



Security Council

Distr.
GENERALS/19834
26 April 1988

ORIGINAL: ENGLISH

LETTER DATED 14 APRIL 1988 FROM THE SECRETARY-GENERAL ADDRESSED
TO THE PRESIDENT OF THE SECURITY COUNCIL

As the members of the Security Council are aware, the Governments of Afghanistan and Pakistan concluded, on 14 April 1988, a set of agreements which together constitute a settlement that brought to a successful ending several years of difficult negotiations. The Union of Soviet Socialist Republics and the United States of America were designated as guarantors and have made a formal Declaration to that effect. All the instruments that constitute the settlement will enter into force on 15 May 1988.

The settlement includes specific arrangements to ensure the faithful and complete implementation of all its provisions. The two Governments thus undertook to work out prompt and mutually satisfactory solutions to questions that might arise in the implementation of their agreements. As part of these arrangements they have requested the Secretary-General of the United Nations to lend his good offices to the two Governments and in that context to provide assistance for the purpose of investigating any possible violations of the instruments that comprise the settlement.

As required under the agreements, I have appointed Mr. Diego Cordovez as my Representative and General Rauli Helminen as Deputy to the Representative. With regard to the other international personnel required, I should like to inform the members of the Council that I intend to detach up to 50 military officers from existing **United Nations operations** and set them up, as envisaged in the agreements, as inspection teams in Afghanistan and Pakistan. Should it prove necessary to increase the strength of these teams I would turn again to the Council with regard to any additional arrangements that might be required for that purpose.

As provided in the agreements, the mandate for the implementation-assistance arrangements derives from the instruments comprising the settlement.

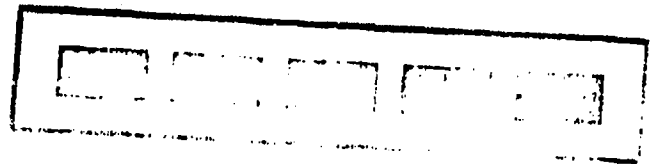
The Governments of Afghanistan and Pakistan have, of course, undertaken in the agreements to provide full support and co-operation to my Representative and all the personnel that may be required, grant them the relevant privileges and immunities provided for by the Convention on the Privileges and Immunities of the United Nations, and be responsible for their safety. The concurrence of the contributing countries is being secured.

S/19834
English
Page 2

These arrangements are scheduled to become fully effective on 15 May 1988 and it is therefore envisaged under the agreements that the required personnel should arrive in the area not later than 20 days before that date.

I should be grateful if you would bring this matter to the attention of the members of the Security Council and inform me of their concurrence with the measures set out above. In particular the proposed temporary detachment of military officers from existing United Nations operations to the implementation-assistance scheme in Afghanistan and Pakistan.

(Signed) Javier PEREZ de CUELLAR



Annex I

AGREEMENTS ON THE SETTLEMENT OF THE SITUATION
RELATING TO AFGHANISTAN a/

[Original: English/Russian]

Bilateral Agreement
Between the Republic of Afghanistan and the Islamic
Republic of Pakistan on the Principles of Mutual
Relations, in particular on Non-Interference and
Non-Intervention

The Republic of Afghanistan and the Islamic Republic of Pakistan, hereinafter referred to as the High Contracting Parties,

Desiring to normalize relations and promote good-neighbourliness and co-operation as well as to strengthen international peace and security in the region,

Considering that full observance of the principle of non-interference and non-intervention in the internal and external affairs of States is of the greatest importance for the maintenance of international peace and security and for the fulfilment of the purposes and principles of the Charter of the United Nations,

Reaffirming the inalienable right of States freely to determine their own political, economic, cultural and social systems in accordance with the will of their peoples, without outside intervention, interference, subversion, coercion or threat in any form whatsoever,

Mindful of the provisions of the Charter of the United Nations as well as the resolutions adopted by the United Nations on the principle of non-interference and non-intervention, in particular the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, of 24 October 1970, as well as the Declaration on the Inadmissibility of Intervention and Interference in the Internal Affairs of States, of 9 December 1981,

Have agreed as follows:

Article I

Relations between the High Contracting Parties shall be conducted in strict compliance with the principle of non-interference and non-intervention by States in the affairs of other States.

a/ All translations of these instruments from the original languages of submission may be subject to further revision by the Secretariat.

Article II

For the purpose of implementing the principle of non-interference and non-intervention each High Contracting Party undertakes to comply with the following obligations:

- (1) to respect the sovereignty, political independence, territorial integrity, national unity, security and non-alignment of the other High Contracting Party, as well as the national identity and cultural heritage of its people;
- (2) to respect the sovereign and inalienable right of the other High Contracting Party freely to determine its own political, economic, cultural and social systems, to develop its international relations and to exercise permanent sovereignty over its natural resources, in accordance with the will of its people, and without outside intervention, interference, subversion, coercion or threat in any form whatsoever;
- (3) to refrain from the threat or use of force in any form whatsoever so as not to violate the boundaries of each other, to disrupt the political, social or economic order of the other High Contracting Party, to overthrow or change the political system of the other High Contracting Party or its Government, or to cause tension between the High Contracting Parties;
- (4) to ensure that its territory is not used in any manner which would violate the sovereignty, political independence, territorial integrity and national unity or disrupt the political, economic and social stability of the other High Contracting Party;
- (5) to refrain from armed intervention, subversion, military occupation or any other form of intervention and interference, overt or covert, directed at the other High Contracting Party, or any act of military, political or economic interference in the internal affairs of the other High Contracting Party, including acts of reprisal involving the use of force;
- (6) to refrain from any action or attempt in whatever form or under whatever pretext to destabilize or to undermine the stability of the other High Contracting Party or any of its institutions;
- (7) to refrain from the promotion, encouragement or support, direct or indirect, of rebellious or secessionist activities against the other High Contracting Party, under any pretext whatsoever, or from any other action which seeks to disrupt the unity or to undermine or subvert the political order of the other High Contracting Party;
- (8) to prevent within its territory the training, equipping, financing and recruitment of mercenaries from whatever origin for the purpose of hostile activities against the other High Contracting Party, or the sending of such mercenaries into the territory of the other High

Contracting Party and accordingly to deny facilities, including financing for the training, equipping and transit of such mercenaries;

- (9) to refrain from making any agreements or arrangements with other States designed to intervene or interfere in the internal and external affairs of the other High Contracting Party;
- (10) to abstain from any defamatory campaign, vilification or hostile propaganda for the purpose of intervening or interfering in the internal affairs of the other High Contracting Party;
- (11) to prevent any assistance to or use of or tolerance of terrorist groups, saboteurs or subversive agents against the other High Contracting Party;
- (12) to prevent within its territory the presence, harbouring, in camps and bases or otherwise, organizing, training, financing, equipping and arming of individuals and political, ethnic and any other groups for the purpose of creating subversion, disorder or unrest in the territory of the other High Contracting Party and accordingly also to prevent the use of mass media and the transportation of arms, ammunition and equipment by such individuals and groups;
- (13) not to resort to or to allow any other action that could be considered as interference or intervention.

Article III

The present Agreement shall enter into force on 15 May 1988.

Article IV

Any steps that may be required in order to enable the High Contracting Parties to comply with the provisions of Article II of this Agreement shall be completed by the date on which this Agreement enters into force.

Article V

This Agreement is drawn up in the English, Pashtu and Urdu languages, all texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

Done in five original copies at Geneva this fourteenth day of April 1988.

(Signed by Afghanistan and Pakistan)

Declaration on International Guarantees

The Governments of the Union of Soviet Socialist Republics and of the United States of America,

Expressing support that the Republic of Afghanistan and the Islamic Republic of Pakistan have concluded a negotiated political settlement designed to normalize relations and promote good-neighbourliness between the two countries as well as to strengthen international peace and security in the region;

Wishing in turn to contribute to the achievement of the objectives that the Republic of Afghanistan and the Islamic Republic of Pakistan have set themselves, and with a view to ensuring respect for their sovereignty, independence, territorial integrity and non-alignment;

Undertake to invariably refrain from any form of interference and intervention in the internal affairs of the Republic of Afghanistan and the Islamic Republic of Pakistan and to respect the commitments contained in the bilateral Agreement between the Republic of Afghanistan and the Islamic Republic of Pakistan on the Principles of Mutual Relations, in particular on Non-Interference and Non-Intervention;

Urge all States to act likewise.

The present Declaration shall enter into force on 15 May 1988.

Done at Geneva, this fourteenth day of April 1988 in five original copies, each in the English and Russian languages, both texts being equally authentic.

(Signed by the USSR and the USA)

Bilateral Agreement between the Republic of Afghanistan
and the Islamic Republic of Pakistan on the Voluntary
Return of Refugees

The Republic of Afghanistan and the Islamic Republic of Pakistan, hereinafter referred to as the High Contracting Parties,

Desiring to normalize relations and promote good-neighbourliness and co-operation as well as to strengthen international peace and security in the region,

Convinced that voluntary and unimpeded repatriation constitutes the most appropriate solution for the problem of Afghan refugees present in the Islamic Republic of Pakistan and having ascertained that the arrangements for the return of the Afghan refugees are satisfactory to them,

Have agreed as follows:

Article I

All Afghan refugees temporarily present in the territory of the Islamic Republic of Pakistan shall be given the opportunity to return voluntarily to their homeland in accordance with the arrangements and conditions set out in the present Agreement.

Article II

The Government of the Republic of Afghanistan shall take all necessary measures to ensure the following conditions for the voluntary return of Afghan refugees to their homeland:

- (a) All refugees shall be allowed to return in freedom to their homeland;
- (b) All returnees shall enjoy the free choice of domicile and freedom of movement within the Republic of Afghanistan;
- (c) All returnees shall enjoy the right to work, to adequate living conditions and to share in the welfare of the State;
- (d) All returnees shall enjoy the right to participate on an equal basis in the civic affairs of the Republic of Afghanistan. They shall be ensured equal benefits from the solution of the land question on the basis of the Land and Water Reform;
- (e) All returnees shall enjoy the same rights and privileges, including freedom of religion, and have the same obligations and responsibilities as any other citizens of the Republic of Afghanistan without discrimination.

The Government of the Republic of Afghanistan undertakes to implement these measures and to provide, within its possibilities, all necessary assistance in the process of repatriation.

Article III

The Government of the Islamic Republic of Pakistan shall facilitate the voluntary, orderly and peaceful repatriation of all Afghan refugees staying within its territory and undertakes to provide, within its possibilities, all necessary assistance in the process of repatriation.

Article IV

For the purpose of organizing, co-ordinating and supervising the operations which should effect the voluntary, orderly and peaceful repatriation of Afghan refugees, there shall be set up mixed commissions in accordance with the established international practice. For the performance of their functions the members of the commissions and their staff shall be accorded the necessary facilities, and have access to the relevant areas within the territories of the High Contracting Parties.

Article V

With a view to the orderly movement of the returnees, the commissions shall determine frontier crossing points and establish necessary transit centres. They shall also establish all other modalities for the phased return of refugees, including registration and communication to the country of return of the names of refugees who express the wish to return.

Article VI

At the request of the Governments concerned, the United Nations High Commissioner for Refugees will co-operate and provide assistance in the process of voluntary repatriation of refugees in accordance with the present Agreement. Special agreements may be concluded for this purpose between UNHCR and the High Contracting Parties.

Article VII

The present Agreement shall enter into force on 15 May 1988. At that time the mixed commissions provided in Article IV shall be established and the operations for the voluntary return of refugees under this Agreement shall commence.

The arrangements set out in Articles IV and V above shall remain in effect for a period of eighteen months. After that period the High Contracting Parties shall review the results of the repatriation and, if necessary, consider any further arrangements that may be called for.

Article VIII

This Agreement is drawn up in the English, Pashtu and Urdu languages, all texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

Done in five original copies at Geneva this fourteenth day of April 1988.

(Signed by Afghanistan and Pakistan)

Agreement on the Interrelationships for the Settlement
of the Situation Relating to Afghanistan

1. The diplomatic process initiated by the Secretary-General of the United Nations with the support of all Governments concerned and aimed at achieving, through negotiations, a political settlement of the situation relating to Afghanistan has been successfully brought to an end.

2. Having agreed to work towards a comprehensive settlement designed to resolve the various issues involved and to establish a framework for good-neighbourliness and co-operation, the Government of the Republic of Afghanistan and the Government of the Islamic Republic of Pakistan entered into negotiations through the intermediary of the Personal Representative of the Secretary-General at Geneva from 16 to 24 June 1982. Following consultations held by the Personal Representative in Islamabad, Kabul and Teheran from 21 January to 7 February 1983, the negotiations continued at Geneva from 11 to 22 April and from 12 to 24 June 1983. The Personal Representative again visited the area for high level discussions from 3 to 15 April 1984. It was then agreed to change the format of the negotiations and, in pursuance thereof, proximity talks through the intermediary of the Personal Representative were held at Geneva from 24 to 30 August 1984. Another visit to the area by the Personal Representative from 25 to 31 May 1985 preceded further rounds of proximity talks held at Geneva from 20 to 25 June, from 27 to 30 August and from 16 to 19 December 1985. The Personal Representative paid an additional visit to the area from 8 to 18 March 1986 for consultations. The final round of negotiations began as proximity talks at Geneva on 5 May 1986, was suspended on 23 May 1986, and was resumed from 31 July to 8 August 1986. The Personal Representative visited the area from 20 November to 3 December 1986 for further consultations and the talks at Geneva were resumed again from 25 February to 9 March 1987, and from 7 to 11 September 1987. The Personal Representative again visited the area from 18 January to 9 February 1988 and the talks resumed at Geneva from 2 March to 8 April 1988. The format of the negotiations was changed on 14 April 1988, when the instruments comprising the settlement were finalized, and, accordingly, direct talks were held at that stage. The Government of the Islamic Republic of Iran was kept informed of the progress of the negotiations throughout the diplomatic process.

3. The Government of the Republic of Afghanistan and the Government of the Islamic Republic of Pakistan took part in the negotiations with the expressed conviction that they were acting in accordance with their rights and obligations under the Charter of the United Nations and agreed that the political settlement should be based on the following principles of international law:

- The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations;
- The principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered;

- The duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter of the United Nations;
- The duty of States to co-operate with one another in accordance with the Charter of the United Nations;
- The principle of equal rights and self-determination of peoples;
- The principle of sovereign equality of States;
- The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter of the United Nations.

The two Governments further affirmed the right of the Afghan refugees to return to their homeland in a voluntary and unimpeded manner.

4. The following instruments were concluded on this date as component parts of the political settlement:

A Bilateral Agreement between the Republic of Afghanistan and the Islamic Republic of Pakistan on the Principles of Mutual Relations, in particular on Non-interference and Non-intervention;

A Declaration on International Guarantees by the Union of Soviet Socialist Republics and the United States of America;

A Bilateral Agreement between the Republic of Afghanistan and the Islamic Republic of Pakistan on the Voluntary Return of Refugees;

The present Agreement on the Interrelationships for the Settlement of the Situation Relating to Afghanistan.

5. The Bilateral Agreement on the Principles of Mutual Relations, in particular on Non-interference and Non-intervention; the Declaration on International Guarantees; the Bilateral Agreement on the Voluntary Return of Refugees; and the present Agreement on the Interrelationships for the Settlement of the Situation Relating to Afghanistan will enter into force on 15 May 1988. In accordance with the time-frame agreed upon between the Union of Soviet Socialist Republics and the Republic of Afghanistan there will be a phased withdrawal of the foreign troops which will start on the date of entry into force mentioned above. One half of the troops will be withdrawn by 15 August 1988 and the withdrawal of all troops will be completed within nine months.

6. The interrelationships in paragraph 5 above have been agreed upon in order to achieve effectively the purpose of the political settlement, namely, that as from 15 May 1988, there will be no interference and intervention in any form in the affairs of the Parties; the international guarantees will be in operation; the voluntary return of the refugees to their homeland will start and be completed within the time-frame specified in the agreement on the voluntary return of the refugees; and the phased withdrawal of the foreign troops will start and be

completed within the time-frame envisaged in paragraph 5. It is therefore essential that all the obligations deriving from the instruments concluded as component parts of the settlement be strictly fulfilled and that all the steps required to ensure full compliance with all the provisions of the instruments be completed in good faith.

7. To consider alleged violations and to work out prompt and mutually satisfactory solutions to questions that may arise in the implementation of the instruments comprising the settlement representatives of the Republic of Afghanistan and the Islamic Republic of Pakistan shall meet whenever required.

A representative of the Secretary-General of the United Nations shall lend his good offices to the Parties and in that context he will assist in the organization of the meetings and participate in them. He may submit to the Parties for their consideration and approval suggestions and recommendations for prompt, faithful and complete observance of the provisions of the instruments.

In order to enable him to fulfil his tasks, the representative shall be assisted by such personnel under his authority as required. On his own initiative, or at the request of any of the Parties, the personnel shall investigate any possible violations of any of the provisions of the instruments and prepare a report thereon. For that purpose, the representative and his personnel shall receive all the necessary co-operation from the Parties, including all freedom of movement within their respective territories required for effective investigation. Any report submitted by the representative to the two Governments shall be considered in a meeting of the Parties no later than forty-eight hours after it has been submitted.

The modalities and logistical arrangements for the work of the representative and the personnel under his authority as agreed upon with the Parties are set out in the Memorandum of Understanding which is annexed to and is part of this Agreement.

8. The present instrument will be registered with the Secretary-General of the United Nations. It has been examined by the representatives of the Parties to the bilateral agreements and of the States-Guarantors, who have signified their consent with its provisions. The representatives of the Parties, being duly authorized thereto by their respective Governments, have affixed their signatures hereunder. The Secretary-General of the United Nations was present.

- - Done, at Geneva, this fourteenth day of April 1988, in five original copies each in the English, Pashtu, Russian and Urdu languages, all being equally authentic. In case of any dispute regarding the interpretation the English text shall prevail.

(Signed by Afghanistan and Pakistan)

In witness thereof, the representatives of the States-Guarantors affixed their signatures hereunder:

(Signed by the USSR and USA)

/...

Annex II

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF THE
UNION OF SOVIET SOCIALIST REPUBLICS ^{a/}

[Original: Russian]

Noting with satisfaction the successful completion of the Geneva diplomatic process, we pay tribute to the realism and responsibility shown by all participants in it.

The agreements signed in Geneva provide a solution on the external aspects of political settlement regarding Afghanistan. The principle of non-interference is recorded in them in totally clear terms, which place specific and definite responsibilities on all the parties.

The documents that have entered into force do not permit support for political or other groups acting on the territory of one of the contracting parties against the Government of another contracting party. The Soviet Union will fully comply with the obligations contained in the Geneva agreements and will fulfil its treaty obligations to Afghanistan. The Soviet side will also provide assistance in resolving the problem of refugees and in contributing to Afghanistan's economic reconstruction and development.

The Soviet side is convinced that the rights and obligations of the parties to the Geneva agreements including the USSR and the United States as guarantors, clearly follow from the texts of those agreements. It is assuming the relevant obligations as a guarantor of the agreements. The viability of the agreements will in the final analysis depend on their strict observance by the parties themselves, namely Afghanistan and Pakistan.

We would like to single out in particular the contribution of the United Nations, of its Secretary-General, Mr. Pérez de Cuéllar, and the Secretary-General's personal representative, Mr. Diego Cordovez, in reaching the accords signed here in Geneva.

^{a/} All translations of this statement from the original language of submission may be subject to further revision by the Secretariat.

Annex III

STATEMENT BY THE UNITED STATES OF AMERICA a/

[Original: English]

The United States has agreed to act as a guarantor of the political settlement of the situation relating to Afghanistan. We believe this settlement is a major step forward in restoring peace to Afghanistan, in ending the bloodshed in that unfortunate country, and in enabling millions of Afghan refugees to return to their homes.

In agreeing to act as a guarantor, the United States states the following:

(1) The troop withdrawal obligations set out in paragraphs 5 and 6 of the Instrument on Interrelationships are central to the entire settlement. Compliance with those obligations is essential to achievement of the settlement's purposes, namely, the ending of foreign intervention in Afghanistan and the restoration of the rights of the Afghan people through the exercise of self-determination as called for by the United Nations Charter and the United Nations General Assembly resolutions on Afghanistan.

(2) The obligations undertaken by the guarantors are symmetrical. In this regard, the United States has advised the Soviet Union that the United States retains the right, consistent with its obligations as guarantor, to provide military assistance to parties in Afghanistan. Should the Soviet Union exercise restraint in providing military assistance to parties in Afghanistan, the United States similarly will exercise restraint.

(3) By acting as a guarantor of the settlement, the United States does not intend to imply in any respect recognition of the present régime in Kabul as the lawful Government of Afghanistan.

a/ All translations of this statement from the original language of submission may be subject to further revision by the Secretariat.