national enmity and violence against the peoples of the republics.

The Ingush Republic and the North Ossetian SSR being equitable constituent entities of the Russian Federation herewith declare their intent to make every effort to ensure peace and national stability in Russia.

on behalf of the Ingush Republic
M. A. BARKINKHOYEV

on behalf of the North Ossetian SSR
Yu. G. BIRAGOV

on behalf of the Republic of Dagestan
B. G. AKHMEDOV

on behalf of Stavropol Krai
A. V. KULAKOVSKII

AGREEMENT
of the Ingush Republic and the North Ossetian SSR
on the procedure for considering para. 2
of the negotiations agenda

The official delegations of the Ingush Republic and the North Ossetian SSR, hereinafter referred to as the "Parties", herewith **reaffirm** their commitment to the unconditional implementation of resolution 7 of the Congresses of Peoples' Deputies of the RF and **taking into account** the information of the Head of the Interim Administration on this issue **agreed on the following**:

1. To ensure weapon seizure from the population, disarmament and disbandment of illegal armed groups of the Parties.
2. Via the Interim Administration, by 16 February 1993: to exchange information on the presence on the territory of the Ingush Republic and the North Ossetian SSR of illegal groups, illegally held firearms, ammunition, and armoured vehicles of various types.
3. At the next plenary meeting, to present proposals on the practical arrangement of the disarmament and disbandment of illegal armed groups and the weapon seizure from the population.
4. To request the Interim Administration to monitor the implementation of this Agreement with the involvement of representatives of the Parties.

on behalf of the Ingush Republic
M. A. BARKINKHOYEV

on behalf of the North Ossetian SSR
Yu. G. BIRAGOV

on behalf of the Republic of Dagestan
Sh. RAMAZANOV

on behalf of Stavropol Krai
A. V. KULAKOVSKII

AGREEMENT

on measures to comprehensively address the issue of refugees and internally displaced persons on the territories of the Ingush Republic and the North Ossetian SSR

20 March 1993

Kislovodsk

The official delegations of the Ingush Republic and the North Ossetian SSR, hereinafter referred to as the “Parties”, reaffirming their commitment to the principles of upholding human and civil rights, under Resolution VII of the Congresses of Peoples’ Deputies of the Russian Federation, assume obligations to comprehensively address the issue of refugees and internally displaced persons from both republics:

1. Based on Resolution VII of the Congresses of Peoples’ Deputies of the Russian Federation as applicable to the return of refugees to their places of permanent residence, at the first stage the Parties shall proceed with addressing comprehensively the refugee issue including ensuring their safety by returning and resettling them in the agreed localities of compact settlement.

To agree that citizens of the Ingush Republic and the North Ossetian SSR holding official duly documented registration of residence as of 31 October 1992 and not involved in committing crimes shall be entitled to the return at the first stage.

The return of refugees and internally displaced persons shall be addressed in strict compliance with the principle of voluntariness.

The Parties shall define the principles and time frames for the next stages in the course of further negotiations.

2. The Parties shall create conditions for settling of non-returning refugees and internally displaced persons in new localities.
3. The Parties shall provide returning refugees and internally displaced persons with social guarantees as required by the legislation of the Russian Federation.
4. The Parties shall establish a mixed commission on a parity basis with the participation in its activities of representatives of the Interim Administration and federal authorities of the Russian Federation and entrust it with the following responsibilities:
 - compilation and approval of lists of refugees and internally displaced persons from the Ingush Republic and the North Ossetian SSR;
 - consideration of citizens’ documented right to return;
 - development of proposals and mechanism of damage compensation for refugees and internally displaced persons based on the legislation of the Russian Federation;
 - identifying sources of funding approved by federal authorities of the Russian Federation.

5. The Parties shall request the Interim Administration for assistance in matters of funding, delivery and distribution of materials and resources, and addressing social issues.

**on behalf of the Ingush Republic
R. AUSHEV**

**on behalf of the North Ossetian SSR
A. GALAZOV**

**on behalf of the Republic of Daghestan
B. AKHMEDOV**

**on behalf of Stavropol Krai
A. V. KULAKOVSKII**

**PROCEDURE
for the return and resettlement of refugees and internally displaced persons
in their previous localities of compact residence in the settlements of
Chermen, Dongaron, Dachnoe, Kurtat of Prigorodnyi District
of the Republic of North Ossetia**

26 June 1994
Beslan

Pursuant to Decrees of the President of the Russian Federation dated 13 December 1993 No. 2131 and dated 30 May 1994 No. 1112, and Kislovodsk Agreement dated 20 March 1993, the Government of the Republic of North Ossetia and the Government of the Republic of Ingushetia, with the direct involvement of the Interim Administration, guided by the principles of mutual respect, international peace and harmony, territorial integrity of the republics, respect for human rights, and law compliance, shall create conditions to comprehensively address problems of refugees and internally displaced persons.

Preliminary stage:

- ensuring public safety in the settlements by forces attached to the Interim Administration, internal affairs agencies of the Republic of North Ossetia according to the Constitution of the Russian Federation and current legislation;
- via the migration authorities and the MIA of both republics under the control of the Interim Administration, updating the lists of refugees and internally displaced persons who are ready to return to their previous places of residence;
- the return shall be carried out in strict compliance with the principle of voluntariness at the first stage subject to the documented registration of residence as of 31 October 1992 and other legal grounds;
- individuals accused of crimes may be returned solely upon a decision of law enforcement agencies;
- groups shall be formed and returned to their places of residence with due account of recommendations provided by the conciliation commissions based on the conciliation procedure;
- establishing mobile medical units, setting up trade outlets, provision of water;
- clarifying needs for construction materials and labour force, cost estimation;
- restoration of the utility system, preschool and school facilities, enterprises of the social and cultural sphere, and consumer service facilities from 1 July 1994 subject to solving the issues of financing and allocation of material resources.

Subsequent stage:

- return of refugees and internally displaced persons to their undestroyed homes; installing temporary housing for those returning to their destroyed and partially destroyed homes; necessary infrastructure rehabilitation;
- the scope of work for each restorable object shall be clarified by the customer represented by the Ministry for Emergency Situations. Destroyed homes shall be restored with the involvement of homeowners;
- the Interim Administration shall clarify passenger and freight traffics, the needs for transport, and determine the procedure for the transport allocation;
- the transportation of families to their places of residence shall be provided by the Interim Administration with the assistance of both republics' governments with the involvement of observers from federal authorities and entities of the North Caucasian region.

Final provisions:

1. The efforts on the return of refugees and internally displaced persons shall be coordinated by the Interim Administration, within which a special department shall be created for the return, resettlement of refugees and internally displaced persons and provision of necessary facilities to them.
2. The parties agreed that the government commissions of the Republic of North Ossetia and the Republic of Ingushetia jointly with the Interim Administration shall work out and approve by 5 July of this year, actions and a time frame for the return and resettlement of refugees and internally displaced persons.
3. Therewith, the leadership of the Republic of North Ossetia and the Interim Administration shall progress on the basis that citizens both residing in the four settlements and returning undertake to comply with the laws of the Russian Federation and the Republic of North Ossetia, acknowledge the territorial integrity of the Republic of North Ossetia within the current administrative and territorial boundaries, abide by decisions of the legitimate regulatory and administrative authorities, and not to incite ethnic discord.
4. This Procedure proposes the implementation of Decree of the President of the Russian Federation dated 13 December 1993 No. 2131 confirming the status of Prigorodnyi District as an integral part of the territory of the Republic of North Ossetia, other decrees of the President of the Russian Federation and resolutions of the Government of the Russian Federation creating conditions for the continuation of negotiations aimed at the normalization and development of good-neighbourly relations between the Republic of Ingushetia and the Republic of North Ossetia.

**President of the Republic
of North Ossetia**

A. GALAZOV

**President of
the Republic of Ingushetia**

R. AUSHEV

Head of the Interim Administration

V. LOZOVOI

AGREEMENT
between the Republic of North Ossetia – Alania
and the Republic of Ingushetia on the implementation of decrees
of the President of the Russian Federation on the relief
of consequences of the Ossetian-Ingush conflict

Vladikavkaz

11 July 1995

The state delegation of the Republic of North Ossetia-Alania and the state delegation of the Republic of Ingushetia, hereinafter referred to as the “Parties”, agreed on the following:

1. The Parties reaffirm their aspirations to implement decrees of the President of the Russian Federation, resolutions of the Government of the Russian Federation, and agreements on the relief of consequences of the Ossetian-Ingush conflict.
2. The Parties reaffirm their commitment to the Constitution of the Russian Federation and renounce their territorial ambitions towards each other.
The Parties shall entrust the Government of the Republic of North Ossetia-Alania and the Government of the Republic of Ingushetia with updating, within two weeks, of the current procedure for the return of refugees and internally displaced persons to their previous places of permanent residence on the territories of the Republic of North Ossetia-Alania and the Republic of Ingushetia in the light of the changed situation.
3. The Parties note the poor progress of the construction and recovery efforts in the settlements of Chermen, Dongaron, Dachnoe, and Kurtat due to serious shortcomings in the works organisation and funding gaps. The Parties request the President of the Russian Federation and the Government of the Russian Federation to expedite the transfer of functions of the public contracting authority as regards the construction and recovery works in the conflict zone to the Interim State Committee of the Russian Federation, and to provide full and timely funding for these works.
4. The Parties deem it necessary to adopt, within a month, a Programme of Joint Efforts of the Government of the Republic of North Ossetia-Alania and the Government of the Republic of Ingushetia to improve the morale in the republics with the active involvement of social activists, academia, cultural workers, mass media, and clergy, and with that in mind, they withdraw mutual accusations and one-sided judgment of the current events, refrain from all kinds of statements and communication that complicate the process of normalising the relations between the republics.
5. The Parties condemn terrorism and other crime manifestations, whatever their origin, and deem it necessary to join efforts of law enforcement agencies of the Republic of North Ossetia-Alania and the Republic of Ingushetia to ensure the protection of rights, freedoms, and security of citizens; entrust heads of law enforcement agencies of the Republic of North Ossetia-Alania and the Republic of Ingushetia with the development and adoption, within ten days, of a joint action plan to strengthen crime control and counter-terrorism measures.
6. To deal with the consequences of the Ossetian-Ingush conflict and normalize the relations between the republics, the Parties deem it necessary to draft and sign in 1995 a Treaty on Economic and Cultural Cooperation between the Republic of North Ossetia-Alania and the Republic of Ingushetia.
7. To draft a Treaty, working commissions shall be established made up of the following members:

On behalf of the Republic of North Ossetia-Alania

Dzhygkaev G. A.	-	State Advisor to the President
Bezhaev O. G.	-	Minister of Finance
Doev K. M.	-	Minister of Economy
Zangiev Ch. M.	-	Chairman of the Parliament Committee
Kusov T. E.	-	Chairman of the Committee on Ethnicities
Kirilkin Yu. G.	-	Head of the Office of the President and the Government

On behalf of the Republic of Ingushetia

Uzhakhov M. Z.	-	Deputy Chairman of the Government
Goigov A. A.	-	Head of the Office of the President
Dzagiev M-G. O.	-	Minister of Justice
Pliev R. S.	-	Member of Parliament, member of the commission of the People's Assembly-Parliament
Tatriev M. T.	-	Deputy Chairman of the Government
Yandiev Kh. I.	-	Head of Department of the Office of the President

On behalf of the Republic of North Ossetia-Alania

A. GALAZOV

On behalf of the Republic of Ingushetia

R. AUSHEV

PROCEDURE
for the return of internally replaced persons to
their previous places of permanent residence on the territories
of the Republic of North Ossetia-Alania and the Republic of Ingushetia

20 April 1996

Vladikavkaz

In pursuance of the Agreement between the Republic of North Ossetia-Alania and the Republic of Ingushetia "On Implementation of Decrees of the President of the Russian Federation on the Relief of Consequences of the Ossetian-Ingush Conflict" signed on 11 July 1995 in Vladikavkaz, the Government of the Republic of North Ossetia-Alania and the Government of the Republic of Ingushetia, reaffirming their commitment to the implementation of decrees of the President of the Russian Federation and resolutions of the Government of the Russian Federation on the relief of consequences of the Ossetian-Ingush conflict, guided by the Constitution of the Russian Federation, with the direct involvement of the Interim State Committee of the Russian Federation, shall create necessary conditions for the return and resettlement of internally displaced persons in their previous places of residence on the basis of adherence to the principles of mutual respect, territorial integrity, inter-ethnic concord, peace and human rights observance.

1. State authorities of the republics, on the territories of which internally displaced persons are returning, jointly with the Interim State Committee of the Russian Federation shall arrange for the return of the internally displaced persons and their resettlement and ensure their safety.
2. The utility system, preschool and school facilities, enterprises of the social and cultural sphere, and consumer service facilities shall be restored as a matter of priority.

The return of internally displaced persons shall be carried out in strict compliance with the principle of voluntariness and subject to the documented registration of residence or actual residence at their places of return as of 31 October 1992:

- a) to their undestroyed homes;
- b) upon the availability of temporary housing;
- c) to restored households.

Contentious questions related to the registration of residence shall be handled by government commissions on a case by case basis.

Persons accused of committing crimes may return only after a respective decision has been made by law enforcement agencies under the current legislation.

3. An application of an internally displaced person shall be submitted to the Government of the republic, to the territory of which the internally displaced person is returning, via the Interim State Committee of the Russian Federation, and registered with the administration of the settlement and local police department.

Applications of persons holding the registration of their residence or permanently residing in this settlement as of 31 October 1992 shall be subject to the registration except for applications of citizens, the involvement of whom in the commitment of grievous crimes has been proven in accordance with the established procedure.

An application of an internally displaced person shall be handled after it is submitted to and registered at the administration of the settlement according to the law, after which the return of the internally displaced person to their place of permanent residence shall be arranged.

In the event an application remains unhandled within the established period, the responsible official shall be held liable according to the legislation.

In settlements, commissions made up of representatives of local government authorities, members of the public, distinguished citizens shall be established to support the return and resettlement of internally displaced persons in their places of permanent residence, inter-family reconciliation, the creation of the friendly atmosphere.

The commission shall regularly inform citizens of the settlements on the progress of the registration and return of internally displaced persons.

4. To ensure the registration of returning internally displaced persons, in each settlement a database shall be established containing data on residence registration, places of residence, concluded residential property transactions, and other data according to current legislation.
5. Transportation of families to their previous places of residence shall be planned by territorial authorities of the Federal Migration Service of the Russian Federation and both republics jointly with local government authorities with the involvement of the ISC (Interim State Committee) of the RF under provisions of paragraphs 2 and 3 of this Procedure. At the first stage – to the following settlements of the Republic of North Ossetia-Alania: Chermen, Dongaron, Dachnoe, Kurtat, Kartsa, Oktiabrskoe, Kambileievskoe, Tarskoe and to all settlements of the Republic of Ingushetia.

The timeframes for the return to the rest of the settlements of the Republic of North Ossetia-Alania shall be determined in coordination with the Government Commissions of the Republic of North Ossetia-Alania and the Republic of Ingushetia with the involvement of the ISC of the RF.

6. The Government of the Republic of North Ossetia-Alania and the Government of the Republic of Ingushetia shall create conditions, and the Interim State Committee of the Russian Federation shall provide funding, for the housing construction at new places for internally displaced persons not willing to return to their previous places of residence, within the amount of the estimated cost of the construction and restoration works as related to the homes they owned previously.
7. The Interim State Committee of the Russian Federation jointly with the Government of the Republic of North Ossetia-Alania and the Government of the Republic of Ingushetia shall make an inventory of the destroyed housing stock as necessary, develop and defend a programme of construction and restoration works and activities on the comprehensive solution of social and domestic problems of citizens not willing to return and those returning to their places of permanent residence.
8. The Government of the Republic of North Ossetia-Alania and the Government of the Republic of Ingushetia in cooperation with the Interim State Committee of the Russian Federation shall create conditions for organising the search of options for the exchange of apartments, households and provide state assistance in their registration.

9. Social, medical, and commercial support of the returning internally displaced persons shall be provided in the same manner and according to the same procedure as for all other citizens residing in the settlements.
10. The returning citizens shall be employed subject to the labour market. The destroyed homes shall be restored with the involvement of the homeowners and household members of working age.
11. The Government Commissions of both republics shall take prompt actions or conduct additional consultations on the issues not covered in this document.

**Chairman of the Interim State Committee
of the Russian Federation for the relief of consequences
of the Ossetian-Ingush conflict of October-November 1992
in the rank of the Deputy Chairman of the Government
of the Russian Federation**

V. LOZOVOI

**Chairman of the Government
of the Republic of North Ossetia-Alania**

Yu. BIRAGOV

**Chairman of the Government
of the Republic of Ingushetia**

M. DIDIGOV

ANNEX 46

Statement by the Ministers of Foreign Affairs of the Republic of Moldova, the Russian Federation, Romania and Ukraine on the situation in the left Dniester districts of the Republic of Moldova Chisinau, 6 April 1992

Statement by the Ministers of Foreign Affairs of the Republic of Moldova, the Russian Federation, Romania and Ukraine on the situation in the left Dniester districts of the Republic Of Moldova

Chisinau, 6 April 1992

I. The Ministers of Foreign Affairs of the Republic of Moldova, Russian Federation, Romania, and Ukraine, according to the judgment which they adopted in Helsinki on 23 March 1992 related to the coordination of efforts for the settlement of the conflict in the Transnistrian region of the Republic of Moldova, and the processes around it, and the creation of a mechanism for political consultations, including at ministerial level, gathered in Chisinau on 6 April. The ministers reviewed the developments in the conflict zone and examined the recommendations made by the group of experts from the four countries with a view to regulating the conflict exclusively through political means, respecting human rights, including the rights of persons belonging to national minorities, preventing the escalation of the conflict and not allowing citizens of other states to participate in the conflict, as well as building confidence in the area.

The Ministers have expressed once again serious concern in connection with the aggravation of the situation in the Transnistrian region of the Republic of Moldova, and the continuation of the acts of violence that resulted in the loss of human life, as well as the risk these developments pose to the democratic processes. Highlighting the special importance of the Kyiv Declaration of March 20 adopted by the Heads of states of the Commonwealth of Independent States, as well as their Helsinki Declaration of 23 March, which contained the basic elements of the political settlement of the crisis, the Ministers reaffirmed the obligation of the participating countries to take urgent and effective measures in this direction.

The Ministers of Foreign Affairs of the Russian Federation, Romania, and the Ukraine, appreciate the position and the efforts of the leadership of the Republic of Moldova, in terms of the peaceful settlement of the conflict, as confirmed by the Parliament on March 31, 1992, and shall be addressed to the parties involved in the conflict to do it in such a way that the representatives of the legitimate, elected representatives of the population of the districts of the left bank, to take part in the work of the Parliament, in order to create more favorable conditions for finding a political settlement to the conflict.

The participants of the meeting draw attention to the inadmissibility of the involvement of the 14th Army in the conflict and in the internal affairs of the Republic of Moldova. The Ministers of Foreign Affairs of the Republic Of Moldova and the Russian Federation declared themselves ready to initiate treaties with the aim of establishing the legal status of this Army.

II. The Ministers of Foreign Affairs reaffirm the principles, that in a view of their governments, must be laid at the basis of the conflict regulations, namely:

1) unconditional respect for the territorial integrity, sovereignty and independence of the Republic of Moldova.

2) combining efforts by all parties to reach a resolution of the conflict exclusively by political means.

3) the right of the constitutional bodies of the Republic of Moldova to act in accordance with the legislation of the country to maintain the order of law within the norms of international law and its obligations under the CSCE documents.

4) non-acceptance of military intervention and non-interference in the conflict by foreign forces.

III. In order to prevent the escalation of the conflict, the ministers decide to take the following measures as a matter of urgency:

1) immediate and complete cease-fire, starting with April 7, 1992, at 15.00 and the subsequent disengagement of the armed formations involved in the conflict.

2) ensuring by the commands of the 14th Army and the Armed Forces of the Republic of Moldova conditions that exclude the access of the parties involved in the conflict, as well as the civilian population, to arsenals and any warehouses of arms, combat equipment and ammunition.

3) non-acceptance by the states participating in the meeting of the use of their territories for the transit, by any means, to the conflict zone, of armed formations, as well as weapons, combat equipment and ammunition.

4) joint commitment of the Russian Federation, Romania and Ukraine to refrain from any actions that could be qualified as direct interference in the conflict.

5) ensuring effective security of installations and facilities in the conflict zone necessary for normal life and development of activity in this territory and which could present an increased ecological danger (dams, dams, power plants etc.).

6) establishing a control period for the return to the places of permanent residence of foreign citizens, who participate in any form, in the conflict, with the provision by the Republic of Moldova of their security in the process of their withdrawal from its territory.

7) the participating states shall take the necessary measures to prevent the financing, from any sources, of armed persons and formations involved in the conflict.

8) creating the necessary conditions for the return of refugees and the provision of humanitarian aid, with international participation, to people who have suffered as a result of the conflict.

IV. In order to increase mutual trust in the conflict zone, foreign ministers consider the following measures necessary:

1) creation of a joint commission with the participation of representatives of the four countries for the implementation of control over compliance with decisions by ceasefire and disengagement of the parties.

2) establishment of a mission of good offices and mediation, with the participation of the representatives of the four countries, in order to dialogue with the representatives of the population of the left Dniester.

3) creation of a group of rapporteurs, specialists in human rights issues, representing the four countries, in order to develop recommendations that take into account the principles of the UN Charter, the norms of international law and the corresponding provisions of the CSCE documents.

4) facilitating the participation of legally elected deputies from the districts on the Left Bank of the Dniester in the work of the Parliament of the Republic of Moldova, as well as in the work of other constitutional bodies, in order to create conditions for the political settlement of the conflict.

5) establishing a mechanism for mutual operative information between the governments of the four countries on the situation in the conflict zone; taking measures to ensure objective information of public opinion, including by presenting in the media of the participating countries official views on the evolution of events. Ministers assume that this will avoid incitement and maintain the climate of tension and suspicion caused by the absence of objective

information on developments in the area.

6) promotion of actions likely to contribute to the principled solution of the following problems:

- continuation of the work of the Conciliation Commission, in which representatives of the Russian Federation, Romania and Ukraine could participate as observers;
- establishment of local self-administration in a broad sense, adopting new legislation to ensure the increase of responsibilities and rights of local bodies of power and state administration throughout the Republic and granting this area the status of a free economic zone.

V. The Ministers decided to coordinate their efforts for the peaceful settlement of the Left Bank of the Dniester within the various political consultation mechanisms. At the same time, they agreed to maintain regular contact, to decide, in the light of events reconvene the group of experts, to designate representatives to participate in the work of the joint committee, with the mission of good offices and mediation, the work of the group of rapporteurs, as well as by the observers of the commission of the peace, to carry out the agreement, and any other action of a nature to contribute to the achievement of progress in re-establishing stability in the conflict zone.

VI. They will continue to consult on a number of the most pressing issues for the protection of human rights, including the rights of national minorities, in accordance with the provisions of the Universal Declaration of Human Rights, and deals with international human rights throughout the territory of the Republic of Moldova, including in the districts of themselves in the left side of the Nistru, as well as any other warranties that may be imposed by the evolution of the situation.

VII. The participants of the meeting calls on the minister of foreign affairs of the Republic of Moldova, to inform the Secretary-General of the United Nations, the President of the Office of the CSCE, on the activities undertaken by the member states for the purpose of settlement of the conflict exclusively through political means, and in terms of respect for human rights, including the rights of persons belonging to national minorities, and to refer them to their Statement, calling, at the same time, the CSCE, and in all the countries participating in the CSCE, to support these efforts.

VIII. The ministers agreed to continue the meeting. The date and place of its resumption will be determined by mutual agreement along the way.

Recommendations of the Ministers of Foreign Affairs of the Republic of Moldova, the Russian Federation, Romania and Ukraine

17 April 1992

Examining the first results of the work of the Joint Committee, set up in April 1992, Ministers consider it necessary:

1. Further measures, to ensure strict compliance with the ceasefire regime and exercise control over their implementation by those commands, should be adopted as a matter of urgency, with a view to the firm fulfilment of the agreed understanding - conditions without which the other planned measures cannot be carried out.
2. To take measures for the untimely disengagement and withdrawal of subunits of armed formations, on the basis of agreements to which the Conciliation Commission will agree. The withdrawal will be complete and final.
3. Establish an institution of observers from the four countries in order to ensure the guaranteed disengagement of armed subunits and formations.
4. Efforts shall be made to establish, where necessary, peacekeeping forces to be placed in the disengagement zone of the opposing parties.
5. The parties should be called upon to establish effective mutual control, together with observers, over all types of armed formations and individuals, so as not to admit violations of the ceasefire agreement and diversionary

acts. In order to strengthen confidence-building measures, the parties will refrain from concentrating forces and means in the conflict zone.

6. To organize the departure from Moldova of foreign citizens who participated in the conflict, ensuring the necessary conditions for their safe movement to their places of residence.

7. To dissolve the subunits of volunteers and people's militia, to ensure the organized return of their members to their places of residence and work, under the conditions of granting an amnesty and guarantees that they will not subsequently be prosecuted. Civilian persons to be disarmed by police and local militia sub-units, ensuring the preservation of seized weapons.

8. To propose to the parties the emergency taking of the necessary measures to guarantee the safe operation of the Dubasari hydroelectric power plant complex, as well as the execution of urgent repair and maintenance works, in order to ensure the security of the dam and the normal operation of the plant.

9. Ensure permanent and direct telephone and radio liaison between the commands and commanders of subunits and armed formations of the opposing forces in conflict areas in order to avoid excesses that may be caused by accidental factors.

10. To refer to the prosecutor's office for an untimely investigation of crimes committed in the conflict zone.

11. All minefields shall be urgently demined to ensure the normal use of these territories.

12. To create without delay a mission of good offices and mediation, with the participation of the representatives of the four countries, and to ensure the conduct of its activity.

13. To send as soon as possible to the conflict zone experts-rapporteurs from the four countries on human rights issues, with the possible participation of specialists in the field from other countries of the CSCE, for the formulation of recommendations in the field of human rights. The parties to the conflict to create the conditions for their effective and secure activity.

14. To ensure conditions for the return of all refugees to their places of life.

15. To ensure, in the future, the neutrality of the 14th Army and its non-interference in the conflict. The Ministers expressed the hope that the Republic Of Moldova and the Russian Federation will initiate negotiations without delay to establish the status of the 14th Army.

The Ministers mention that the peaceful settlement of the conflict is the only way to ensure the political, mutually acceptable and secure regulation of the conflict, as well as to create the prerequisites to guarantee the peaceful, safe life of citizens throughout the Republic of Moldova.

ANNEX 47

Agreement on the principles for a peaceful settlement of the armed conflict in the Dniester region of the Republic of Moldova

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/24369*
6 August 1992
ENGLISH
ORIGINAL: ENGLISH/RUSSIAN

NOTE VERBALE DATED 31 JULY 1992 FROM THE PERMANENT MISSION
OF MOLDOVA TO THE UNITED NATIONS ADDRESSED TO THE
SECRETARY-GENERAL

The Permanent Representative of the Republic of Moldova to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to forward herewith the letter addressed to him by H.E. Mr. Mircea Snegur, President of the Republic of Moldova, and the accompanying letter of the Minister of Foreign Relations of the Republic of Moldova.

The Permanent Representative of the Republic of Moldova would be extremely grateful if necessary arrangements would be made to circulate as urgently as possible the above-mentioned documents to the members of the Security Council as a document of the Security Council.

Annex

Letter dated 31 July 1992 from the Minister for Foreign
Affairs of Moldova addressed to the Secretary-General

I convey to you herewith the letter of the President of the Republic of Moldova, Mircea Snegur. I should be grateful if you would arrange for the letter to be circulated as a document of the Security Council.

(Signed) Nicolae TIU
Minister of Foreign Affairs

Enclosure

Letter dated 31 July 1992 from the President of the Republic
of Moldova addressed to the Secretary-General

I have the honour to inform you that on 21 July 1992 I signed, with the President of the Russian Federation, Mr. B. Yeltsin, the Agreement on the principles for a peaceful settlement of the armed conflict in the Dniester region of the Republic of Moldova. The present Agreement, a copy of which is enclosed herewith, aims at an urgent cease-fire and a political solution of the conflict in full accordance with the principles of the Charter of the United Nations and the Conference on Security and Cooperation in Europe.

After the cease-fire and disengagement of the parties involved in the conflict, the mechanism elaborated by the decision of the Ministers for Foreign Affairs of the Republic of Moldova, Romania, the Russian Federation and Ukraine will be put in force. The mechanism stipulates the introduction of military observers, use of a report mission on human rights problems and a mission of good will and mediation.

The leadership of the Republic of Moldova considers it vitally necessary to inform you about these measures which, we believe, will contribute to the peaceful settlement of the conflict in accordance with the norms of international law.

Unfortunately, our attempts to settle the crisis through political means have been blocked by the destructive forces that continue to commit serious violations of the cease-fire agreement, violations resulting in the loss of human lives, mostly in the city of Bendery (Tighina). These circumstances are of great concern to us and make us doubt the sincerity of the opponent side's desire for a peaceful settlement of the conflict.

I should be grateful if you would consider the possibility of sending to the Republic of Moldova a United Nations observer mission to supervise the implementation of the provisions of the Agreement, as well as the process of re-establishing peace in the eastern region of Moldova.

I should like to request that you circulate this letter as a document of the Security Council.

I take this opportunity to assure you of the firm intention of the leadership of the Republic of Moldova to cooperate fully with the United Nations with a view to maintaining peace and international security.

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Appendix

Agreement on the principles for a peaceful settlement of the armed conflict in the Dniester region of the Republic of Moldova

[Original: Russian]

The Republic of Moldova and the Russian Federation,

Desiring a speedy and total cease-fire and a peaceful settlement of the armed conflict in the Dniester region,

Reaffirming their commitment to the principles of the Charter of the United Nations and the Conference on Security and Cooperation in Europe,

Welcoming the mutual understanding in principle of 3 July 1992 between the President of the Republic of Moldova and the President of the Russian Federation,

Have agreed as follows:

Article 1

1. From the moment of the signing of this Agreement, the parties to the conflict pledge to take all the necessary measures to ensure a total cease-fire and to halt all armed actions against each other.

2. Once a cease-fire has been declared, the parties to the conflict shall proceed to withdraw units of their armed forces and other formations, and military equipment and arms; they shall complete this process within seven days. The aim of this disengagement is to create a security zone between the parties to the conflict. The exact coordinates of the zone will be established in a special protocol between the sides taking part in the implementation of this Agreement.

Article 2

1. In order to ensure the implementation of the measures stipulated in article 1 and to guarantee security in the aforementioned zone, a joint Control Committee consisting of representatives of the three sides taking part in the settlement, shall be established. In its work, the Committee shall make use of the military observer groups established under all the previous agreements, including the quadripartite agreements. The Control Committee shall proceed to carry out its tasks as stipulated in this Agreement within seven days after the signing of the Agreement.

2. Each side taking part in the work of the Committee shall appoint its representatives to it. The Control Committee shall be based in the city of Bendery.

3. In order to carry out the aforementioned measures, the Control Committee shall have under its authority military contingents which shall be formed on a voluntary basis and shall represent the sides taking part in the implementation of this Agreement. The deployment of these contingents and their use in guaranteeing the cease-fire and security in the zone of conflict shall be in accordance with the decisions of the Control Committee, which shall be taken on the basis of consensus. The numerical strength and status of the military contingents, and the conditions for their deployment in the zone of conflict and their withdrawal from it, shall be established in a separate protocol.

4. If the provisions of this Agreement are violated, the Control Committee shall investigate the circumstances of the violation and shall take urgent and appropriate measures to restore peace and law and order and prevent the recurrence of such violations.

5. The financing of the activities of the Control Committee and of the forces under its authority shall be shared by all the sides.

Article 3

The city of Bendery, as the headquarters of the Control Committee, and in the light of the particular complexity of the situation, shall be declared a zone of heightened security, which will be guaranteed by the military contingents of the sides taking part in the implementation of this Agreement.

Article 4

The units of the 14th Army of the Armed Forces of the Russian Federation, stationed in the Republic of Moldova, shall observe strict neutrality. The two parties to the conflict pledge to respect that neutrality and to refrain from any unlawful acts involving the military property and servicemen of that Army, and members of their families.

Matters relating to the status of the Army and the procedure and schedule for its gradual withdrawal shall be settled through negotiations between the Republic of Moldova and the Russian Federation.

Article 5

1. The parties to the conflict consider the application of any sanctions or blockades unacceptable. In this context, obstacles to the provision of goods and services and the movement of individuals shall be eliminated immediately, and appropriate steps shall be taken to lift the state of emergency in the territory of the Republic of Moldova.

2. The parties to the conflict shall immediately begin negotiations to settle matters relating to the return of refugees to their homes, assistance

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to the populations of regions that have suffered from the conflict and the reconstruction of economic units and housing. The Russian Federation shall provide the necessary assistance in this endeavour.

3. The parties to the conflict shall take all the necessary measures to ensure the free flow of international humanitarian aid to the area covered by the settlement.

Article 6

In order to disseminate objective information about the situation in the area covered by the settlement, the parties shall establish a joint press centre which will be under the authority of the Control Committee.

Article 7

The parties consider that the measures contained in this Agreement are an important component in the settlement of the conflict through peaceful political means.

Article 8

This Agreement shall enter into force at the time of its signature.

The Agreement shall be terminated by mutual consent or when one of the Contracting Parties renounces it, which would result in the cessation of the activities of the Control Committee and the military contingents under its authority.

DONE at Moscow on 21 July 1992, in duplicate in the Moldavian and Russian languages, both texts being equally authentic.

For the Republic of Moldova

For the Russian Federation

Memorandum on the Bases for Normalization of Relations between the Republic of Moldova and Transdniestria

The leadership of the Republic of Moldova and Transdniestria, hereinafter referred to as the Parties;

Proceeding from the necessity for the fastest and full solution of relations between the Republic of Moldova and Transdniestria exclusively through peaceful political means;

Reaffirming their commitment to the principles of the UN, OSCE, and generally recognized norms of international law, and also to the agreements reached previously between the Republic of Moldova and Transdniestria;

Recognizing the responsibility for securing civil peace, international concord, the strengthening of stability and security in this area of Europe;

According prime importance to the realization of basic human rights and freedoms of the individual, notwithstanding ethnic origin, religious belief, political tenets, place of residence and other differences;

Considering that uniting of their spiritual and material resources will speed the decision of common economic and social problems and will open the possibility for constructing a modern flourishing society through joint efforts;

Through the mediation of the Russian Federation, Ukraine and the OSCE Mission,

Have agreed to the following:

1. The Parties reaffirm their commitment not to resort to the use of force or the threat of force in their mutual relations. Any differences shall be resolved exclusively by peaceful means, through negotiations and consultations with the assistance and mediation of the Russian Federation and Ukraine, as guarantor States for the fulfillment of agreements achieved; of the OSCE and the assistance of the CIS [Commonwealth of Independent States].

2. The Parties shall continue the establishment between them of state-legal relations.

The Document, defining these relations, the status of Transdniestria, shall be based on the principles of mutually agreed decisions, including the division and delegation of competencies, and mutually assured guarantees.

The Parties will proceed to the elaboration of this document immediately after the signing of this Memorandum, giving consideration to all previously achieved principled agreements, including those achieved on 17 June 1996.

3. Transdniestria shall participate in the conduct of the foreign policy of the Republic of Moldova - a subject of international law - on questions touching its interests. Decision of such questions shall be taken by agreement of the Parties.

Transdniestria has the right to unilaterally establish and maintain international contacts in the economic, scientific-technical and cultural spheres, and in other spheres by agreement of the Parties.

4. The Parties direct a request to the Russian Federation, Ukraine, and the OSCE to continue their mediating efforts for the achievement of a lasting and comprehensive normalization of relations between the Republic of Moldova and Transdniestria.
5. The Republic of Moldova and Transdniestria will act as mutual guarantors of the full and unconditional fulfillment of the agreements on relations between them.
6. The Parties welcome the declaration of the Russian Federation and Ukraine about their readiness to act as Guarantor States for the observance of the provisions set forth in the respective documents about the status of Transdniestria and the agreements set forth in the present Memorandum.
7. The Parties direct a request to the OSCE to continue its assistance for the compliance of the agreements between them.
8. The Parties declare the necessity to elaborate a mechanism of guarantees by all the participants in the negotiating process.
9. The Parties reaffirm that activities for maintaining peace, carried out by the Joint Peace-keeping forces in the Security Zone in accordance with the agreement between the presidents of the Republic of Moldova and the Russian Federation dated 21 July 1992 "On the Principles of Peaceful Settlement of the Armed Conflict in the Transdniestrian Region of the Republic of Moldova" shall be continued.
10. In the event of a violation of these agreements, the Parties have the right to address themselves to the Guarantors for the carrying out of consultations with the goal of taking measures for normalizing the situation.
11. The Parties shall build their relations in the framework of a common state within the borders of the Moldavian SSR as of January of the year 1990.

For the Republic of Moldova
(signed)
P. Lucinschi

For Transdniestria
(signed)
I. Smirnov

For the Guarantor States

For the Russian Federation
(signed)
B. Yeltsin

For Ukraine
(signed)
L. Kuchma

In the presence of the Chairman-in-Office of the OSCE
(signed)
N. Helveg Petersen

City of Moscow
8 May 1997

**Joint Statement
of the Presidents of the Russian Federation and Ukraine in Connection with the Signing of the
Memorandum on the Bases for Normalization of Relations Between the Republic of Moldova and
Transdniestria**

The Presidents of the Russian Federation and Ukraine, as heads of mediator-States in the political process for the peaceful settlement of the Transdniestrian conflict, with the participation of the Chairman-in-Office of the Organization for Security and Cooperation in Europe,

Welcome the signing of the Memorandum on the Bases for normalization of relations between the Republic of Moldova and Transdniestria as an important step toward the just and comprehensive settlement of the Transdniestrian problem and the strengthening of mutual trust, stability, and security in the whole region,

Declare that the provisions of the Memorandum cannot contradict the generally accepted norms of international law, and also will not be interpreted or acted upon in contradiction with existing international agreements, decisions of the OSCE, the Joint Declaration of 19 January 1996 of the Presidents of the Russian Federation, Ukraine, and the Republic of Moldova, which recognize the sovereignty and territorial integrity of the Republic of Moldova,

Note their intention together with the OSCE to intensify their mediation efforts and call upon the parties to immediately initiate negotiations in order to complete in the near future an accord on a comprehensive document on the final settlement of the conflict and also a mechanism of appropriate guarantees,

Affirm the readiness of their countries, the Russian Federation and Ukraine, with the assistance of the OSCE, to act as guarantors for the compliance with the provisions set forth by the corresponding documents on the status of Transdniestria as a component part of a united and territorially whole Republic of Moldova.

(signed)

B. Yeltsin

(signed)

L. Kuchma

(signed)

With the Participation of the Chairman-in-Office
of the OSCE. Helveg Petersen

City of Moscow
8 May 1997

ANNEX 49

Protocol on the outcome of consultations of the Trilateral Contact Group on joint steps aimed at the implementation of the Peace Plan of the President of Ukraine, P. Poroshenko, and the initiatives of the President of the Russian Federation, V. Putin

Upon consideration and discussion of the proposals put forward by the participants of the consultations in Minsk on 1 September 2014, the Trilateral Contact Group, consisting of representatives of Ukraine, the Russian Federation and the Organization for Security and Cooperation in Europe (OSCE), reached an understanding with respect to the need to implement the following steps:

1. Ensure the immediate bilateral cessation of the use of weapons.
2. Ensure monitoring and verification by OSCE of the regime of non-use of weapons.
3. Implement decentralization of power, including by enacting the Law of Ukraine on the interim status of local self-government in certain areas of the Donetsk and Luhansk regions (Law on Special Status).
4. Ensure permanent monitoring on the Ukrainian-Russian State border and verification by OSCE, along with the establishment of a security area in the border regions of Ukraine and the Russian Federation.
5. Immediately release all hostages and unlawfully detained persons.
6. Enact a law prohibiting the prosecution and punishment of persons in connection with the events that took place in certain areas of the Donetsk and Luhansk regions of Ukraine.
7. Continue an inclusive national dialogue.
8. Adopt measures aimed at improving the humanitarian situation in Donbass.
9. Ensure the holding of early local elections in accordance with the Law of Ukraine on the interim status of local self-government in certain areas of the Donetsk and Luhansk regions (Law on Special Status).
10. Remove unlawful military formations and military hardware, as well as militants and mercenaries, from the territory of Ukraine.
11. Adopt a programme for the economic revival of Donbass and the resumption of vital activity in the region.

12. Provide personal security guarantees for the participants of the consultations.

Participants of the Trilateral Contact Group:

(Signed) Heidi **Tagliavini**,
Ambassador

(Signed) L. D. **Kuchma**,
Second President of Ukraine

(Signed) M. Y. **Zurabov**,
Ambassador of the Russian Federation to Ukraine

(Signed) A. W. **Zakharchenko**

(Signed) I. W. **Plotnitski**

ANNEX 50

Memorandum on the implementation of the provisions of the Protocol on the outcome of consultations of the Trilateral Contact Group on joint steps aimed at the implementation of the Peace Plan of the President of Ukraine, P. Poroshenko, and the initiatives of the President of the Russian Federation, V. Putin

To carry out item 1 of the Protocol on the outcome of the consultations of the Trilateral Contact Group on joint steps aimed at the implementation of the Peace Plan of the President of Ukraine, P. Poroshenko, and the initiatives of the President of the Russian Federation, V. Putin, (Minsk, Republic of Belarus, 5 September 2014), the participants of the Trilateral Contact Group, consisting of representatives of Ukraine, the Russian Federation and the Organization for Security and Co-operation in Europe (OSCE) and representatives of certain areas of the Donetsk and Luhansk regions, have reached an understanding with respect to the following measures to strengthen the bilateral ceasefire agreement.

1. The ceasefire shall be considered mutual.
2. Both sides' units and armed formations shall halt at their line of contact as at 19 September 2014.
3. The use of all types of weapons and offensive action shall be banned.
4. Within 24 hours after the approval of this Memorandum, all lethal weapons of more than 100 millimetre calibre shall be moved back from the line of contact on each side by at least 15 kilometres (with the exception of those indicated below), including from residential areas, to allow the establishment of a ceasefire zone of no less than 30 kilometres in width (the security zone).

At the same time, artillery systems of more than 100 millimetre calibre shall be moved back from the line of contact to a distance equal to the length of their maximum range, specifically:

- 100 mm canons MT12, by 9 kilometres; 120 mm mortars, by 8 kilometres; 122 mm howitzers D30 (2C1 Gvozdika), by 16 kilometres; 152 mm 2C5 Giatsynt-S (2C3 Akatsia, 2C19 Msta-S, 2A65 Msta-B), by 33 kilometres; multiple-launch rocket system (MLRS) 9K51 Grad, by 21 kilometres; 9K57 Uragan, by 36 kilometres; 9K58 Smerch, by 70 kilometres; MLRS Tornado-G, by 40 kilometres; MLRS Tornado-U, by 70 kilometres; MLRS Tornado-C, by 120 kilometres.

– Tactical rocket systems, by 120 kilometres.

5. Deployment of heavy weapons and military equipment shall be banned in the district delimited by the towns of Komsomolsk, Kumacheve, Novoazovsk and Sakhanka, with OSCE monitoring.

6. Installation of new mines and explosive barriers within the limits of the security zone shall be banned.

Mines and explosive engineering barriers installed previously within the security zone shall be dismantled.

7. As soon as this Memorandum is approved, flights by military aircraft and foreign unmanned aerial vehicles (UAV), with the exception of UAV used by the OSCE monitoring mission, shall be banned along the line of contact in the ceasefire zone no less than 30 kilometres in width.

8. An OSCE monitoring mission consisting of OSCE observers shall be deployed in the ceasefire zone within 24 hours of the approval of this Memorandum. The above-mentioned zone should be divided into sectors, the number and limits of which shall be agreed upon as part of the preparations for the work of the OSCE monitoring mission.

9. All foreign military formations and military equipment, as well as militants and mercenaries, are to exit the territory of Ukraine under OSCE monitoring.

Participants of the Trilateral Contact Group:

(Signed) Heidi **Tagliavini**,
Ambassador

(Signed) L. D. **Kuchma**,
Second President of Ukraine

(Signed) M. Y. **Zurabov**,
Ambassador of the Russian Federation to Ukraine

(Signed) A. W. **Zakharchenko**

(Signed) I. W. **Plotnitski**

Minsk, 19 September 2014

ANNEX 51

Package of measures for the Implementation of the Minsk agreements

15-02842 **1.** Immediate and comprehensive ceasefire in certain areas of the Donetsk and Lugansk regions of Ukraine and its strict implementation starting from 00.00 AM (Kiev time) on the 15th of February, 2015.

- 2.** Withdrawal of heavy weapons by both sides on equal distances in order to create a security zone at least 50 km wide from each other for the artillery systems with caliber greater than 100mm and more, a security zone of 70 km wide for MLRS and 140 km wide for MLRS “Tornado-C”, “Uragan”, “Smerch” and Tactical missile systems “Tochka” (“Tochka U”):
- for the Ukrainian troops: from the *de facto* line of contact;
 - for the armed formations from certain areas of the Donetsk and Lugansk oblast of Ukraine from the line of contact according to the Minsk memorandum of September 19, 2014.

The withdrawal of the heavy weapons as specified above is to start on day 2 of the ceasefire at the latest and to be completed within 14 days.

The process shall be facilitated by the OSCE and supported by the Trilateral Contact Group.

- 3.** Ensure effective monitoring and verification of the ceasefire regime and the withdrawal of heavy weapons by the OSCE from the day 1 of the withdrawal, using all technical equipment necessary, including satellites, drones, radar equipment, etc.
- 4.** Launch a dialogue, on day 1 of the withdrawal on modalities of local elections in accordance with Ukrainian legislation and the Law of Ukraine “On interim local self-government order in certain areas of the Donetsk and Lugansk regions” as well as on the future regime of these areas based on this Law.

Adopt promptly, by no later than 30 days after the date of signing of the document a resolution of the Parliament of Ukraine specifying the area enjoying the special regime, under the Law of Ukraine On interim local self-government order in certain areas of the Donetsk and Lugansk regions”, based on the line of the Minsk Memorandum of September 19, 2014.

- 5.** Ensure pardon and amnesty by enacting the law prohibiting the prosecution and punishment of persons in connection with the events that took place in certain areas of the Donetsk and Lugansk regions of Ukraine.
- 6.** Ensure release and exchange of all hostages and unlawfully detained persons, based on the principle “all for all”. This process is to be finished on the day 5 after the withdrawal at the latest.
- 7.** Ensure safe access, delivery, storage, and distribution of humanitarian assistance to those in need, on the basis of an international mechanism.

8. Definition of modalities of full resumption of socio-economic ties, including social transfers, such as pension, payments and other payments (incomes and revenues, timely payments of all utility bills, reinstating taxation within the legal framework of Ukraine).

To this end, Ukraine shall reinstate control of the segment of its banking system in the conflict-affected areas and possibly an international mechanism to facilitate such transfers shall be established.

9. Reinstatement of full control of the state border by the government of Ukraine throughout the conflict area, starting on day 1 after the local elections and ending after the comprehensive political settlement (local elections in certain areas of the Donetsk and Lugansk regions on the basis of the Law of Ukraine and constitutional reform) to be finalized by the end of 2015, provided that paragraph 11 has been implemented in consultation with and upon agreement by representatives of certain areas of the Donetsk and Lugansk regions in the framework of the Trilateral Contact Group.
10. Withdrawal of all foreign armed formations, military equipment, as well as mercenaries from the territory of Ukraine under monitoring of the OSCE. Disarmament of all illegal groups.
11. Carrying out constitutional reform in Ukraine with a new Constitution entering into force by the end of 2015, providing for decentralization as a key element (including a reference to the specificities of certain areas in the Donetsk and Lugansk regions, agreed with the representatives of these areas), as well as adopting permanent legislation on the special status of certain areas of the Donetsk and Lugansk regions in line with measures as set out in the footnote until the end of 2015¹.
12. Based on the Law of Ukraine "On interim local self-government order in certain areas of the Donetsk and Lugansk regions", questions related to local elections will be discussed and agreed upon with representatives of certain areas of the Donetsk and Lugansk regions in the framework of the Trilateral Contact Group. Elections will be held in accordance with relevant OSCE standards and monitored by OSCE/ODIHR.
13. Intensify the work of the Trilateral Contact Group including through the establishment of working groups on the implementation of relevant aspects of the Minsk agreements. They will reflect the composition of the Trilateral Contact Group.

Participants of the Trilateral Contact Group:

Ambassador Heidi Tagliavini

Second President of Ukraine, L.D. Kuchma

Ambassador of the Russian Federation to Ukraine, M.Y. Zurabov

A.V. Zakharchenko

I.V. Plotnitskiy

Minsk, 12 February 2015

ⁱ Such measures are, according to the Law on the special order for local self-government in certain areas of the Donetsk and Lugansk regions:

- Exemption from punishment, prosecution and discrimination for persons involved in the events that have taken place in certain areas of the Donetsk and Lugansk regions;
- Right to linguistic self-determination;
- Participation of organs of local self-government in the appointment of heads of public prosecution offices and courts in certain areas of the Donetsk and Lugansk regions;
- Possibility for certain governmental authorities to initiate agreements with organs of local self-government regarding the economic, social and cultural development of certain areas of the Donetsk and Lugansk regions;
- State supports the social and economic development of certain areas of the Donetsk and Lugansk regions;
- Support by central government authorities of cross-border cooperation in certain areas of Donetsk and Lugansk regions with districts of the Russian Federation;
- Creation of the people's police units by decision of local councils for the maintenance of public order in certain areas of the Donetsk and Lugansk regions;

The powers of deputies of local councils and officials, elected at early elections, appointed by the Verkhovna Rada of Ukraine by the law, cannot be early terminated.

DCAF Geneva Centre
for Security Sector
Governance

Geneva Centre for Security Sector Governance

Maison de la Paix, Chemin Eugène-Rigot 2E

CH-1202, Geneva, Switzerland

Tel: +41 22 730 94 00

Email: info@dcaf.ch

Twitter [@DCAF_Geneva](https://twitter.com/DCAF_Geneva)