

Letter dated 30 August 1990 from the Permanent Representatives of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the United Nations addressed to the Secretary-General

Representatives of our Governments met in New York on 27 and 28 August 1990 for a sixth exchange of views on the terms of a comprehensive political settlement of the Cambodia conflict.

We have the honour of transmitting to you, herewith, the Statement which, together with the appended framework document, was adopted at that meeting, and we should be grateful if you would be so kind as to have these texts and this letter circulated as a document of the General Assembly, under items 32 and 38 of the provisional agenda, and of the Security Council.

(Signed) Pierre-Louis BLANC, Permanent Representative of France to the United Nations

(Signed) Thomas R. PICKERING, Permanent Representative of the United States of America to the United Nations

(Signed) LI Daoyu, Permanent Representative of the People's Republic of China to the United Nations

(Signed) Yuli M. VOLONTSOV, Permanent Representative of the Union of Soviet Socialist Republics to the United Nations

(Signed) Crispin TICKELL Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations

## STATEMENT OF THE FIVE PERMANENT MEMBERS OF THE SECURITY COUNCIL OF THE UNITED NATIONS ON CAMBODIA

The Five Permanent Members of the UN Security Council have held in Paris and New York six meetings in 1990 at the Vice Ministerial level in order to define the key elements of a comprehensive political settlement of the Cambodia conflict based on an enhanced UN role.

At the end of their sixth meeting, held in New York on August 27-28, 1990, the Five reached final agreement on a framework for a settlement. The framework document is composed of five sections comprising the indispensable requirements for such a settlement:

- I. - Transitional arrangements regarding the administration of Cambodia during the pre-election period;
- II. - Military arrangements during the transitional period;
- III. - Elections under United Nations auspices
- IV. - Human rights protection;
- V. - International guarantees

This document will be made public after it has been communicated to the interested parties.

The Five also recalled the two documents elaborated by the 1989 Paris Conference on Cambodia on repatriation of refugees and displaced persons and on reconstruction.

Taken together, these documents outline a settlement process based on national reconciliation and involving an enhanced United Nations role which would ensure a just and lasting political solution to the conflict.

The basic principle behind the Five 's approach is to enable the Cambodian people to determine their own political future through free and fair elections organized and conducted by the United Nations in a neutral political environment with full respect for the national sovereignty of Cambodia.

Implementation of this approach requires the full support of all parties to the Cambodia conflict. The Five therefore urge the acceptance of this framework document in its entirety as the basis for settling the Cambodia conflict.

The Five thus now call on the Cambodian parties to the conflict to commit themselves to this process and to form the Supreme National Council as soon as possible on the basis outlined in the framework document.

To this end, the Five support Indonesia's efforts to convene in Jakarta a meeting with the Cambodian parties. They urge the two co-Chairmen of the Paris Conference to commend the framework to the Cambodian parties and to persuade them to form the Supreme National Council accordingly.

The early formation of a Supreme National Council would permit that body to designate its representative to occupy the Cambodian seat in the United Nations and other international organizations.

Once the Cambodian parties have accepted this framework and the SNC has been formed, the Paris Conference, which includes all interested parties and the Secretary General of the UN, should be

reconvened. Its task should be to adopt the elements of the comprehensive political settlement and draw up a detailed plan of implementation in accord with this framework.

The Paris Conference would then invite the Secretary General of the UN to report to the Security Council and to transmit to it the Conference's recommendation that the council adopt a resolution endorsing the final agreement on the comprehensive political settlement and enabling the Secretary General to implement it.

As a first step, the Five call on all parties to the conflict to exercise maximum self-restraint so as to create the peaceful climate required to facilitate the achievement and the implementation of a comprehensive political settlement.

During the course of their meeting, the five Heads of delegation met with the United Nations Secretary General and with Under-Secretary-General Rafeuddin AHMED to inform them of the results of their work. They also met representatives of a number of countries participating in the Paris Conference, notably the co-Chairmen of the Committees and the three neighbouring countries, to exchange views about the next steps in the peace process.

To sustain the momentum of this process, the Five will continue to work with all those concerned with the Cambodian conflict and the UN Secretary General. To this end, they have agreed to convene another meeting in Paris at an appropriate time before mid-october.

NYC

28 august 1990.

## APPENDIX

### FRAMEWORK FOR A COMPREHENSIVE POLITICAL SETTLEMENT OF THE CAMBODIA CONFLICT

#### SECTIONS

- I. Transitional arrangements regarding the administration of Cambodia during the pre-electoral period (paragraphs I to 12)
- II. Military arrangements during the transitional period (paragraphs 13 to 19)
- III. Elections under United Nations auspices (paragraphs 20 to 23)
- IV. Human Rights Protection (paragraphs 24 to 30)
- V. International Guarantee (paragraphs 31 to 36)

#### SECTION 1

##### TRANSITIONAL ARRANGEMENTS REGARDING THE ADMINISTRATION OF CAMBODIA DURING THE PRE-ELECTORAL PERIOD

1. In order to restore and maintain peace in Cambodia, prevent the continuation of the conflict, promote national reconciliation and ensure the realization of national self-determination through free and fair general elections, it is essential to establish a unique legitimate body and source of authority in which, throughout the transitional period, national sovereignty and unity would be enshrined.
2. In the light of their discussions during their first five meetings and taking account of the wishes of parties concerned, the Five believe it is appropriate to establish at an early date a Supreme National Council (SNC) of Cambodia.
3. The composition of the SNC, including the selection and number of its members, should be decided by the Cambodian parties through consultations. No party should be dominant in this process.
4. The SNC should be composed of representative individuals with authority among the Cambodian people. They should be acceptable to each other. They may include representative individuals of all shades of opinion among the people of Cambodia. The members of the SNC should be committed to the holding of free and fair elections as the basis for forming a new and legitimate government.
5. Should Prince Norodom SIHANOUK be elected by the SNC as its President, the Five would welcome this decision.
6. All countries should respect an agreement on this matter reached among the Cambodian parties.
7. The SNC should be the embodiment of the independence, sovereignty and unity of Cambodia. It should represent Cambodia externally and occupy the seat of Cambodia at the United Nations, in the UN specialised agencies, and in other international institutions and international conferences.

8. Being the unique legitimate body and source of authority in Cambodia during the transitional period, the SNC, at the time the comprehensive political settlement is signed, will delegate to the United Nations Transitional Authority in Cambodia (UNTAC) all powers necessary to ensure the implementation of the comprehensive agreement, including those relating to the conduct of free and fair elections and the relevant aspects of the administration of Cambodia.
9. The SNC should offer advice to the UNTAC which will comply with this advice provided there is a consensus among the members of the SNC, and provided this advice is consistent with the objectives of the comprehensive political settlement. The Special Representative of the UN Secretary-General will determine whether such advice is consistent with the comprehensive political settlement. He should attend the meetings of the SNC and give its members all necessary information on the decisions taken by UNTAC.
10. In order to ensure a neutral political environment conducive to free and fair general elections, administrative agencies, bodies and offices which could directly influence the outcome of elections should be placed under direct UN supervision or control. In that context special attention will be given to foreign affairs, national defence, finance, public security and information. To reflect the importance of these subjects, UNTAC needs to exercise such control as is necessary to ensure the strict neutrality of the bodies responsible for them. The UN in consultation with the SNC would identify which agencies, bodies and offices could continue to operate in order to ensure normal day-to-day life in the country.
11. Adequate provision must be made within the terms of the comprehensive political settlement for the exercise of routine law enforcement functions under UNTAC supervision.
12. The Special Representative of the Secretary - General should investigate complaints and allegations regarding actions by the existing administrative structures in Cambodia that are inconsistent with or work against the objectives of a comprehensive political settlement.

## SECTION 2

### MILITARY ARRANGEMENTS DURING THE TRANSITIONAL PERIOD

13. The enhanced United Nations role requires the establishment of a United Nations Transitional Authority in Cambodia (UNTAC) with a military as well as a civilian component.
14. The function of the military component should be to carry out the peacekeeping aspects of the comprehensive political settlement.
15. once a ceasefire takes effect, UNTAC will supervise, monitor and verify the ceasefire and related measures, including:

- a) Verification of the withdrawal from Cambodia of all categories of foreign forces, advisers and military personnel and their weapons, ammunition and equipment, and their non-return to the country.
  - b) Liaison with neighbouring governments over any developments in or near their territory which could endanger the implementation of the comprehensive political settlement.
  - c) Monitoring the cessation of outside military assistance to all Cambodian parties.
  - d) Locating and confiscating caches of weapons and military supplies throughout the country.
  - e) Undertaking training programmes in mine clearance and a mine awareness programme among the Cambodian people.
16. The military component should be composed of a certain number of contingents provided by member States at the request of the UN Secretary General. These contingents will be chosen in consultation with parties concerned and with the approval of the Security Council.
17. The Five consider that a ceasefire is an indispensable element of a comprehensive agreement. As a first step, they call on all parties to the conflict to exercise maximum self restraint. To facilitate the UN deployment necessary for the agreement to come into effect, a peaceful situation should prevail in Cambodia. At the time of the signing of the agreement, all forces should immediately disengage and refrain from any deployment, movement or action which would extend the territory they control or which might lead to the resumption of fighting. The formal ceasefire envisaged should enter into force at the time the comprehensive political settlement agreement takes effect.
18. In accordance with an operational timetable to be agreed upon, all forces will begin regrouping and relocating to specifically designated cantonment areas under the supervision of UNTAC. While the forces are in the cantonments, their arms will be stored on site under UNTAC supervision.
19. UNTAC will then initiate a phased process of arms control and reduction in such a way as to stabilize the security situation and build confidence among the parties to the conflict. The ultimate disposition of the factional forces and their weapons will be dealt with so as to reinforce the objectives of a comprehensive political settlement and minimize the risks of a return to warfare.

### SECTION 3

#### ELECTIONS UNDER UNITED NATIONS AUSPICES

20. The United Nations should be responsible for the organization and conduct of free and fair elections on the basis of genuine and verified voter registration lists of Cambodian citizens. Eligibility to vote, including provisions regarding the conditions of residence in Cambodia, will be established in the electoral regulations. Principles covering voting and candidate eligibility criteria will also be set out within the comprehensive political settlement. Special electoral arrangements should be agreed to guarantee the right to vote of Cambodian refugees and displaced persons.
21. The electoral process should be guided by the following principles :

- a) The system and procedures adopted should be, and be seen to be, absolutely impartial while the arrangements should be as administratively simple and efficient as possible;
  - b) All Cambodian participants in the elections should have the same rights, freedoms and opportunities to take part in the election process;
  - c) All parties should commit themselves to honouring the results.
22. The provisions for the holding of free and fair elections under United Nations auspices, as part of a comprehensive political settlement, must include inter alia:
- a) The establishment of a system of laws, procedures and administrative measures necessary for free and fair elections required by the electoral process
  - b) The design and implementation of a voter education programme (ballot secrecy, voting procedures, etc.) to support the election process and a voter registration process to guard against fraud and to ensure that eligible voters have the opportunity to register ;
  - c) Measures to monitor and facilitate the participation of Cambodians in the elections, the political campaign, and the balloting procedures ;
  - d) Coordinated arrangements by the United Nations in consultation with the Supreme National Council to facilitate the presence of foreign observers wishing to observe the campaign and voting ;
  - e) Identification and investigation of complaints of electoral irregularities and appropriate corrective action ;
  - f) Fair access to the media, including press, TV and radio, for all candidates ;
  - g) Overall direction of polling and the vote count ;
  - h) Certification by the United Nations whether or not the elections were free and fair and the list of persons duly elected :
  - i) Adoption of a Code of Conduct regulating participation in the elections in a manner consistent with respect for human rights, including the prohibition of coercion or financial inducement in order to influence voter preference .
23. A comprehensive political settlement must include a specified period within which elections will take place. The duration of the electoral process should be consistent with the above and as short as possible. It should lead to a single election of a constituent assembly which would draft and approve a Constitution and transform itself into a legislative assembly, which will create the new Government. The principles on which the new Cambodian constitution should be based will be an integral part of a comprehensive political settlement.

#### SECTION 4

##### HUMAN RIGHTS PROTECTION

24. Cambodia's tragic recent history requires special measures to assure protection of human rights. Therefore, the comprehensive political settlement should commit Cambodia to comply with the obligations of the relevant international human rights instruments as well as with relevant resolutions of the UN General Assembly. Necessary measures should be taken in order to observe human rights and ensure the non- return to the policies and practices of the past.

25. Articles 55 and 56 of the UN Charter pledge all member States to take joint and separate action to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion.
26. All Cambodian people and others in Cambodia and all Cambodian refugees and displaced persons should enjoy the rights enshrined in the Universal Declaration of Human Rights and other relevant international human rights instruments. Fundamental rights and freedoms should form part of the constitutional principles within the comprehensive political settlement.
27. In recognition of the need to promote respect for human rights in Cambodia and for all Cambodians, the comprehensive political settlement should include provisions under UN auspices to guarantee the following during the transitional period
  - a) Development and implementation of a programme of human rights education to promote respect for and understanding of human rights
  - b) General human rights oversight of all aspects of the transitional administration, and
  - c) Investigation of human rights complaints, and, where appropriate, corrective action.
28. Following the elections, the UN Human Rights Commission should continue to monitor closely the human rights situation in Cambodia, including if necessary by the appointment of a Special Rapporteur who would report his findings annually to the Commission and to the General Assembly.
29. As part of the comprehensive political settlement the other participating States should undertake to promote and encourage respect for and observance of human rights and fundamental freedoms in Cambodia as embodied in relevant international instruments so as to prevent the recurrence of human rights abuses.
30. In the event of future serious violations of human rights in Cambodia, other States should, consistent with the provisions of the section on international guarantees, call upon the competent organs of the UN to take appropriate action in accordance with relevant international instruments.

## SECTION 5

### INTERNATIONAL GUARANTEES

31. The aim of the provisions of this section should be to: safeguard the independent and neutral status of Cambodia; prevent foreign aggression against Cambodia or interference in the affairs of that country; safeguard human rights in Cambodia and prevent a return to the policies and practices of the past; facilitate a comprehensive and durable political settlement based on self-determination of the Cambodian people, and ensure that the settlement agreed upon is implemented in its entirety.
32. Cambodia will solemnly undertake to maintain, preserve and defend its independence, sovereignty, territorial integrity and inviolability, and national unity, with perpetual



neutrality proclaimed and enshrined in the Cambodian Constitution to be adopted after free and fair elections.

33. As part of a comprehensive political settlement, the states participating in the Paris Conference will conclude a multilateral agreement to recognize and respect the independence, sovereignty, territorial integrity and inviolability, neutrality, national unity of Cambodia. This agreement will be open to adherence by all member States of the United Nations.
34. The details of the respective obligations of Cambodia and the other participating States will be based upon the consensus achieved in the Second Committee of the Paris Conference on Cambodia, including in particular undertakings with respect to:
  - a) Refraining from entering into military alliances or other military agreements between Cambodia and other States that would be inconsistent with Cambodia's neutrality without prejudice to its right to receive or acquire the necessary military equipment, arms, munitions and assistance to enable it to exercise its legitimate right of self-defence and to maintain law and order;
  - b) Refraining from interference in any form in the internal affairs of Cambodia ;
  - c) Terminating the treaties and agreements which are incompatible with Cambodia's independence, sovereignty, territorial integrity and inviolability, neutrality and national unity ;
  - d) Settling all disputes between Cambodia and other States through peaceful means :
  - e) Consistent with the United Nations Charter, refraining from the use or threat of use of force, or the use of their territories or the territories of other States to impair the independence, sovereignty, territorial integrity and inviolability, neutrality and national unity of Cambodia ;
  - f) Refraining from the use of Cambodian territory to impair the independence, sovereignty and territorial integrity of other States
  - g) Refraining from the introduction or stationing of foreign forces or the establishment of foreign military bases or facilities in Cambodia, except pursuant to United Nations authorisation for the implementation of the comprehensive political settlement;
  - h) Respect for human rights in Cambodia, including observance of relevant international instruments.
35. The participating States will call upon all other States to recognize and respect in every way the independence, sovereignty, territorial integrity and inviolability, neutrality and national unity of Cambodia and to refrain from any action inconsistent with these principles.
36. In the event of a violation or threat of violation of the independence, sovereignty, territorial integrity, neutrality and national unity of Cambodia, or of any of the other commitments herein, including those relating to human rights, the participating States will immediately undertake appropriate consultations with a view to adopting all appropriate measures to ensure respect for those commitments. Such measures may include, inter alia, reference to the Security Council of the United Nations or recourse to

the means for the peaceful settlement of disputes referred to in Article 33 of the Charter of the United Nations. The participating States may also seek the good offices of the co-chairmen of the Paris conference on Cambodia.