

A F G H A N I S T A N , P A K I S T A N , U S S R , U S A

Text of Geneva Agreement

The following is the text of Geneva accords:

Palais des Nations, Geneva, 14 April 1988.

Bilateral agreement between the 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 normalise relations and promote good-neighbourliness and cooperation 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 cooperation among states in accordance with the Charter of the United Nations, as well as the declaration on the inadmissibility of intervention and interference in the internal affairs of states, of Dec 9, 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.

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

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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 destabilise 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, organising, 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 May 15, 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).

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ISLAMIC ORDER

Guarantees**Declaration on international guarantees**

The government 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 normalise 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 May 15, 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).

DPs' return**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, hereafter referred to as the high contracting parties,

desiring to normalise relations and promote good-neighbourliness and cooperation as well as to strengthen international peace and security in the region,

convinced that voluntary 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:

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(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 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 organising, coordinating and supervising the operations which should affect 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 Government concerned, the United Nations High Commissioner for Refugees will cooperate and provide assistance in the process of voluntary repatriation of refugees in accordance with the present agreement. Special agreement may be concluded for this purpose between UNHCR and the high contracting parties.

Article VII

The present agreement shall enter into force on May 15, 1988. At that time the mixed commission 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 Article IV and V above shall remain in effect for a period of 18 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 cooperation, 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 Tehran from Jan 21 to Feb 7, 1983, the negotiations continued at Geneva from April 11 to 22 and from 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. 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 4 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 Representatives 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 finalised, 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 States, 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 cooperate with one another in accordance with the Charter of the United Nations;

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*The principle of equal rights and self-determination of peoples.

*The principle of sovereign equality of states:

*The principle that stated 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.

5. 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 timeframe 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 non 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 timeframe 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 timeframe 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 organisation 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 report thereon. For that purpose, the representative and his personnel shall receive all the necessary cooperation 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 authorised 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

MEMORANDUM OF UNDERSTANDING

I. Basic requirements

(a) The parties will provide full support and cooperation to the representative of the Secretary-General and to all the personnel assigned to assist him.

(b) The representative of the Secretary-General and his personnel will be accorded every facility as well as prompt and effective assistance, including freedom of movement and communications, accommodation, transportation and other facilities that may be necessary for the performance of their tasks. Afghanistan and Pakistan undertake to grant to the representative and his staff all the relevant privileges and immunities provided for by the convention on the privileges and immunities of the United Nations.

(c) Afghanistan and Pakistan will be responsible for the safety of the representative of the Secretary-General and his personnel while operating in their respective countries.

(d) In performing their functions, the representative of the Secretary-General and his staff will act with complete impartiality. The representative of the Secretary-General and his personnel must not interfere in the internal affairs of Afghanistan and Pakistan and, in this context, cannot be used to secure advantages for any of the parties concerned.

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II. Mandate

The mandate for the implementation-assistance arrangements envisaged in Paragraph 78 derives from the instruments comprising the settlement. All the staff assigned to the representative of the Secretary-General will accordingly be carefully briefed on the relevant provisions of the instruments and on the procedures that will be used to ascertain violations thereof.

III. Modus operandi and personnel organisation

The Secretary-General will appoint a senior military officer as deputy to the representative, who will be stationed in the area, as head of two small headquarters units, one in Kabul and the other in Islamabad, each comprising five military officers, drawn from existing United Nations operations, and a small civilian auxiliary staff.

The deputy to the representative of the Secretary-General will act on behalf of the representative and be in contact with the parties through the liaison office each party will designate for this purpose.

The two headquarters units will be organised into two inspection teams to ascertain on the ground any violation of the instruments comprising the settlement. Whenever considered necessary by the representative of the Secretary-General or his deputy, up to 40 additional military officers (some 10 additional inspection teams) will be redeployed from existing operations within the shortest possible time (normally around 48 hours).

The nationalities of all the officers will be determined in consultation with the parties.

Whenever necessary the representative of the Secretary-General, who will periodically visit the area for consultations with the parties and to review the work of his personnel, will also assign to the area members of his own office and other civilian personnel from the United Nations secretariat as may be needed. His deputy will alternate between the two headquarters units and will remain at all times in close communication with him.

IV. Procedure**(a) Inspections conducted at the request of the parties.**

(i) A complaint regarding a violation of the instruments of the settlement lodged by any of the parties should be submitted in writing, in the English language, to the respective headquarters units and should indicate all relevant information and details.

(ii) Upon receipt of a complaint the deputy to the representative of the Secretary-General will immediately inform the other party of the complaint and undertake an investigation by making on-site inspections, gathering testimony and using any other procedure which he may deem necessary for the investigation of the alleged violation. Such inspection will be conducted using headquarters staff as referred to above, unless the deputy representative of the Secretary-General considers that additional teams are needed. In that case, the parties will, under the principle of freedom of movement, allow immediate access of the additional personnel to their respective territories.

(iii) Reports on investigations will be prepared in English and submitted by the deputy representative of the Secretary-General to the two governments, on a confi-

dential basis. (A third copy of the report will be simultaneously transmitted, on a confidential basis, to United Nations headquarters in New York, exclusively for the information of the Secretary-General and his representative). In accordance with Paragraph 7 a report on an investigation should be considered in a meeting of the parties not later than 48 hours after it has been submitted. The deputy representative of the Secretary-General will, in the absence of the representative, lend his good offices to the parties and in that context he will assist in the organisation of the meetings and participate in them. In the context of those meetings the Deputy Representative of the Secretary-General may submit to the parties for their consideration and approval suggestions and recommendations for the prompt, faithful and complete observance of the provisions of the instruments. (Such suggestions and recommendations will be, as a matter of course, consulted with, and cleared by, the representative of the Secretary-General).

(b) Inspections conducted on the initiative of the deputy representative of the Secretary-General.

In addition to inspections requested by the parties, the deputy representative of the Secretary-General may carry out on his own initiative and in consultation with the representative inspections he deems appropriate for the purpose of the implementation of Paragraph 7. If it is considered that the conclusions reached in an inspection justify a report to the parties, the same procedure used in submitting reports in connection with inspections carried out at the request of the parties will be followed.

Level of participation in meetings.

The Deputy Secretary-General will participate at meetings of the parties convened for the purpose of considering reports on violations. Should the parties decide to meet for the purpose outlined in Paragraph 7 at a high political level, the representative of the Secretary-General will personally attend such meetings.

V. Duration

The deputy to the representative of the Secretary-General and the other personnel will be established in the area not later than 20 days before the entry into force of the instruments. The arrangements will cease to exist two months after the completion of all timeframes envisaged for the implementation of the instruments.

VI. Financing

The cost of all facilities and services to be provided by the parties will be borne by the respective governments. The salaries and travel expenses of the personnel to and from the area, as well as the costs of the local personnel assigned to the headquarters units, will be defrayed by the United Nations.