



26 August 1989
ORIGINAL: ENGLISH/FRENCH

CO-ORDINATION COMMITTEE

REPORT OF THE AD HOC COMMITTEE

CONTENTS:

Report of the Ad Hoc Committee

ANNEXES:

1. Summary of the contribution by the French Co-Chairman.
2. Text presented by H.R.H. Prince Norodom Sihanouk.
3. Letter from Mr. Hun Sen's delegation.
4. Text presented by Mr. Son Sann's delegation.
5. "Non-paper" of the French co-Chairman.
6. Counter-proposals put forward by Mr. Hun Sen's delegation.

REPORT OF THE AD HOC COMMITTEE

1. The Ad Hoc Committee held 7 meetings, from 3 to 22 August 1989.
2. At the meeting held on 4 August, the French co-Chairman suggested ideas to facilitate the reflection on the content and modalities of establishment of the Quadripartite Interim Authority under the leadership of Prince Norodom Sihanouk (see annex 1), as referred to in paragraph 2(b) of the document adopted by the Conference on the organization of its work (CPC/89/4/Rev.1). At the invitation of the co-Chairmen, Prince Norodom Sihanouk was present at that meeting, on which occasion he presented an outline of his proposal on the establishment of the Authority (see annex 2).
3. At the meeting held on 8 August, the representative of Mr. Hun Sen submitted to the Committee his delegation's proposals on the same subjects (see annex 3).
4. On 11 August, the Committee held a meeting, in which H.R.H. Prince Norodom Sihanouk participated and to which it invited the delegations of the following countries: China, Thailand, Union of Soviet Socialist Republics, United Kingdom, United States and Viet Nam.
5. In the days that followed, a number of delegations suggested that the arrangement consisting in inviting other countries to participate in the Committee's work should be maintained at future meetings, to which objections were raised.
6. The Committee went on to hold meetings with its original membership. At the meeting on 21 August, Mr. Son Sann's delegation produced a plan for the organization of the Authority during the transitional period (see annex 4) and read a declaration from the President of his movement (CPC/89/CA/COM/1). The French co-Chairman presented a non-paper (see annex 5). A counter-proposal to this non-paper was submitted to the meeting on 22 August by Mr. Hun Sen's delegation (see annex 6). At the same meeting, Mr Khieu Samphan also spoke (CPC/89/CA/COM/2).
7. The co-Chairmen concluded that the proposals submitted to the Ad Hoc Committee, as mentioned in the preceding paragraphs, did not command the support necessary for promoting agreement on the question of the establishment of a quadripartite interim authority.

SUMMARY OF THE CONTRIBUTION BY THE FRENCH CO-CHAIRMAN OF
THE AD HOC COMMITTEE, 4 AUGUST 1989

In order to initiate debate between the Cambodian parties, the French co-Chairman submitted the following outline plan for deliberation:

1. The four parties shall establish a Quadripartite High Authority. This Q.H.A. shall comprise 4 persons:

- H.R.H. Prince Sihanouk,
- Mr. Son Sann,
- Mr. Khieu Samphan,
- Mr. Hun Sen.

It shall be chaired by H.R.H. Prince Sihanouk.

2. This Quadripartite High Authority shall manage Cambodian affairs in terms of broad national policy lines, national reconciliation, elections and creating the conditions for the preparation and organization of these elections; availing itself of the appropriate means, it shall thus maintain law and order, dispense justice and organize defence and information.

It shall represent Cambodia in all matters relating to the enforcement of the agreement. It shall represent Cambodia in international affairs.

3. In order to fulfill its task, this Quadripartite High Authority shall have recourse to [a Government] [an Administration] responsible for current affairs, [which may be made up of elements of the existing administrations,] [based on the Phnom Penh administration,] in which all posts corresponding to specific areas of competence of the High Authority shall be filled by unanimous decision of the High Authority./.

G U N C

GOUVERNEMENT D'UNION NATIONALE DU CAMBODGE
 NATIONAL UNION GOVERNMENT OF CAMBODIA
 (QUADRIPARTITE)

Président : Samdech Norodom Sihanouk

Vice-President : HE. Son Sann

Vice-President : HE. Khieu Samphan

Vice-President : HE. Hun Sen

The four Leaders will share the same powers and responsibilities

Collegial Leadership
 in charge of state
 Government Affairs
 + Foreign Affairs..

COLLEGIAL MINISTRIES

Quadripartite)

* National Defence * Interior * Information

OTHER MINISTRIES (12 Ministries)

Each Faction holds 3 Ministries

The Portfolio distribution will be made by the quadripartite Leadership

1. employment, Social Affairs
2. Public Health
3. Education, Culture, Sport & Youth
4. Budget and Finances
5. Agriculture
6. Industries & commerce
7. Tourism
8. Community Development
9. Public Works, Post Office, Telecommunications & Transportation
10. Religious Affairs
11. Planning & Reconstruction
12. Justice

ADMINISTRATION

1st Phase : Hun Sen's administration will be retained for 1 month or 2 months

2nd Phase : Progressive integration of Cadres, Public Servants, Technicians from the three other parties (Quadripartite Leadership's Responsibilities)

N O T E

FROM THE DELEGATION OF MR. HUN SEN
FOR THE WORKING PROGRAMME OF THE AD HOC COMMITTEE

According to document CPC/89/4 dated 1 August 1989 on the organization of the Conference proceedings, the task of the Ad Hoc Committee is to find a solution to the following issues:

- the achievement of national reconciliation;
- the establishment of a quadripartite interim authority under the leadership of H.R.H. Samdech Norodom Sihanouk which shall be responsible for organizing free elections under international supervision.

The following elements which could result in an agreement between the Cambodian parties should be discussed on a priority basis:

I. ON THE INDEPENDENT STATUS AND PERMANENT NEUTRALITY OF CAMBODIA

1. Cambodia will practise the principle of peaceful co-existence and will develop relations of friendship and co-operation with all countries, with no distinction as to their socio-political regime, and in the first instance with its neighbors, on the basis of equality and respect for the independence, sovereignty and territorial integrity of all countries, and of non-interference in internal affairs, non-aggression, the peaceful settlement of conflicts and respect for mutual interests.

2. Cambodia will not be party to any military alliance or any treaty contrary to the neutrality of Cambodia, it will not authorize any foreign army or military base to station on Cambodian soil, and it will not authorize any foreign power to use Cambodian territory for the purpose of interfering in the internal affairs of another country.

3. Cambodia reserves the right to defend its independence, sovereignty, territorial integrity and permanent neutrality through all the means permitted by the United Nations Charter and by the principles of non-alignment.

II. ON THE CEASE-FIRE AND THE PREVENTION OF CIVIL WAR

To put an end to the war, to re-establish peace, to create favorable conditions for the achievement of national harmony, and thereby to uphold the interests of the Cambodian people, The two Cambodian parties in conflict have agreed as follows:

1. Under international supervision, to observe a cease-fire throughout the Cambodian territory, according to the following principles: The armed forces of each party shall maintain their respective positions and shall not advance or engage in mutual attacks, on land, at sea, or in the air.

2. To commit themselves not to receive arms, munitions or other materials of war, or foreign advisors or military personnel.

3. To call upon the countries participating in the Conference, and other countries, to respect the cease-fire between the two Cambodian parties, to cease all military aid to all the Cambodian parties, not to incite the Cambodian parties to start a civil war, and to refrain from any interference and any aid to any party whatsoever in the event of civil war.

4. To commit themselves to respect the cease-fire, to maintain the peace, and to engage in negotiations to resolve differences and to bring about national reconciliation.

5. To refrain from suspending these negotiations for any reason. In the event of conflict between the Cambodian parties during the course of the negotiations, the two parties shall immediately begin discussions designed to bring the conflict to an end.

III. ON STEPS TO PERMANENTLY REMOVE THE GENOCIDAL POL POT REGIME FROM CAMBODIA

- Based on the Convention on the prevention and punishment of the crime of genocide adopted on 9 December 1948 by the United Nations General Assembly, in particular articles 3 and 6 of the Convention concerning the trial and punishment of criminals guilty of genocide,

- Based on the conclusions of the first and second rounds of informal meetings in Jakarta (JIM-1 and JIM-2) and on world opinion, namely that prevention of the return to the genocidal Pol Pot regime is one of the two key questions in any political solution of the Cambodian problem,

- In response to the determined wish of the Cambodian people to permanently remove the genocidal regime from Cambodia,

The Cambodian parties have agreed on the following measures:

1. The future constitution of Cambodia should include provisions condemning the genocidal regime in Cambodia and providing for measures to do away with this regime and its influence on political, economic, cultural and social life in Cambodia once and for all.

2. The political organisations of the genocidal regime are considered illegal and must be disbanded.

3. The armed forces of Pol Pot shall be dismantled.

4. All forms of military aid to the Pol Pot regime shall be brought to an end immediately, completely and definitively.

5. The arms and munitions stockpiles and stores of the Pol Pot forces shall be confiscated.

6. Leading Pol Pot sympathizers guilty of genocide shall be brought to justice and punished.

7. Cambodians who have erred or who have been forced to follow the Pol Pot regime shall be authorized to enjoy civic rights once they have laid down their arms and publicly disowned their political and military organizations.

8. The seizure of and control over Cambodian refugee camps by Pol Pot forces shall be brought to an end.

9. An appeal shall be made to the international community to establish "the international co-operation needed to prevent and punish any initiative or attempt to re-establish a genocidal regime in Cambodia, as provided in the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide."

IV. ON GENERAL ELECTIONS

1. General elections shall be organized to elect a National Assembly, which shall adopt a new constitution and designate a national coalition government, three months after the complete withdrawal from Cambodia of the Vietnamese troops, the dismantling of the armed forces of the genocidal regime, the cessation of any form of foreign intervention in the internal affairs of Cambodia and of foreign military aid to the Cambodian parties.

2. The Supreme Supervisory Council shall organize and monitor the general elections.

This Supreme Council shall establish an Election Committee to prepare the rules and conditions governing the elections. This Committee shall comprise representatives of the two rival Cambodian parties as well as Khmer personalities living in Cambodia or abroad.

3. With the exception of the leaders of the genocidal regime who are guilty of monstrous crimes against the Cambodian people, every Cambodian, without distinction as to his past, social class, religion, ethnicity, or political opinion,

shall have the right and the duty to take part in the elections. Members of the Pol Pot armed forces who have laid down their arms shall also enjoy the right to take part in the elections just like all other Cambodian citizens.

4. The general elections shall be organized under truly free and democratic conditions. Candidates representing each party shall enjoy the same conditions and the same chances during the election campaign, without any discrimination and regardless of what connections they may have had with either party.

5. The two parties of the State of Cambodia and Democratic Kampuchea shall abstain from any interference in the general elections and shall respect the outcome of the elections.

6. The international Control and Supervision Mechanism shall monitor the general elections.

V. ON THE SUPREME COUNCIL

The Paris International Conference on Cambodia acknowledges the agreement concluded between the two conflicting Cambodian parties on the subject of the right of the Cambodian people to self-determination through truly free and democratic elections organized under international supervision. This national assembly shall adopt the constitution and designate a national coalition government. The national coalition government shall examine and determine the future composition of the army of the State of Cambodia.

For the period from the complete withdrawal from Cambodia of Vietnamese troops and the cessation of all outside interference until the general elections, the two parties have agreed as follows :

1. The two governments of the State of Cambodia and Democratic Kampuchea shall continue to exist in parallel for the purpose of assuring normal life in Cambodia. The armies of the two parties shall maintain their respective positions; any troop movement and military hostility shall be forbidden.

2. A Supreme Supervisory Council shall be formed and placed under the leadership of H.R.H. Samdech Norodom Sihanouk and shall include representatives of the two conflicting Cambodian parties as well as patriotic Cambodian personalities inside and outside the country.

a) In the interim period to the general elections and the formation of the new government, the Supreme Supervisory Council shall not be answerable to either of the two parties.

b) The mission of the Supreme Supervisory Council is to implement agreements concluded between the two Cambodian parties concerning questions internal and external to the country, to define the conditions and regulations for the elections, to organize free general elections under international supervision, and to prepare the draft of a new constitution for Cambodia to be submitted to the new National Assembly.

c) The Council shall become operational from the time it is formed. The principle of consultation and unanimity shall guide its work. The Council may set up certain advisory committees comprising representatives of the two conflicting parties such as an Election Organizing Committee, a Constitution Drafting Committee, etc.

d) The headquarters of the Council shall be set up at a location inside or outside the country, at the discretion of the interested parties.

Conseil Suprême de Direction
(entre l'Etat du Cambodge et Kampuchéa Démocratique)

Président : S.A.R. Samdech N. SIHANOUK

Commission d'organisation
des élections

Directrice
de tout le
système électoral
électorale,
description,
de parole aux
et télévision
stat etc.)

Commission Politique

- Rédaction d'un projet
d'une nouvelle Constitution
destiné à être soumis
à la nouvelle Assemblée
Nationale

Commission Militaire

- contrôle du cessez-le-feu
- discussion de tous les
problèmes militaires

Commission de Contrôle

- contrôle en coopération avec
le MIC de l'accord
par les parties cambodgiennes
pendant toute la période
transitoire : cessez-le-feu,
cessation des aides militaire
étrangères, non-ingérence
extérieure, prévention du
retour du régime de génocide,
élections générales.

- REMARQUES :**
- * Toute décision adoptée par le Conseil Suprême de Direction sera appliquée par toutes les parties cambodgiennes membres du Conseil
 - * Le Conseil Suprême prendra des mesures efficaces par l'intermédiaire des parties cambodgiennes pour mettre fin à toute violation des décisions du Conseil
 - * Le Conseil Suprême de Direction agit en étroite coopération avec le MIC pour le contrôle de la régularité, de l'égalité de la campagne électorale et du scrutin

Khmer People's National Liberation Front
PARIS CONFERENCE ON CAMBODIA

PRELIMINARY DRAFT

AD HOC COMMITTEE

PROTOCOL ON THE RECOGNITION AND SAFEGUARDING
OF THE PERPETUAL NEUTRALITY OF CAMBODIA

STATUS OF CAMBODIA

- Article 1 : Cambodia is a State which, in its territorial integrity, is independent, sovereign, peaceful, neutral and non-aligned with land and sea borders as existing up to 17 March 1970.
- Article 2 : Its institutions and government are chosen by its people within the framework of free and democratic elections.
- Article 3 : Cambodia aspires to be a liberal democracy within a reasonably liberal economic system.
- Article 4 : It affirms its wish to develop and strengthen national unity, defend the homeland and ensure the prosperity and well-being of the people under conditions of social justice, freedom and security for all.

PERPETUAL NEUTRALITY

UNDERTAKING BY THE GOVERNMENT OF CAMBODIA

- Article 5 : Cambodia freely and willingly proclaims its PERPETUAL NEUTRALITY.
- To this end, it undertakes :

- a) to forgo exercising its right to wage war under any form, without thereby relinquishing its right to self-defence;
- b) to refrain :
 - from any action that might infringe upon the security, sovereignty and territorial integrity of neighbouring States;
 - from entering into any military alliances;
 - from allowing foreign troops to enter, cross or be stationed on its territory, or foreign bases to be established there ;
 - from taking part in any form of military sanctions directed against another country;
- c) To respect all the treaties and agreements concluded prior to 17 March 1970;
- d) To denounce all other treaties and agreements inconsistent with its perpetual neutrality;
- e) to guarantee the Cambodian people full enjoyment of the fundamental rights and freedoms proclaimed in the Universal Declaration of Human Rights and in the relevant international instruments pertaining to human rights, including the right to self-determination, in a climate free of constraint and intimidation;
- f) To take effective steps to prevent a return to the policies and practices violating human rights that were universally condemned in the recent past.

UNDERTAKINGS BY OTHER STATES

- Article 6 : The States taking part in the Paris Conference on Cambodia solemnly declare that they recognize, respect and guarantee the independence, sovereignty, perpetual neutrality and territorial integrity of Cambodia. The act of recognizing and guaranteeing the above is a contribution to the maintenance of a lasting peace, stability and mutual co-operation in South-East Asia.
- Article 7 : They undertake to take all the appropriate measures and use all the means at their disposal, in accordance with international law, to prevent a return to the policies and practices violating human rights that were universally condemned in the recent past.
- Article 8 : They invite the other States to adopt the same attitude towards Cambodia.
- Article 9 : In the event of a violation or threat of violation of the independence, sovereignty, territorial integrity and neutrality of Cambodia, they undertake to hold immediate consultations with the Government of Cambodia and among themselves, with a view to solving the problem by recourse to procedures providing for the peaceful settlement of disputes, in accordance with the Charter of the United Nations.

KHMER PEOPLE'S LIBERATION FRONT

PARIS CONFERENCE ON CAMBODIA

Preliminary Draft

Ad Hoc Committee

Protocol concerning the establishment of a Provisional
Quadripartite Authority

In pursuance of Article... of the Agreement of the Paris Conference on Cambodia (PCC), the four Cambodian parties to that Conference being resolved to restore peace in the country and to achieve national reconciliation, following the total withdrawal of all foreign occupying forces from Cambodia, have decided as follows:

Article 1:

A provisional quadripartite authority is hereby established to be responsible for the national policy of Cambodia throughout the transition period, from the date of signing the present Agreement of the Paris Conference on Cambodia until the formation of a government resulting from general elections.

This body shall constitute the supreme authority of the State and shall be called the NATIONAL UNION GOVERNMENT OF CAMBODIA (NUGC). Its composition, powers and functioning are defined below.

COMPOSITION

ARTICLE 2:

The NUGC shall be composed of a Quadripartite Directory, three quadripartite "collegial" ministries and twelve non-collegial ministries.

1. A quadripartite Directory composed of the heads of the four Cambodian parties participating in the Paris Conference on Cambodia, as follows:

- His Royal Highness Samdech Norodom Sihanouk, President of the National United Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (NUFINPCC)

- His Excellency Mr. Son Sann, President of the Khmer People's National Liberation Front (KPNLF)

- His Excellency Mr. Khieu Samphan, President of the Democratic Kampuchea Party (DKP)

- His Excellency Mr. Hun Sen, representative of the current Phnom Penh regime

These four Cambodian leaders shall form an "egalitarian quadripartite system." His Royal Highness Samdech Norodom Sihanouk shall be President of the Directory, and the three others shall be Vice-Presidents.

The President of the Directory shall at the same time be President of the NUGC.

The Vice-Presidents shall at the same time be Vice-Presidents of the NUGC.

The powers devolving on the Directory shall be equally divided between these four parties.

The President of the NUGC shall have the rank and prerogatives of a Head of State; the Vice-Presidents shall have those of a Deputy Head of State.

The Directory shall itself assume the responsibilities of Ministry for Foreign Affairs.

2. The three "collegial" ministries are:
National Defence , Interior and Information.

These ministries shall be directed by a college of four ministers representing the four Cambodian parties. These four ministers shall be called "co-ministers".

3. The twelve non-collegial ministries shall each be directed by a single minister.

Each of the four Cambodian factions shall be assigned three ministries.

POWERS

Article 3:

During the transitional period, the Directory of the NUGC shall exercise both executive and legislative powers.

However, in a spirit of democracy, the Directory of the NUGC shall establish a State Legal Council, to assist it in its legislative and regulatory functions.

The Directory of the NUGC shall also establish a High Council of the Magistrature, which shall be an independent judicial authority responsible for the organisation of the courts, for the administration of justice and for reaching a final ruling in electoral disputes.

Article 4:

During the transitional period, Cambodia shall be governed by edict.

Article 5:

The Directory of the NUGC shall:

- direct the diplomatic affairs of Cambodia. It shall be directly responsible for external relations;

- appoint and dismiss ministers and co-ministers of the government, who shall be accountable to it;

- appoint and accredit the Ambassadors and Envoys Extraordinary of Cambodia to foreign States;

- receive the credentials of Ambassadors and Envoys Extraordinary accredited to the Head of State;

- ensure compliance with legal enactments, the smooth functioning of the public authorities and the continuity of the State;

- guarantee independence, unity, national sovereignty, territorial integrity and neutrality and respect for international agreements and treaties;

- institute:

- the three armed forces (army, airforce and navy), the Commander-in-Chief of which shall be the President of the NUGC;

- the State Legal Council;

- and the High Council of the Magistrature;

- make appointments to the civil and military apparatus of the State, the statutes governing which shall be defined in subsequent texts;

- sign Orders and Decrees discussed in the Council of Ministers;

- preside the Council of Ministers.

ARTICLE 6:

The decisions of the President of the NUGC shall be countersigned by the Vice-Presidents and the Minister responsible for their execution.

ARTICLE 7:

The Directory of the NUGC shall have the right of pardon.

Article 8

Whenever the institutions of the State, the independence of the Nation, the integrity of its territory or the fulfilment of its international commitments are under serious and immediate threat and the regular functioning of the public authorities is interrupted, the NUGC shall, after seeking the opinion of the Council of Ministers and consulting the Presidents of the State Legal Council and of the High Council of the Magistrature, take any measures required by the circumstances.

Article 9

In conducting the policy of the Nation, the NUGC shall have the civil administration and armed forces at its disposal.

Article 10

The functions of the members of the NUGC and of co-ministers and ministers shall be incompatible with the exercise of any function connected with the State Legal Council and the High Council of the Magistrature as well as with any professional representational function of a national character, any form of public employment or any other professional activity.

Article 11

The NUGC shall prepare and organize the election of a Constituent Assembly at a date which it shall decide. The Constituent Assembly shall be responsible for drawing up a draft Constitution which shall be the subject of a referendum.

Article 12

The NUGC shall work in close co-operation with the International Control Mechanism (ICM) of the UN with the object of ensuring the strict application of the clauses of the PCC agreement.

FUNCTIONING

Article 13

The quadripartite Directory of the NUGC shall organize its own ordinary and extraordinary sessions in addition to meetings of the Council of Ministers under its chairmanship. Decisions on matters relating to the internal and external security of the State shall be taken unanimously and on other matters by consensus.

Article 14

The Directory of the NUGC may establish special working units and committees for the performance of its functions.

STATE LEGAL COUNCIL

Article 15:

The State Legal Council shall be a consultative organ of the NUGC. It shall assist it in the drafting of legal texts (ordinances and decrees) and in preparing elections.

Article 16:

The composition, powers and functioning of the State Legal Council shall be defined in subsequent texts.

Article 17:

The members of the State Legal Council shall be appointed by the Directory of the NUGC.

HIGH COUNCIL OF THE MAGISTRATURE

Article 18:

The High Council of the Magistrature, responsible for guaranteeing the guardian of individual freedom shall ensure the independence of the judiciary.

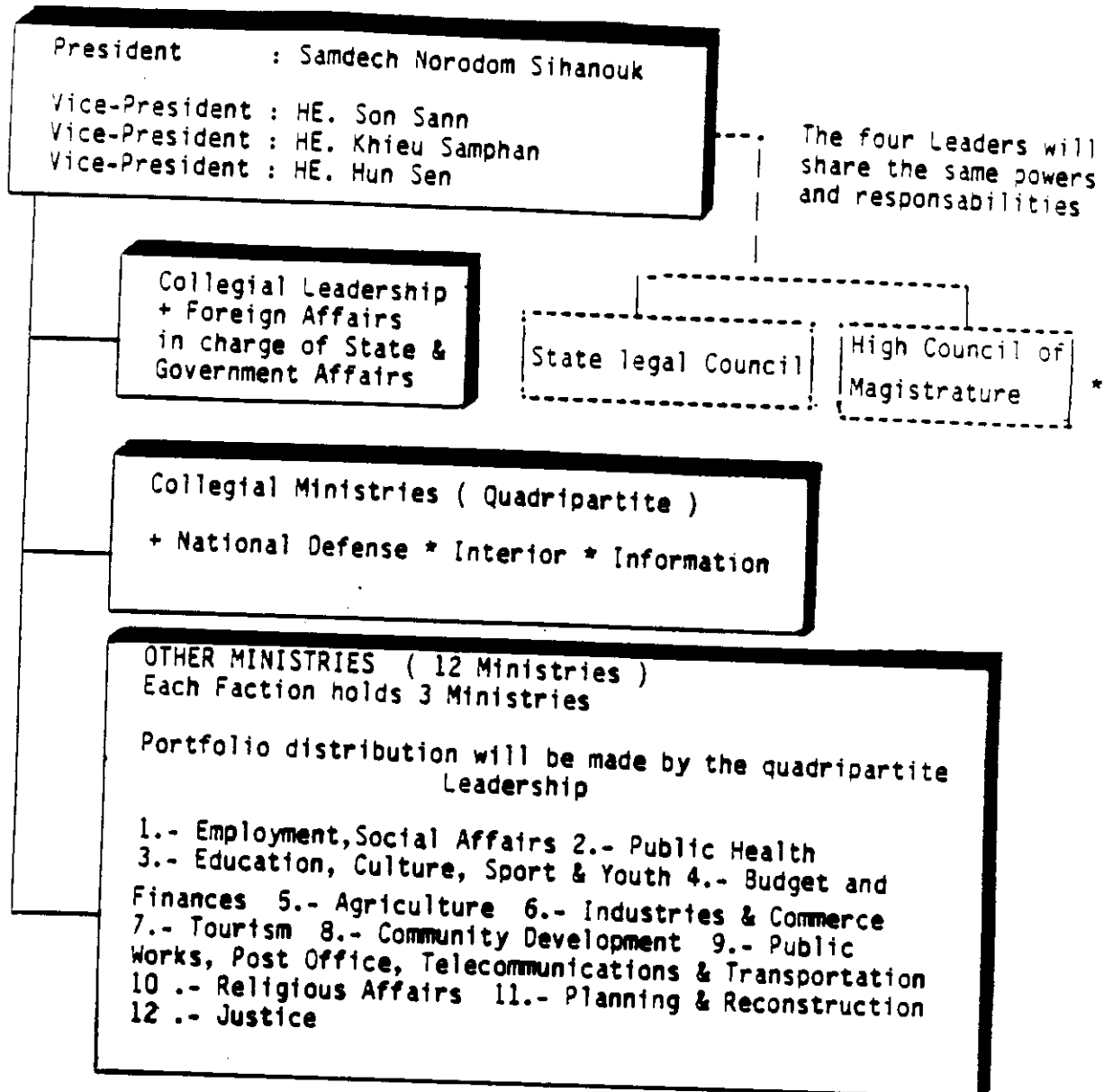
Article 19:

The composition, powers and functioning of the High Council of the Magistrature shall be defined in subsequent texts. The members of the High Council of the Magistrature shall be appointed by the NUGC. They shall not be removed from office throughout the transitional period. The President of the High Council of the Magistrature shall have the rank and prerogatives of the third highest State official after the Head of State and the Deputy Heads of State.

GOUVERNEMENT D'UNION NATIONALE DU CAMBODGE

NATIONAL UNION GOVERNMENT OF CAMBODIA

(QUADRIPARTITE)



ADMINISTRATION

- 1st Phase : Hun Sen's administration will be retained for (1 or 2 month)
- 2nd Phase : Progressive integration of Cadres, Public Servants, Technicians of three other parties (Quadrupartite Leadership's Responsibilities)

* During this interim period, it is recommended to abide by the fundamental principle of separation of powers by establishing a State Legal Council (consultative body) and a High Council of Magistrature (independent body)

KHMER PEOPLE'S NATIONAL LIBERATION FRONT
PARIS CONFERENCE ON CAMBODIA

Preliminary draft

AD HOC COMMITTEE

PROTOCOL

concerning

T H E E L E C T I O N S

In pursuance of Article ... of the Agreement of the Paris Conference on Cambodia, the Provisional Quadripartite Authority shall be mandated to organise general elections under the supervision of the International Control Mechanism (ICM) of the United Nations with a view to the formation of a government issuing from the true will of the people. These elections shall take place in accordance with the conditions laid down in the present Protocol:

Article 1

As soon as true peace and absolute security are restored in Cambodia, the Provisional Quadripartite Authority shall proceed to hold elections for the political institutions necessary for the conduct of the Nation's policy. These elections shall in principle be in two stages:

(a) The first stage shall concern the election of the Constituent Assembly responsible for preparing the draft Constitution, which shall be submitted to the people for approval by means of a referendum;

(b) The second stage shall concern the election of the National Assembly, the President of Cambodia, the Sophea Khat and Khum (general and municipal councillors), and the Senate, in accordance with the conditions laid down in the approved Constitution.

Article 2

The elections referred to in Article 1 of this Protocol shall take place only after a reasonable period of time for:

- (a) the effective establishment in the country of the Provisional Quadripartite Authority or the Government of National Union;
- (b) The withdrawal of all categories of foreign forces from Cambodia;
- (c) The assurance of true peace and absolute security in the country;
- (d) The installation of administrative personnel belonging to the three parties composing the National Resistance at all levels of the territorial communities within the context of a quadripartite administration.
- (e) The definitive reintegration of the displaced persons and refugees in the country;
- (f) The taking of an accurate census of the Cambodian population living in Cambodia and abroad;
- (g) The assurance that the public freedoms of citizens shall be respected;
- (h) The civic education of the citizens of voting age, the minimum length of which shall be six months following the results of the population census;
- (i) The establishment of electoral list and constituencies.

Article 3

The elections of the people's representatives shall be governed by the following general principles:

- (a) The number of deputies representing the people shall be calculated on the basis of one deputy for an average of 50 000 inhabitants;
- (b) All Cambodian men and women aged over 18 years on the date of the elections shall have the right to vote;
- (c) Military personnel and bonzes shall not have the right to vote;
- (d) All Cambodian men and women with the right to vote and aged over 21 years on the date of the elections may stand for office as deputies;
- (e) The vote shall be by list system with proportional representation;
- (f) The Deputies and the President of Cambodia shall be elected by secret and direct universal suffrage; the Senators by secret and indirect suffrage.

Article 4

The voting procedures and the electoral systems shall be governed by electoral laws and other subsequent texts.

Article 5

The elections shall take place within a reasonable period of time following the date of establishing the Provisional Quadripartite Authority in Cambodia./.

DRAFT
(19/08/89-18 H)

NON PAPER

Protocol of Agreement between the Cambodian parties on the national reconciliation, transitional period, preparation of the elections and neutrality of Cambodia.

The four Cambodian parties, set upon contributing towards the return to civilian peace and national harmony in Cambodia and determined to establish the conditions under which the Cambodian people will be able to decide freely on its future, have agreed upon the following :

I. THE QUADRIPARTITE INTERIM AUTHORITY

Upon the signature of the present agreement an Interim Quadripartite Authority will be formed between the four parties. This authority is comprised of the Head of State, the State Council and the Government.

II. THE HEAD OF STATE

H.R.H Prince Norodom Sihanouk, President of the Interim Quadripartite Authority, President of Cambodia, shall assume the duties as Head of State as from the beginning of the transitional period.

The Head of State is the guarantor of national independence. He is the Supreme Commander of the armed forces. He leads and defines the nation's policy. He defines the main orientation of the foreign policy. He is the guarantor of the independence of the judicial system. He appoints the Prime Minister, and, on the latter's proposal, he appoints the members of the Government. He presides over the State Council and the Council of Ministers.

III. THE STATE COUNCIL

The State Council, under the guidance of the President of Cambodia, who will be assisted in this duty by three vice-Presidents, shall elaborate, decide upon and guarantee all decisions in order to facilitate the return to civilian peace, national reconciliation and self-determination of the Cambodian people through free and internationally controlled elections.

On behalf of the Quadripartite Authority, the State Council shall implement all provisions of the Agreements concluded at the Paris Conference on Cambodia.

All problems pertaining to the setting up of the I.C.M., modalities of the cease-fire, preparation for elections, upholding of public order during the election period, equity of information and the proceeding of polling, shall be referred to the State Council.

The State Council shall examine any complain or request and shall establish under its authority any body appropriate to this end.

Its decisions shall be mandatory with effect to all authorities in the Cambodian territory.

The State Council is comprised, on an equal basis, of representatives of each of the four Cambodian parties. Its decisions are taken on the basis of the majority rule.

The President's vote shall be preponderant.

IV THE GOVERNMENT

During the transitional period, the Government shall handle the day to day work.

M. Hun Sen shall head the Government until the date of elections.

The list of the Government, which may include in equal numbers representatives both from the Resistance and from the present Administration in Phnom Penh shall be decided upon by the Head of State on the basis of a proposal by the Prime Minister.

V. ELECTIONS

Within one year at the latest after the signature of the present Agreement, the State Council shall organize elections on the basis of universal, direct and secret ballot with a view to elect a National Assembly which shall draft a new Constitution for Cambodia and set up a new Government.

The State Council shall set the provisions of the electoral law, the latter to guarantee full respect of the fairness and lawfulness of the ballot.

The International Control Mechanism, in conjunction with the State Council, shall oversee the election campaign and proceeding according to the provisions stipulated in the protocol on the I.C.M.

VI. CAMBODIAN NEUTRALITY AND RESPECT FOR HUMAN RIGHTS

The four Cambodian parties hereby solemnly undertake to ensure that the new Cambodian Government, to be elected in a free, fair and democratic way by the people, under international supervision, shall abide by the following undertakings (refer to the second Committee text)./.

Paris, 22 August 1989

Sir,

I should be grateful if you would kindly have the enclosed document, entitled "Counter-Proposals to the Preliminary Draft Protocol 19/08/89 - 18H", circulated as an official document of the Paris Conference on Cambodia.

Accept, sir, the assurances of my highest consideration.

(signed) Hor Namhong
Representative of Mr Hun Sen's delegation

His Excellency
Mr. Jean Perrin
Secretary-General of the Paris Conference on Cambodia

Delegation of Mr. Hun Sen

COUNTER PROPOSALS TO THE PRELIMINARY DRAFT PROTOCOL

19/08/89 - 18H

Protocol between the Cambodian parties regarding national reconciliation, the transitional period, the preparation of elections and the neutrality of Cambodia.

The four Cambodian parties, resolved to contribute to the re-establishment of civil peace and national concord in Cambodia, and determined to create conditions in which the Cambodian people may freely determine its future, released forever from the threat of a return to the genocidal regime, have decided as follows:

I. INTERIM AUTHORITY BETWEEN THE STATE OF CAMBODIA AND THE CGDK:

Upon the signing of the present agreement, there shall be constituted between the State of Cambodia and the CGDK an Interim Authority under the Presidency of H.R.H. Samdech Norodom Sihanouk.

This Interim Authority shall be responsible for guaranteeing all measures calculated to promote the national reconciliation and self-determination of the Cambodian people through free, internationally-supervised elections.

It shall have responsibility for considering all problems concerning the preparation and organization of elections as well as the impartiality of information and the proper organisation of voting operations. It shall examine all complaints and requests related to election procedures.

Its decisions shall be taken unanimously and shall be binding on all the Cambodian parties that form part of it.

The Interim Authority shall establish a number of committees to assist it in its task:

- Committee responsible for organizing elections, which shall draw up the electoral law and the lists of voters and ensure the impartiality of information during the electoral campaign;

- Committee responsible for drafting a new Constitution for Cambodia, to be submitted to the new National Assembly;

- Military Committee, which shall concern itself with procedures for implementing the ceasefire between the conflicting parties in Cambodia;

- Control Committee, which shall cooperate with the ICM to monitor the preparation, organization and fairness of the general elections, and the implementation of the ceasefire.

II. GOVERNMENT

To ensure day-to-day running of the country during the transitional period, the Government of Cambodia shall continue to exist provisionally, together with the CGDK, pending general elections to a National Assembly, which shall appoint a new Government.

III. ELECTIONS

Within a maximum period of 6 months following the signing of this Agreement, the Interim Authority shall organize elections, by direct and universal suffrage and secret ballot, for the purpose of electing a National Assembly which shall draw up Cambodia's new Constitution and form a new Government.

The Interim Authority shall determine the provisions of the electoral law, which shall guarantee that the elections are fair and lawful. The State of Cambodia and the CGDK shall refrain from any interference in the general elections, and shall abide by the results of the elections.

The International Control Mechanism shall be responsible, in association with the Interim Authority, for supervising the electoral campaign and organizing the elections, in accordance with the modalities provided for in the Protocol on the International Control Mechanism.

IV. MODALITIES FOR THE CEASEFIRE

a) Time and date for the simultaneous entry into force of the ceasefire throughout the territory of Cambodia:

- As from...., at 12 midnight local time, a complete ceasefire shall be observed by all the Cambodian parties;

- The ceasefire shall be observed in situ, strictly and permanently throughout the territory of Cambodia.

b) Procedure for communicating the time and date of the ceasefire's entry into force to all echelons of the various armed forces:

- Upon the entry into force of the ceasefire , the military authorities of the Cambodian parties shall promptly order all the armed forces under their command to cease immediately all military operations throughout the entire Cambodian territory.

c) Principles governing the movement and stationing of troops after the entry into force of the ceasefire:

- Upon the entry into force of the ceasefire, all the armed forces of the Cambodian parties shall remain in their respective positions and be stationed there; any redeployment or movement of troops and any military operations or any activity likely to lead to hostilities shall be forbidden;

- The armed forces of each party shall refrain from any military operation on land, river, sea or in the air, from any act of hostility, terrorism or reprisal and from any action jeopardizing the life and property of the population;

- From the time the ceasefire enters into force until the establishment of a new National Assembly resulting from the general elections and the setting up of a new government and a new army, the Cambodian parties shall not be authorized to receive from abroad weapons, ammunition and other war material, or foreign military advisors and personnel.

V CAMBODIAN NEUTRALITY AND RESPECT FOR HUMAN RIGHTS

The Cambodian parties solemnly undertake herewith to guarantee that the new government of Cambodia, which shall be freely, justly and democratically elected by the people under international supervision, shall respect the following commitments (text of the second committee):