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LETTER DATED 9 FEBRUARY 1990 FROM THE PERMANENT REPRESENTATIVE OF
AFGHANISTAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF
THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit herewith a text prepared by the Ministry of Foreign Affairs of Afghanistan entitled "A brief assessment of the violation of the Geneva Agreements by Pakistan, 16 May 1988-1 February 1990.

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

(Signed) Noor Ahmad NOOR
Ambassador
Permanent Representative

Annex

A brief assessment of the violation of the Geneva Agreements by
Pakistan, 16 May 1988-1 February 1990

The Geneva Agreements ^{1/} concluded on 14 April 1988 by Afghanistan and Pakistan, as signatories, and the Union of Soviet Socialist Republics and the United States of America, as guarantors, have provided a reliable basis for the settlement of one of the most tense regional conflicts. These Agreements contain the most credible principles of international law and have laid the necessary legal foundations for the cessation of intervention and interference in the internal affairs of Afghanistan. Sincere observance of these Agreements, which are regarded as a clear framework for the peaceful solution of a regional conflict, could have, and still can, put an end to the fratricidal war in Afghanistan and guarantee a durable peace in the region.

The Geneva Agreements, consisting of 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, the Bilateral Agreement on the Voluntary Return of the Refugees, the Declaration on International Guarantees and the Agreement on the Interrelationships for the Settlement of the Situation Relating to Afghanistan, together with a Memorandum of Understanding, have drawn the principle lines of a political settlement of the situation relating to Afghanistan. These Agreements are based on the interests of all countries of the region and their implementation requires serious efforts, goodwill and the full co-operation of the main signatories as well as of their guarantors.

Afghanistan, while taking into consideration the fact that there is no military solution to the present problem and that present conflicts should be settled through peaceful means and no one should resort to the threat or use of force in international relations, faithfully strived for the conclusion of these Agreements and has been trying earnestly in its observance and implementation of the Agreements.

Regardless of the principle of international law that agreements should be observed (pacta sunt servanda), Pakistan and the United States, while totally ignoring their obligations towards the Geneva Agreements, concluded following extensive efforts and with the help of the United Nations Secretary-General and his Special Envoy, have violated these Agreements. These violations have brought about a precedent that not only weakens any sort of confidence in international agreements but adversely affects the prestige and credibility of the United Nations.

The USSR and the United States, as international guarantors, have undertaken to refrain from any kind of interference and intervention in the internal affairs of Afghanistan and Pakistan and to respect the agreements reached 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.

By accepting the responsibility to guarantee the implementation of the Geneva Agreements, the two great Powers of the world, the USSR and the United States, both of which are permanent members of the Security Council and have great responsibilities in safeguarding international peace and security, have evidently shouldered serious obligations regarding the full observance and implementation of the Geneva Agreements.

Based on article 6 of the Agreement on the Interrelationships, it was agreed that, as from 15 May 1988, there would be no interference and intervention in any form in the internal affairs of the contracting parties, the international guarantees would be in operation; the voluntary return of the refugees to their homeland would start and would be completed within the time frame specified in the Agreement on the Voluntary Return of Refugees; and the phased withdrawal of foreign troops would proceed as specified in the accords. Therefore, it was necessary that all the undertakings of the Geneva Agreements should be seriously fulfilled and all steps required for the full observance of the Geneva Agreements should be completed in good faith.

Abdul Wakil, Foreign Minister of Afghanistan, and Zain Noorani, Foreign Minister of Pakistan, signed the accords as contracting parties and Edward Shevardnadze, Foreign Minister of the USSR and George Shultz, Secretary of State for Foreign Affairs of the United States signed them as witnesses.

However, an assessment of the state of affairs indicates that, in the course of one year and eight months since the entry into force of the Geneva accords and the one year following the complete withdrawal of Soviet military contingents from Afghanistan, foreign intervention and aggression against Afghanistan have increasingly been intensified. About 8,420 cases of major violations by the Pakistan side have been reported to the United Nations Good Offices Mission in Afghanistan and Pakistan (UNGOMAP) through 1,092 official notes verbales.

In order to clarify further the Pakistani violations of the Geneva Agreements, a review of the forms and characters of the open intervention and interference in the internal affairs of Afghanistan follows.

I. Pakistani violations of the first instrument of the Geneva Agreement on the Principles of Mutual Relations, in particular on Non-Intervention and Non-Interference

A. The presence of military training camps

Paragraph (12) of article II of the first instrument of the Geneva accords states that each High Contracting Party shall undertake:

"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."

Pakistan, by ignoring its commitments in connection with the dismantling of all the establishments which are regarded as violations of paragraph (12) of article II of the first instrument and by breaching paragraph (6) of article II of the first instrument has resorted to the establishment of new camps for military training of extremists and recruiting, equipping and financing mercenaries for the intensification of intervention and interference and aggression against Afghanistan.

The training camps, which numbered 120 prior to conclusion of the Geneva Agreements, now have been increased to 180. The military establishments of Pakistan have also been widely utilized for training purposes by Afghan extremists with Pakistani advisers, Saudi Wahhabis and other foreign mercenaries and with the direct participation of the regular forces and militias of Pakistan.

The expansion of military training camps in the territory of Pakistan and their extensive use of Pakistani military facilities has enabled the Afghan extremist forces to launch wide-scale military assaults against those provinces bordering on Pakistan.

The large-scale offensive involving over 30,000 extremists and several thousands of Pakistani militias and Saudi mercenaries over Jalalabad could not have been commissioned without a well organized material and professional basis.

Likewise, by helping in the creation, financing, organization and participation in the training of subversive elements, Pakistan has violated paragraphs (1) to (13) of article II of the first instrument of the Geneva Agreements. In addition to numerous notes, the Ministry of Foreign Affairs of Afghanistan has taken the matter up with the United Nations Secretary-General and his deputy on several occasions.

The Ministry of Foreign Affairs of Afghanistan submitted a complete list of the military training camps of the Afghan extremists to UNGOMAP when it started its activities. Also through 114 notes from the Ministry of Foreign Affairs, the establishment of new camps has been brought to the attention of UNGOMAP. This has been notified through 2 notes in May 1988, 4 notes in June 1988, 4 notes in July 1988, 2 notes in August 1988, 1 note in October 1988, 8 notes in February 1989, 26 notes in March 1989, 17 notes in April 1989, 20 notes in June 1989, 14 notes in July 1989, 6 notes in August 1989 and 7 notes in September 1989 to UNGOMAP as well as the following notes: DCCLXXVII dated 2 September 1989, DCCCLXXXVII dated 27 October 1989, CMXLII dated 24 November 1989, CMXLVIII dated 26 November 1989, CMLXXXVII dated 15 December 1989, MXIII dated 28 December 1989, MXLIII dated 12 January 1989 and MLXV dated 22 January 1989.

B. The presence of offices and other establishments

Paragraph (11) of article II of the first instrument of the Geneva Agreements states that the High Contracting Parties undertake:

"To prevent any assistance to or use of or tolerance of terrorist groups, saboteurs or subversive agents against the other High Contracting Party."

However, by violating the letter and the spirit of the Geneva Agreements, Pakistan has provided the necessary facilities for establishing a wide network of offices and other establishments and has taken a direct part in this matter. The presence of these establishments is a violation of the first document of the Geneva Agreements and, on the basis of the document on interrelationships, by 15 May 1988 all these camps should have been dismantled.

The Ministry of Foreign Affairs of Afghanistan through four notes brought the violations to the attention of UNGOMAP and demanded their removal. The presence of the offices of extremists in Pakistan was brought to the attention of UNGOMAP through three notes and one memorandum in the month of June 1988.

C. Training, arming, recruiting and dispatch of mercenaries

Article 11, paragraph (8), of the first document of the Geneva Agreements states that each High Contracting Party undertakes:

"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."

As mentioned previously, Pakistan is taking a direct part in recruiting, training and equipping the mercenaries against Afghanistan.

Furthermore, Pakistan is encouraging other foreign mercenaries like Saudi Wahhabis to take part in the aggression against Afghanistan. The experience of the 20 months after the conclusion of the Geneva Agreements indicates that the militarists of Pakistan, especially after the completion of the withdrawal of the Soviet troops, have been striving hard to intensify their aggression against Afghanistan. By widely recruiting these mercenaries, the futile attacks on Jalalabad and other cities that are launched by joint opposition forces in collaboration with Pakistani military forces have revealed even greater involvement of foreign mercenaries beside the regular and irregular armed forces of Pakistan. Such extensive attacks could not have been possible without the direct participation of the military forces of Pakistan.

The dispatch of foreign mercenaries has been notified to the UNGOMAP through 1 note in May 1988, 3 notes in June 1988, 1 note in July 1988, 2 notes in September 1988, 2 notes in October 1988, 1 note in November 1988, 1 note in December 1988, 3 notes in February 1989, 3 notes in March 1989, 3 notes in April 1989, 9 notes in May 1989, 15 notes in June 1989, 14 notes in September 1989, and 10 notes in October 1989, as well as the following notes: DCCCXCIV dated 1 November 1989, CMII dated 5 November 1989, CMXII dated 10 November 1989, CMXVI

dated 12 November 1989, CMXXIV dated 15 November 1989, CMXXIX dated 17 November 1989, CMXXXIII dated 20 November 1989, CMXXXVII dated 22 November 1989, CMXLIII dated 24 November 1989, CMXLIV dated 25 November 1989, CML dated 28 November 1989, CMLVI dated 30 November 1989, CMLIX dated 2 December 1989, CMLXIV dated 4 December 1989, CMLXVIII dated 6 December 1989, CMLXXI dated 8 December 1989, CMLXXV dated 10 December 1989, CMLXXX dated 12 December 1989, CMLXXXV dated 14 December 1989, CMXCI dated 17 December 1989, CMXCV dated 19 December 1989, CMIC dated 21 December 1989, MV dated 24 December 1989, MIXC dated 26 December 1989, MXII dated 27 December 1989, MXVI dated 29 December 1989.

D. Assisting and encouraging the establishment of an interim government

Paragraph (7) of article II of the first instrument of the Geneva Agreements states that the High Contracting Parties undertake:

"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."

Pakistan grossly violates these provisions by participating in the establishment of the Afghan interim government. Since every bid and attempt at uniting the fading government of Rawalpindi has led to more discord and contradiction, there was no other way left except the dissolution of this government and attempts at the creation of another council or government.

The defeat and the failure of this fresh move is quite visible since the majority of the Afghan people, including most of the armed opposition groups inside the country, the "Alliance of Nine" in the Islamic Republic of Iran, and the Afghan refugees in Europe and the United States will have no share in the scheduled election. The establishment of the so-called Consultative Shura and of the interim government of the extremist opposition elements, a brainchild of ISI and the new attempts at the creation of another "council" are an open violation of the spirit and letter of the Geneva Agreements and of the resolution adopted at the forty-fourth session of the United Nations General Assembly (General Assembly resolution 44/15).

The Ministry of Foreign Affairs of Afghanistan has reported the matter to UNGOMAP through one note in June 1988, three notes in February 1989, three notes in March 1989, one note in July 1989 and one note in August 1989 as well as the following notes: CMXCVII dated 20 December 1989 and MLXX dated 26 December 1989.

E. Instigating aggression against Afghanistan

Paragraph (3) of article II of the first instrument of the Geneva Agreements states that the High Contracting Parties undertake:

"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."

The 20 months elapsed since the conclusion of the Geneva Agreements indicate beyond any doubt that the Pakistani militarists, neglecting their obligations and commitments as a High Contracting Party, are exerting greater efforts for further intensification of their aggression aimed at changing the political system in the country.

The direct participation of Pakistani military forces in staging the wide-scale attack over Jalalabad city revealed the ominous plan of the Pakistani aggressors against Afghanistan. Pakistan exerts all efforts to remove the political system in Afghanistan and instead install one of its own liking.

The Ministry of Foreign Affairs of Afghanistan has reported this matter to UNGOMAP through three notes in June 1988, three notes in August 1988, one note in September 1988, one note in March 1989, one in April 1989, one in June 1989, one in May 1989, one in July 1989 and one in September 1989.

F. Shipment of arms and ammunition

Paragraph (12) of article II of the first instrument of the Geneva Agreements states that each High Contracting Party undertakes:

"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 ..."

In blatant contradiction of the above-mentioned paragraph, large convoys of arms and ammunitions are being dispatched to the territory of Afghanistan through Pakistan, using vehicles belonging to the armed forces of the latter and with the direct assistance of the armed forces of that country. One point that needs to be mentioned here is that prior to the entry into force of the Geneva Agreements on 15 May 1988 arms and ammunition were shipped on beasts of burden, but following 15 May, the bulk of these arms and ammunition are shipped by heavy trucks, including those of the armed forces of Pakistan.

Furthermore, a new network of roads has been constructed in the territory of Pakistan to speed up the delivery of arms to the opposition. The arms and ammunition dispatched to our country during the period following the entry into force of the Geneva Agreements have been greater than all such shipments during the previous nine years. The arms put at the disposal of the extremists by Pakistani authorities are getting to be more sophisticated with the passage of time.

From 15 February 1988 to 28 August 1989, 18 major types of weapons were dispatched to Afghanistan for wreaking terror and havoc in Afghanistan. These arms

include 250 rocket-launching pads, 115 field guns, 120 recoilless guns, 550 surface-to-air rockets, 80 air-defence guns, 29,350 machine-guns, 4,500 anti-tank rockets and 200,000 rockets.

Weapons have been shipped to our country for the intensification of the fratricidal war, which had never been at the disposal of these elements before. Here we can mention more advanced surface-to-air rockets, Strela rockets, Milan anti-tank rockets, long-range Socker-30, -40 and -60 rockets and rockets containing cluster bombs and mines, with small fragments.

The United States is a guarantor of the Geneva Agreements and it ought to work efficiently for the implementation of this significant international document and not ignore its own obligations.

By the delivery of advanced weapons to the extremists, the United States is becoming involved as a party to the conflict. Any pretext or justification for the arms delivery to the extremists does not hold any water and such acts are aimed only at the continuation of aggression in Afghanistan.

It is worth mentioning that neither in the Geneva Agreements nor in any other international document does there exist any restriction on Afghanistan receiving military assistance. The delivery of arms and ammunition by Pakistan to the extremists enables them to intensify the fratricidal war in Afghanistan.

The Ministry of Foreign Affairs of Afghanistan has informed UNGOMAP about the delivery of arms and ammunition during the period May 1988 to February 1990. The notes submitted to UNGOMAP since May 1988 are as follows: 1 in May 1988, 11 in June 1988, 5 in July 1988, 7 in September 1988, 5 in October 1988, 7 in November 1988, 12 in December 1988, 11 in January 1989, 14 in February 1989, 20 in March 1989, 9 in April 1989, 14 in May 1989, 20 in June 1989, 12 in July 1989, 14 in August 1989, 15 in September 1989 and 5 in October 1989 as well as the following notes: DCCCXXXVIII dated 1 October 1989, DCCCXLV dated 4 October 1989, DCCCLI dated 7 October 1989, DCCCLIV dated 9 October 1989, DCCCLVIII dated 11 October 1989, DCCCLXI dated 13 October 1989, DCCCLXVI dated 16 October 1989, DCCCLXXII dated 19 October 1989, DCCCLXXX dated 23 October 1989, DCCCLXXXII dated 24 October 1989, DCCCLXXXV dated 26 October 1989, DCCCLXXXV dated 1 September 1989, DCCLXXXIII dated 5 September 1989, DCCXC dated 3 September 1989, DCCXCVI dated 11 September 1989, DCCCVI dated 15 September 1989, DCCCVIII dated 16 September 1989, DCCCXII dated 18 September 1989, DCCCXVIII dated 21 September 1989, DCCCXXIII dated 23 September 1989, DCCCXIX dated 26 September 1989 and DCCCXXXIV dated 29 September 1989.

G. Hostile propaganda campaign

Paragraph (10) of article II of the first instrument of the Geneva Agreements provides that the High Contracting Parties undertake:

"To abstain from any defamatory campaign, vilification or hostile propaganda for the purpose of intervening or interfering in the affairs of the other High Contracting Party."

The hostile propaganda campaign against Afghanistan has been broadly intensified after the signing of the Geneva Agreements, the propaganda centres of the extremists have increased and the activities of those centres have been further strengthened. Tens of such centres, including radio, newspaper and others, are spreading false information against Afghanistan. The State authorities of Pakistan have launched an organized and systematic campaign against Afghanistan. And all their efforts are aimed to encourage the extremists to continue the war and bloodshed.

In this hostile propaganda campaign the Pakistani authorities are participating at the highest level. UNGOMAP has been informed to investigate the matter, through the following notes: two in June 1988, two in July 1988, one in August 1988 and four in July 1989.

H. Organizing subversive activities

Paragraph (5) of article II of the first instrument of the Geneva Agreements provides that the parties shall:

"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 ...".

While utilizing the facilities provided by Pakistani military forces, the Pakistani trainees and foreign advisers train Afghan extremists and, after equipping them with advanced weapons, they are dispatched to Afghanistan to commit brutal acts such as bombings, abductions and other inhuman acts.

The Government of Pakistan is a direct accomplice of the extremists in these terrorist acts, including massive killings, torture, kidnapping and other actions. As an example, we can cite the incident that happened in Torkham. In this incident, which took place during the joint attack by Pakistani military forces, militia and Afghan extremists on 2 November 1988, 104 employees of the customs house in Torkham were captured as hostages. A number of these hostages were given to the extremists groups based in Pakistan and the rest are still languishing in Pakistani prisons. Over 70 of these hostages were killed after enduring severe and inhuman torture in a very shocking manner. Then they were placed in plastic packages and were dumped near the frontier areas.

It is worth mentioning that the terrorist activities of Pakistani-backed groups are intensifying further with every passing day. The amount of explosives used for terrorist activities has increased unprecedentedly. In some explosions more than two tons of powerful explosives have been used.

Such subversive activities against Afghanistan are organized and financed by Pakistan in clear violation of the Geneva Agreements. The Ministry of Foreign Affairs of Afghanistan has informed UNGOMAP through the following notes regarding subversive activities: two notes in July 1988, two in October 1988, three in November 1988, two in January 1989, three in February 1989, three in March 1989,

one in April 1989, four in July 1989, one in August 1989, one in September 1989 and one in October 1989 as well as through the following notes verbales: CMV dated 6 November 1989, CMXIII dated 10 November 1989, CMXXV dated 15 November 1989, CMXXXII dated 19 November 1989, CMXXXIX dated 22 November 1989, CMXLI dated 23 November 1989, CMXLV dated 25 November 1989, CMLXXVI dated 10 November 1989, CMLXXXVI dated 15 November 1989, MI dated 23 November 1989, MXXV dated 3 January 1990, MXXVIII dated 5 January 1990, MXXI dated 6 January 1990, MXXXIV dated 1 January 1990, MXXXVII dated 10 January 1990, MXLV dated 13 January 1990, MLIX dated 19 January 1990, MLXIII dated 21 January 1990, MLXVI dated 22 January 1990, DCCCXLVII dated 5 October 1989, DCCCLII dated 8 October 1989, DCCCLX dated 13 October 1989, DCCCLXIII dated 14 October 1989, DCCCLXIII dated 14 October 1989, DCCCLXXVII dated 22 October 1989, DCCCLXXXVI dated 27 October 1989, DCCCLXXVII dated 2 September 1989, DCCLXXXVII dated 3 September 1989, DCCXCIV dated 10 September 1989, DCCII dated 13 September 1989, DCCCIII dated 13 September 1989, DCCCIX dated 17 September 1989, DCCCXXIV dated 23 September 1989, DCCCXXV dated 24 September 1989, DCCCXXXIII dated 28 September 1989.

I. Organizing rocket attacks on cities

The delivery of advanced weapons, particularly long-range rockets and mortars and other heavy weaponry, by the United States to Pakistan and to the Afghan extremists through the territory of the latter is contrary to paragraph (4) of article II of the first instrument of the Geneva Agreements which provides that each High Contracting Party undertakes:

"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."

In addition to that paragraph (5) of the same article provides that they undertake:

"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."

Therefore, such actions are clearly inconsistent with the spirit and context of paragraphs (1) to (13) of article II of the first document of the Geneva Agreements. Pakistan, by making available a large quantity of modern weapons to the extremists, has been the cause of numerous civilian killings and has generated enormous financial losses.

The Ministry of Foreign Affairs of Afghanistan has notified UNGOMAP through official notes for investigation as follows: 1 in June 1988, 2 in July 1988, 2 in August 1988, 3 in September 1988, 4 in October 1988, 4 in November 1988, 12 in December 1988, 9 in January 1989, 12 in February 1989, 14 in March 1989, 8 in

April 1989, 12 in May 1989, 8 in June 1989, 15 in July 1989, 8 in August 1989, 20 in September 1989 and 9 in October 1989 as well as the following: DCCLXXIV dated 3 September 1989, DCCLXXX dated 3 September 1989, DCCLXXXIV dated 5 September 1989, DCCLXXXVI dated 6 September 1989, DCCLXXXVII dated 6 September 1989, DCCXCI dated 9 September 1989, DCCXCV dated 10 September 1989, DCCXCVIII dated 11 September 1989, DCCCV dated 14 September 1989, DCCCVII dated 16 September 1989, DCCX dated 17 September 1989, DCCXCI dated 18 September 1989, DCCXIV dated 19 September 1989, DCCXVI dated 20 September 1989, DCCXIX dated 23 September 1989, DCCXXII dated 23 September 1989, DCCXXVI dated 24 September 1989, DCCXXVIII dated 26 September 1989, DCCXXX dated 27 September 1989, DCCXXXIII dated 28 September 1989, DCCXXXVII dated 30 September 1989, DCCXCVI dated 2 November 1989, CM dated 4 November 1989, CMIV dated 6 November 1989, CMVIII dated 8 November 1989, CMX dated 9 November 1989, CMXIV dated 11 November 1989, DCCXXXIX dated 1 October 1989, DCCXCI dated 2 October 1989, DCCXLII dated 3 October 1989, DCCXLIV dated 4 October 1989, DCCXXVI dated 5 October 1989, DCCXLIX dated 7 October 1989, DCCCLVI dated 10 October 1989, DCCCLVII dated 11 September 1989, DCCCLXII dated 14 October 1989, DCCCLXIX dated 18 October 1989, DCCCLXXI dated 19 October 1989, DCCCLXXX dated 21 October 1989, DCCCLXXVIII dated 22 October 1989, DCCCLXXIX dated 23 October 1989, DCCCLXXXIV dated 26 October 1989, DCCCLXXXVIII dated 28 October 1989, DCCXC dated 29 October 1989, DCCXCI dated 30 October 1989, DCCXCII dated 31 October 1989, CMXVIII dated 12 November 1989, CMXIX dated 13 November 1989, CMXXXV dated 21 November 1989, CMXXXVIII dated 22 November 1989, CMXLVI dated 25 November 1989, CMIL dated 27 November 1989, CMLIV dated 30 November 1989, CMLX dated 2 December 1989, CMLXI dated 3 December 1989, CMLXIX dated 7 December 1989, CMLXXXI dated 12 December 1989, CMLXXXVIII dated 16 December 1989, CMXC dated 17 December 1989, CMXCII dated 18 December 1989, CMXCIV dated 19 December 1989, CMXCVI dated 20 December 1989, CMXCVIII dated 21 December 1989, MI dated 23 December 1989, MIII dated 24 December 1989, MVI dated 25 December 1989, MVIII dated 26 December 1989, MXI dated 27 December 1989, MXV dated 28 December 1989, MXVII dated 30 December 1989, MXX dated 2 January 1990, MXXII dated 2 January 1990, MXXIV dated 3 January 1990, MXXVI dated 4 January 1990, MXXX dated 5 January 1990, MXXXV dated 8 January 1990, MXLIV dated 13 January 1990, MXLVII dated 14 January 1990, MIL dated 15 January 1990, MLI dated 17 January 1990, MLIV dated 17 January 1990, MLV dated 11 January 1990, LMVI dated 18 January 1990, MLXIX dated 23 January 1990.

J. Economic sabotage

Violating paragraphs (4) and (5) of article II of the first document of the Geneva Agreements, Pakistan has launched wide-scale economic sabotage against Afghanistan and encourages this factor. For instance, the elements supported by Pakistan and Saudi Arabia resort to blocking the highways, destroying the transport routes and spreading counterfeit banknotes with the direct involvement of Pakistan. The Ministry of Foreign Affairs of Afghanistan has brought to the notice of UNGOMAP the question of the issuance of counterfeit banknotes in Pakistan, through one note in May 1988, one in October 1988 and one in July 1989.

It should be added that, since the entry into force of the Geneva Agreements, the Ministry of Foreign Affairs, apart from the above, has submitted numerous other notes to UNGOMAP on the violations of Pakistan, including air intrusions, direct involvement of Pakistani servicemen in the aggression against Afghanistan and other deeds which run counter to the Geneva Agreements.

II. Violation by Pakistan of the Bilateral Agreement between the Republic of Afghanistan and the Islamic Republic of Pakistan on the Voluntary Return of Refugees

The Government of Afghanistan has fulfilled with full sincerity all its commitments arising from this document. It has translated into practice extensive measures aimed at providing conditions conducive to the return and repatriation of refugees and guaranteeing their other rights and privileges.

Furthermore, the necessary legal grounds have been laid to this effect. In conformity with article VI of the second instrument, a protocol has been signed with the United Nations High Commissioner for Refugees and the Commissioner has become extremely active in this regard.

But Pakistan, by ignoring this internationally credible document, has trampled upon all its commitments. Pakistan has systematically committed the following violations.

A. Creating obstacles to the return of refugees

Article III of the above instrument stipulates that:

"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."

But by creating artificial obstacles, Pakistan is hindering this process. One of the factors and motives for the creation of obstacles to the return of refugees is to use these numerous human resources for the continuation of war and fratricide in Afghanistan.

The Government of Pakistan systematically creates obstacles to the return of refugees. The regular forces and militias of Pakistan directly obstruct the return of refugees. Those who want to return are captured by Pakistanis on their way home and are sentenced to punishment.

Moreover, Pakistan disseminates false information about the situation in the country. One of the pretexts cited by that country for preventing the return of refugees is the so-called existence of mines, while Afghanistan has stated on different occasions that the Armed Forces of Afghanistan have never planted any mines in the way of returning refugees. Of course, a number of mines are planted

around the military bases to defend them against the assaults of extremists. These are in no way hindering the return of refugees.

If Pakistan sincerely wants the voluntary return of refugees to their country, it should co-operate in setting up the mixed commissions aimed at regulating and co-ordinating the return of refugees and fixing the crossing points.

The Ministry of Foreign Affairs has informed UNGOMAP about the obstacles created by Pakistan to the return of refugees through four notes in June 1988, two in July 1988, one in October 1988, one in February 1989, two in April 1989, two in June 1989, two in July 1989 and two in August 1989, as well as by notes verbales CMXXI dated 14 November 1989, MX dated 26 December 1989, CMXCVII dated 20 December 1989 and MLXX dated 24 January 1990.

B. Pakistan's opposition to setting up mixed commissions

Article IV of the second instrument of the Geneva Agreements stresses that:

"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."

But despite the repeated calls of Afghanistan and the efforts of UNGOMAP, Pakistan has avoided setting up such commissions under different pretexts. The Ministry of Foreign Affairs of Afghanistan brought this matter to the attention of UNGOMAP in July 1988.

Article V of the second instrument of the Geneva Agreements states that:

"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."

But Pakistani authorities, which seek special aims through the existence of refugees in that country, have not even taken a single constructive measure for the return of refugees.

III. Violation by Pakistan of the Agreement on the Interrelationships for the Settlement of the Situation Relating to Afghanistan

The Agreement on the Interrelationships for the Settlement of the Situation Relating to Afghanistan contains a number of principles and international laws which constitute the basis of the Geneva Agreements. These principles form a reliable foundation for the political and peaceful solution of the situation relating to Afghanistan.

Paragraph 6 of this document, emphasizing paragraph 5 regarding the interrelationships among the first, second and third instruments of the Geneva Agreements, stresses that:

"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 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."

Abdul Wakil, Minister for Foreign Affairs of Afghanistan, and Zain Noorani, Minister of Foreign Affairs of Pakistan, have put their signatures at the foot of this document. The Foreign Ministers of the Soviet Union and the United States of America have also signed this international document as witnesses.

Obstruction placed by Pakistan on control mechanism

According to paragraph 7 of the Agreements on the Interrelationships and the Memorandum of Understanding on the establishment of UNGOMAP, Afghanistan has exerted every possible effort to ensure the establishment and the provision of every facility for the all-sided activities of UNGOMAP together with the provision of the necessary facilities and its freedom of movement. Apart from this, based on the demand of UNGOMAP, permanent monitoring posts were promptly set up at all points demanded by the team during the withdrawal of the Soviet military contingent from Afghanistan.

But Pakistan, using different means, has impeded the effective activities of the investigation teams of UNGOMAP and has hesitated to providing necessary facility for the members.

Subparagraph (b) of section I of the Memorandum of Understanding emphasizes that:

"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."

But violating this subparagraph, Pakistan has not provided the necessary facilities for UNGOMAP. For a long time, air transport facilities have been demanded, especially access to helicopters, but Pakistan has neglected this demand on different pretexts. Furthermore, Pakistan has created artificial barriers to the visits of the investigation teams on various pretexts. As it has obstructed their travel to the tribal regions where most of the depots, military training centres and routes for the shipment of weapons and ammunition are located.

Pakistan has constantly attempted to prolong the period between the reception of the complaint and its investigation, so that, making use of this gap, it could transfer military centres or change their characteristics. It should be pointed out that the Pakistani authorities impede by every possible means the establishment of permanent outposts in the areas widely used for the shipment of arms and ammunition to Afghanistan.

In June 1989, after frequent demands and the efforts launched by the United Nations, eventually three outposts were set up in Torkham, Chaman and Parachinar, almost one year after the coming into force of the Geneva accords. The posts are operating only from 9 a.m. until 6 p.m.

It must be emphasized that the investigations have not been conducted in conformity with the spirit of the Geneva Agreements, because, based on section IV (a) (iii) of the Memorandum of Understanding, the report on the investigations must be given to the meetings of the parties not later than 48 hours after it has been submitted.

It should be pointed out that thousands of open violations by Pakistan, especially the most naked ones such as the existence of the offices of extremists, the formation of an interim government, shipment of weapons, the hostile propaganda campaign and tens of others which mainly do not need any assessment, should have been brought to the attention of the United Nations Secretary-General and the world public.

Based on section IV (a) (ii) of the Memorandum of Understanding, the staff of UNGOMAP will assess, on the demand of every party, each possible violation from the documents and will prepare a report on it.

The activities of tens of thousands of extremists, their weaponry, printing and hostile propaganda centres, the holding of the consultative council, the formation of the interim government, the dispatch of United States-made weapons through Pakistan and the involvement of Pakistan military and militia forces in the aggression against Afghanistan should have been assessed by UNGOMAP so that the international community could have adopted serious measures.

Summing up, the bitter experience of the decade-long war and prevailing tension in and around Afghanistan have clearly demonstrated that there is no other rational alternative to seeking a peaceful political settlement for all the outstanding issues. Of course, such a settlement should be based on the existing realities of Afghan society and taking into account the dire need of the cross-section of the Afghan people for durable peace, security and stability in their country.

In line with this, ipso facto, Afghanistan, scrupulously observing the Geneva Agreements, has set forth concrete and practical peace proposals on various occasions. They include, inter alia, the announcement of a six-month-long cease-fire, the formation of a leading council, the promulgation of the election law and the launching of free and fair elections, the formation of the Government by a coalition of parties or the party winning the majority in the parliament. Meanwhile, Afghanistan has tabled the proposal for the convocation of a council to be represented by all the concerned sides, at Kabul, which could be supervised by the United Nations. The message addressed by H.E. Dr. Najibullah, President of Afghanistan, to H.E. Mr. Javier Pérez de Cuéllar, Secretary-General of the United Nations, marking the first anniversary of the full withdrawal of Soviet forces from Afghanistan, reiterates the firm determination of the Afghan side for the peaceful settlement of all the issues and problems.

Afghanistan, on its part, does not and will not spare any efforts towards the successful conclusion of the goodwill endeavours launched by the United Nations, and its Secretary-General in particular, for the immediate normalization of the situation in and around Afghanistan. This, without doubt, will have positive impacts on the improvement of the overall world situation and the de-escalation of tension in the international arena.

Notes

1/ S/19835, annex I.

