



Twentieth session

LETTER DATED 22 NOVEMBER 1965 FROM THE PERMANENT  
REPRESENTATIVE OF PAKISTAN TO THE UNITED NATIONS ADDRESSED  
TO THE SECRETARY-GENERAL

1. I have the honour to refer to the letter dated 8 November 1965 addressed to you, by the Permanent Representative of India, which has been circulated as Security Council document S/6893.
2. The Permanent Representative of India has produced no evidence or argument against the statements made in my letter of 1 November 1965 addressed to you and circulated as Security Council document S/6858 and General Assembly document A/6087. The quotation from your report of 3 September 1965 (S/6651) included in the letter of the Permanent Representative of India does not corroborate the baseless charge which India makes against Pakistan, especially when the report indicates that there was no direct evidence or verification of the fact of infiltration or of the identity of those crossing the cease-fire line.
3. In this connexion, it may be pertinent to mention the following facts, additional to those outlined in my previous letter:
  - (a) The resolution of the Security Council which took note of the Secretary-General's report of 3 September (S/6651) and dealt exclusively with the situation along the cease-fire line in Kashmir was the resolution 209 (1965) adopted on 4 September 1965. This resolution called upon the two Governments to withdraw "all armed personnel of each party to its own side of the line". This resolution was introduced by H.E. Ambassador Ramani, who has been quoted by the Permanent Representative of India in support of his argument. H.E. Mr. Ramani made it clear that this resolution should not be used in support of the contention of either party about the responsibility of the other. He said:

\* Also issued under the symbol S/6967.

"I wish to emphasize that the draft resolution makes no findings; it produces no judgement on the distressing and tragic situation that has suddenly developed along and beyond the cease-fire line between India and Pakistan in Kashmir. I am sure either side has at its elbow all the valid reasons to explain and perhaps, too, to justify how this came about and also why it could not be avoided and had to occur. For the immediate present, I venture to think we should avoid getting entangled in these reasons, having regard to the urgency which faces the Security Council this afternoon." (S/PV.1237, page 77)

That the Council's understanding of the Secretary-General's report of 3 September 1965 was completely different from the gloss which is being put upon it by the Permanent Representative of India is evident from the fact that this resolution did not mention the date of 5 August 1965, far less attach any significance to it. This is further borne out by the remarks made by other Council members who, while taking note of the situation in Kashmir, showed recognition of the fact that the situation along the cease-fire line had been in a state of agitation well before August. H.E. Ambassador Goldberg, speaking as the Representative of the United States, said:

"The immediate task at hand, however, is the cessation of conflict, a conflict, unfortunately, which has been threatening since early this year and regrettably threatening. We have - every one of us here today, Governments and individuals - been watching with apprehension the upward trend in the temperature in this area on the sub-continent during the past year.... As emphasized in the comprehensive and carefully prepared report submitted to the Council members by the Secretary-General on 31 August and made public today, there has been a disturbing increase in both the number and scale of incidents in the area of the cease-fire line in Kashmir since early this year.... In June, the Secretary-General, persevering as he does, was able through quiet persuasion to effect a solution of the threatening situation in the Kargil area - a very great contribution in the cause of international peace and security. The report now before us notes that the tempo of incidents rose again in early August." (S/PV.1237, pages 103, 105, 106)

The situation in the Kargil area mentioned in this statement was the one caused by India's crossing of the cease-fire line in May.

(b) The response of the Government of India to the call for a cease-fire in Kashmir made by the Security Council on 4 September, is well known. It was to attack the territory of Pakistan. Even before this ultimate act of aggression was committed by India, its Representative in the Security Council had made plain that India had no inclination to comply with the Security Council's resolution. At the 1237th meeting, the Permanent Representative of India stated that it was "premature"

for the Council to adopt the resolution calling for a cease-fire (S/FV.1237, p. 118). The only inference which could be drawn from such a statement was that India regarded a cease-fire premature until it had succeeded in its design of overrunning the territory of Azad Kashmir and imposing a military solution on Pakistan.

(c) The military invasion of Azad Kashmir in August is a fact admitted by India and was clearly planned and premeditated. This was confirmed and substantiated by the open and unashamed statement of the Indian Defence Minister, that Indian troops had in the past crossed the cease-fire line and would do so again, which is on record. The position that India now takes in regard to the alleged infiltrators from Azad Kashmir is obviously an attempt to confuse the issue. India cannot be absolved of responsibility for her flagrant recourse to force in Kashmir in the month of August. In any case, it is a well-known principle laid down by the Security Council that reprisals are incompatible with the purposes and principles of the United Nations. In fact, there are several resolutions of the Council on other international issues which have condemned armed retaliation even where there has been provocation. In the meetings of the Security Council in April 1964, when a certain issue was being considered, the representative of the Ivory Coast stated that the principle of retaliation was "morally devilish and politically repugnant". The representative of Morocco said that "to resort to a punitive expedition when no state of war exists between two countries is intolerable by any standards of international conduct". The representative of the United Kingdom stated at the meeting of the Security Council on 5 April 1962:

"...no cause, no pretext, can justify military action of this nature, whether or not it was undertaken by way of retaliation.

"My delegation must repeat what we have been obliged to say before, and what the Council has formally declared in earlier resolutions: the whole principle of armed retaliation is wrong, morally and politically."

(d) There is also the further fact that in August India did nothing to bring up any matter to the Security Council's attention in regard to the situation in Kashmir. Obviously, if it had felt that there was any substance in its charge against Pakistan, it would have had no hesitation in requesting an urgent meeting of the Security Council.

(e) On the other hand, it is a well-known fact that the Government of Pakistan accepted the proposal of the Secretary-General made in August, that his Personal Representative, Dr. Ralph Bunche, should visit India and Pakistan. It was India that rejected this proposal. Pakistan in fact made the further suggestion that Dr. Bunche should visit Jammu and Kashmir, on both sides of the cease-fire line and impartially determine the facts of the situation. No aggressor demands an investigation and no victim of aggression resists it.

(f) Finally, it is significant that India makes no response to our suggestion in paragraph 9 of my letter of 1 November 1965 (S/6858) that "Pakistan would welcome any move by the Security Council or the General Assembly to determine the responsibility for the war which broke out between the two countries on 6 September 1965". The conclusion is inescapable that India realized that such impartial determination would result in an adverse verdict.

4. Clearly, India's objective in making these allegations against Pakistan is to camouflage the real situation in Kashmir where its people have openly revolted against the Indian occupation and the atrocities and barbarities that are being committed there. That the so-called infiltrators were none other than the people of Jammu and Kashmir who are engaged in a resistance movement against India is borne out by impartial observers whose reports have been quoted in my letter of 3 November 1965 (S/6865) addressed to the President of the Security Council. The total suppression of the people of Jammu and Kashmir living in the Indian-occupied area and their united demand for the determination of their future by a plebiscite are the patent facts of the situation in Jammu and Kashmir. Nothing could be more apparent than that India's every move and gesture, every pretence and posture is designed to divert international attention from the root cause of the conflict between India and Pakistan.

5. I shall be grateful if this letter is circulated as a Security Council and General Assembly document.

(Signed) Syed Amjad ALI  
Ambassador Extraordinary and Plenipotentiary  
Permanent Representative of Pakistan  
to the United Nations