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Генеральная Ассамблея
Совет Безопасности

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Генеральная Ассамблея
Семьдесят четвертая сессия
Пункт 31 повестки дня
Предотвращение вооруженных конфликтов

Совет Безопасности
Семьдесят четвертый год

Идентичные письма Постоянного представителя Пакистана при Организации Объединенных Наций от 21 сентября 2019 года на имя Генерального секретаря и Председателя Совета Безопасности

По поручению моего правительства имею честь настоящим препроводить письмо министра иностранных дел Пакистана Махдума Шаха Мехмуда Куреши от 16 сентября 2019 года, в котором, в частности, подчеркивается, что незаконная аннексия Индией оккупированных Джамму и Кашмира 5 августа 2019 года является не только грубым нарушением резолюций Совета Безопасности по этому вопросу, но и нарушением двусторонних обязательств Индии в отношении Пакистана (см. приложение). Кроме того, эти действия Индии создают серьезную угрозу региональному миру и стабильности.

Буду признателен за распространение настоящего письма и приложения к нему в качестве документа Генеральной Ассамблеи по пункту 31 повестки дня и документа Совета Безопасности.

(*Подпись*) Малиха **Лодхи**
Посол
Постоянный представитель

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Просьба отправить на вторичную переработку

Приложение к идентичным письмам Постоянного представителя Пакистана при Организации Объединенных Наций от 21 сентября 2019 года на имя Генерального секретаря и Председателя Совета Безопасности

Письмо министра иностранных дел Пакистана от 16 сентября 2019 года на имя Генерального секретаря и Председателя Совета Безопасности

Как Вам известно, 5 августа 2019 года Индия, действуя незаконно и в одностороннем порядке, отменила особый статус оккупированного Индией Джамму и Кашмира в попытке еще больше закрепить свою незаконную оккупацию этой территории. Эти действия, являющиеся грубым нарушением резолюций Совета Безопасности, направлены на изменение признанного на международном уровне спорного статуса Джамму и Кашмира и представляют собой попытку изменить демографический состав оккупированного Индией Джамму и Кашмира, с тем чтобы превратить мусульманское большинство населения на этой территории в меньшинство и предотвратить проведение плебисцита под руководством Организации Объединенных Наций.

Этим действиям Индии предшествовало принятие массированных жёстких мер безопасности (продолжающихся до сих пор), в рамках которых в оккупированный Индией Джамму и Кашмир было направлено еще почти 200 000 военнослужащих индийских оккупационных сил, в результате чего общее число индийских военнослужащих в оккупированном Индией Джамму и Кашмире составило около 880 000 человек. Международное сообщество, включая Генерального секретаря, Управление Верховного комиссара Организации Объединенных Наций по правам человека и авторитетные международные средства массовой информации и правозащитные организации, продолжают сообщать об участившихся случаях нарушений прав человека в оккупированном Индией Джамму и Кашмире, включая арест и задержание кашмирских лидеров, продолжающееся использование индийскими оккупационными силами травматического оружия, широко распространенное блокирование средств связи (приостановление работы стационарных телефонов, мобильных телефонов и Интернета), подавление свободы выражения мнений, похищение огромного числа мальчиков в целях принуждения их семей к подчинению и использование изнасилований в качестве инструмента оказания давления со стороны государства, которые превратили оккупированный Индией Джамму и Кашмир в крупнейшую в мире тюрьму. Продолжают поступать сообщения о дефиците основных медикаментов и продуктов питания, включая детское питание.

В своих письмах на имя Генерального секретаря, Председателя Генеральной Ассамблеи, Председателя Совета Безопасности и Верховного комиссара по правам человека от 1, 6, 13, 21 и 26 августа 2019 года Пакистан сообщил международному сообществу о действиях Индии, нарушающих многочисленные резолюции Совета Безопасности по Джамму и Кашмиру, и о стремительно ухудшающейся чрезвычайной гуманитарной ситуации в оккупированном Индией Джамму и Кашмире, а также об опасности, которую такая ситуация представляет для регионального мира и безопасности.

Джамму и Кашмир сохраняют статус спорной территории, признанный на международном уровне. В период 1948–1971 годов Совет Безопасности принял 18 резолюций, касающихся Джамму и Кашмира и связанных с ними вопросов. Эти резолюции предусматривают, что «окончательное решение вопроса о дальнейшей судьбе княжества Джамму и Кашмир будет вынесено в соответствии с

волей народа, выявленной демократическим путем посредством свободного и беспристрастного плебисцита, проведенного под руководством Организации Объединенных Наций», и в них прямо подчеркивается, что все мероприятия, которые учредительное собрание могло провести или может попытаться провести для «установления будущей структуры и принадлежности всего княжества или любой его части», или любые мероприятия сторон «не явятся решением дальнейшей судьбы княжества».

Таким образом, недавние действия Индии по отмене особого статуса оккупированного ею Джамму и Кашмира, предусматривающие его разделение на две территории в целях уменьшения их законодательных полномочий и создания условий, которые приведут к коренным демографическим изменениям на этих территориях, представляют собой явное нарушение резолюций Совета Безопасности.

Действия Индии не только являются грубым нарушением ее международных обязательств, но и противоречат многочисленным двусторонним обязательствам, в том числе Симлайскому соглашению, Лахорской декларации (1999 год), Исламабадской декларации (2004 год), совместному заявлению советников по национальной безопасности и министров иностранных дел обеих стран (декабрь 2015 года) и совместному заявлению Пакистана и Индии (декабрь 2015 года), в котором четко признается спорный статус оккупированного Индией Джамму и Кашмира, а также вновь подтверждается приверженность мирному урегулированию этого спора.

Пакистан привержен поиску мирных путей урегулирования обостряющегося кризиса. Возможности такого урегулирования становятся все более ограниченными и снижаются из-за неготовности Индии вести диалог (в 2015 году Индия в одностороннем порядке приостановила двусторонний диалог, несмотря на неизменную позицию Пакистана, согласно которой урегулирование нерешенных споров, включая спор по Джамму и Кашмиру, должно осуществляться исключительно мирными и дипломатическими средствами) и нежелания действовать некоторых членов международного сообщества, чье участие могло бы помочь оградить мир от растущей угрозы, возникшей в результате действий Индии, совершенных 5 августа 2019 года, в оккупированном Индией Джамму и Кашмире.

Действия Индии создают серьезную угрозу региональному миру и стабильности. Индийские оккупационные силы продолжают способствовать эскалации напряженности вдоль рабочей границы и линии контроля (нарушения режима прекращения огня со стороны Индии повлекли за собой 54 случая принятия мученической смерти («шахадат») в 2017 году, 36 случаев — в 2018 году и 26 случаев — в 2019 году по состоянию на сегодняшний день), с тем чтобы отвлечь международное внимание от совершаемых Индией злодеяний в оккупированном Индией Джамму и Кашмире.

Невозможно достичь мира и стабильности в Южной Азии, не урегулировав спор по Джамму и Кашмиру, надолго затянувшийся из-за непреклонности Индии. Народ Джамму и Кашмира ждет проведения «свободного и беспристрастного плебисцита под руководством Организации Объединенных Наций», как это было согласовано Индией и Пакистаном и решено Советом Безопасности 70 лет назад. Пакистан призывает Совет Безопасности безотлагательно принять решительные меры в этом направлении.

В прилагаемом к настоящему письму подробном фактологическом бюллетене последовательно представлены все соответствующие документы, включая резолюции Совета Безопасности, двусторонние соглашения и соответствующие письма, адресованные Организации Объединенных Наций, и изложены международно-правовая база и позиция Пакистана в отношении спора о Джамму и Кашмире (см. добавление)*.

(*Подпись*) Махдум Шах Махмуд **Кураши**

* Распространяется только на том языке, на котором он был представлен.

Добавление

Fact Sheet on Jammu and Kashmir

1. The international legal framework applicable to Jammu and Kashmir Dispute

Jammu & Kashmir remains an internationally recognized disputed area. Between 1948 and 1971, the Security Council adopted 18 resolutions addressing Jammu and Kashmir and related issues.

2. Relevant Security Council resolutions and bilateral agreements

a) In its very first Resolution on Jammu & Kashmir, Resolution 38 of 17 January 1948 (Flag A), the Security Council called on India and Pakistan to take immediately all measures within their powers to improve the situation and requested both Governments to inform the Council immediately of any material change in the situation and to consult the Council thereon.

b) By Resolution 39 of 20 January 1948 (Flag B), the Security Council established the United Nations Commission on India and Pakistan (UNCIP), to investigate the facts, pursuant to Article 34 of the Charter, and to exercise a mediatory influence to "smooth away difficulties."

c) In the same year, by Resolution 47 of 21 April 1948 (Flag C), the Security Council enhanced the role of UNCIP and set out measures *"to create proper conditions for a free and impartial plebiscite to decide whether the State of Jammu and Kashmir is to accede to India or Pakistan."* In paragraph 13 of the Resolution, the Security Council stated explicitly that

"The Government of India should use and should also ensure that the Government of the State also use their best endeavors to effect the withdrawal from the State of all Indian nationals other than those who are normally resident therein or who on or since 15 August 1947 have entered it for a lawful purpose."

Comment

A primary and expressly stated purpose of the actions by India on 5 August 2019 is to enable non-residents of Jammu and Kashmir to take up residence in the territory in violation of the special status of that territory to change the demography, reducing the Muslim majority of the state to a minority, to preempt a UN plebiscite, in violation of the UNSC Resolutions.

d) On 13 August 1948 (Flag D) UNCIP adopted a Resolution urging both India and Pakistan separately and simultaneously to issue a ceasefire order and appointed military observers (UNMOGIP) to supervise the cease-fire order.

e) On January 5, 1949, (Flag E) UNCIP adopted a second Resolution, which noted that both India and Pakistan had accepted that the accession of the state to Pakistan or India would be determined through the 'democratic method of a free and impartial plebiscite in J&K.'

f) The cease-fire Resolution was implemented after the Karachi Agreement (Flag F) of July 27, 1949. By its express terms, this Agreement was rooted in the work of the UNCIP The UNCIP invited the military representative of the Indian and Pakistani governments on July 2, 1949 to a military conference in Karachi, in order to establish the Cease-fire Line (CFL) in Jammu & Kashmir. The resulting agreement 'between the Military Representative of India and Pakistan regarding the establishment of a ceasefire line in the State of Jammu and Kashmir was signed in Karachi on July 27, 1949.

Pursuant to the Karachi Agreement, UNCIP was mandated to station observers where it deemed necessary. The cease-fire line described in, and drawn in accordance with, the Karachi Agreement was subsequently designated as the "line of control" by the Simla Agreement and remains the line separating Indian and Pakistani forces in Jammu & Kashmir today.

g) By Resolution 80 (Flag G) of 14 March 1950, the Security Council called upon India and Pakistan to make immediate arrangements, without prejudice to their rights or claims, to prepare and execute a programme of demilitarization. By paragraph 2 of the Resolution, the Security Council appointed a UN Representative for the purposes, *inter alia*, of assisting in the preparation and supervising the implementation of the programme of demilitarization and, at the appropriate stage, arranging for the assumption by the Plebiscite Administrator (Fleet Admiral Chester W. Nimitz) of the functions assigned to the latter under agreements made between the parties.

h) By Resolution 91 (Flag H) of 30 March 1951, the Security Council reaffirmed that "the final disposition of the State of Jammu & Kashmir will be made in accordance with the will of people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations", and decided that the Military Observer Group shall continue to supervise the cease-fire in Jammu and Kashmir. These military observers, first deployed by UNCIP, became the UN Military Observer Group in India and Pakistan (UNMOGIP). It also affirmed that "the convening of a constituent assembly as recommended by the General Council of the All Jammu & Kashmir National conference and any action that assembly might attempt to take to determine the future shape and affiliation of the entire state or any part thereof would not constitute a disposition of the state" and **was not a replacement for the UN Plebiscite.**

Comment

Notwithstanding India's argument, that UNMOGIP's mandate has lapsed, the UN Secretary-General opined that UNMOGIP could only be terminated by a decision of the Security Council. In the absence of a decision by the Council, UNMOGIP remains operational and deployed today along the Line of Control with the task of monitoring observance of the ceasefire of 17 December 1971. Pakistan allows unfettered access to UNMOGIP which is not allowed to function by India on the Indian side by the Indian Government (This is a blatant violation of UNSC resolutions). Major General José Alcaín of Uruguay, the Head of Mission and Chief Military Observer of UNMOGIP since 20 July 2018, briefed the UN Security Council in its meeting on 16 August 2019.

i) On December 23, 1952, Resolution 98 (Flag I) recalled the acceptance of India and Pakistan to the UNCIP Resolutions provision for the accession of the State to India or Pakistan to be decided through an impartial plebiscite. It also urged both sides to "enter into immediate negotiations, under the UN Representative for India and Pakistan, to reach agreement on the specific number of forces to remain on each side of the cease-fire line at the end of the period of demilitarization, this number to be between 3000 and 6000 armed forces remaining on the Pakistan side of the cease-fire line and between 12,000 and 18,000 armed forces remaining on the Indian side of the cease-fire line." The presence of Pakistani troops is in line with this Resolution.

j) India started reneging on its commitments in 1954, when it convened sham state elections in IOJ&K and 'ratified' the "accession" of Jammu and Kashmir to India by the so-called state constituent assembly, which "approved" a

constitution in 1957). These illegal Indian actions were rejected by Resolution 122 (Flag J) of 24 January 1957, whereby the Security Council reaffirmed, that as defined in UNSC Resolution 91, any action taken or attempted by a constituent assembly "to determine the future shape and affiliation of the entire State or any part thereof", or any action by the parties, "would not constitute a disposition of the State", thus categorically stating that the final disposition of Jammu and Kashmir was to be made in accordance with the will of the people expressed in a free and impartial plebiscite conducted under the auspices of the United Nations.

Comment

The recent actions by the Government of India of 5 August 2019 to abrogate the special status of Indian occupied Jammu and Kashmir, to partition it into two territories, to diminish their legislative competence, and to create conditions that will result in fundamental demographic changes in the territories, are again in clear violation of this Resolution.

k) By Resolution 123 (Flag K) of 21 February 1957, the UNSC requested the President of the Council 'to examine, with India and Pakistan, any proposals which, in his opinion, are likely to contribute towards the settlement of the dispute, having regard to the previous resolutions of the Security Council and of the United Nations Commission for India and Pakistan'

l) By Resolution 126 (Flag L) of 2 December, 1957, the UNSC requested India and Pakistan to refrain, *inter alia*, from any acts which might aggravate the situation and reaffirmed the determination of the will of the people through a free and fair plebiscite.

m) Pursuant to deteriorating situation along the ceasefire line in Jammu & Kashmir in August 1965, the Security Council adopted Resolution 209 (Flag M), on 4 September, 1965, which called on both sides to take all steps for an immediate ceasefire and for the two Governments to cooperate fully with UNMOGIP for its observance of the ceasefire.

n) By Resolution 210 (Flag N) of 6 September 1965, the Security Council called upon the parties to cease the then ongoing fighting and withdraw all armed personnel. The Council went on to request the Secretary General to 'strengthen the UNMOGIP' and decided to keep the issue "under urgent and continuous review so that the Council may determine what steps may be necessary to secure peace and security in the area."

o) By Resolution 211 (Flag O) of 20 September 1965, the Security Council, *inter alia* stated:

"4. *Decide[d]* to consider … what steps could be taken to assist towards a settlement of the political problem underlying the present conflict, and in the meantime calls upon the two Governments to utilize all peaceful means, including those listed in Article 33[1] of the Charter of the United Nations, to this end."

Despite Pakistan's commitment to resolve the J&K dispute India, however, has sought to block any recourse to Article 33 mechanisms.

[1] Article 33 of the Charter of the United Nations provides:
"1. The parties to any dispute, the continuation of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.
2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means."

p) By Resolution 303 (Flag P) of 6 December 1971, the Security Council, taking into account the lack of unanimity of its permanent members, decided to refer the situation to the General Assembly in accordance with the Uniting for Peace Resolution Pursuant to Resolution 303[2], the matter was referred to the General Assembly which considered it at its 2003rd plenary meeting on 7 December 1971 and adopted Resolution 2793 (XXVI)[3] which called upon both India and Pakistan to take all measure for an immediate ceasefire, (Flag Q), and remitted the matter back to the Security Council for action. **Pakistan and India were at war during this time.**

q) By Resolution 307[4] (Flag R) of 21 December 1971, the Security Council, noting General Assembly Resolution 2793 (XXVI), *inter alia*, called upon all Member States to refrain from actions, which might aggravate the situation in the sub-continent and endanger international peace. The Council further decided to remain seized of the matter and to keep it under active consideration.

r) By Resolution 1172 (Flag S) of 6th June, 1998, the Security Council urges Indian and Pakistan to resume the dialogue between them on all outstanding issues, particularly on all matters pertaining to peace and security, in order to remove tensions between them, and encourages them to find mutually acceptable solutions that aggress the root causes of those tensions, including Kashmir."

3. Simla Agreement

Following the express and proximate backdrop of Security Council Resolution 307 (1971), as well as other applicable Resolutions of the Security Council, Pakistan and India concluded the Simla Agreement (Flag T) on 2 July 1972. Despite all these historical facts, India tries to give a twisted interpretation to the Simla Agreement by claiming that it prevents Pakistan from raising the matter at international forums, such as the United Nations. Paragraphs 1(i), 1(ii) and 4(ii) of the Agreement are central to the present dispute.[5]

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[2] http://unscr.com/en/resolutions/doc/303

[3] https://digitallibrary.un.org/record/192056?ln=en

[4] http://unscr.com/en/resolutions/doc/307

[5] 1. The Government of India and the Government of Pakistan are resolved that the two countries put an end to the conflict and confrontation that have hitherto marred their relations and work for the promotion of a friendly and harmonious relationship and the establishment of durable peace in the sub-continent, so that both countries may henceforth devote their resources and energies to the pressing task of advancing the welfare of their peoples.
In order to achieve this objective, the Government of India and the Government of Pakistan have agreed as follows:
(i) That the principles and purposes of the Charter of the United Nations shall govern the relations between the two countries;
(ii) That the two countries are resolved to settle their differences by peaceful means through bilateral negotiations or by any other peaceful means mutually agreed upon between them. Pending the final settlement of any of the problems between the two countries, neither side shall unilaterally alter the situation and both shall prevent the organization, assistance or encouragement of any acts detrimental to the maintenance of peaceful and harmonious relations;
…
4. In order to initiate the process of the establishment of durable peace, both the Governments agree that:
…
In Jammu and Kashmir, the line of control resulting from the cease-fire of December 17, 1971 shall be respected by both sides without prejudice to the recognized position of either side. Neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations. Both sides further undertake to refrain from the threat or the use of force in violation of this line."

It is important to note that:

By the Simla Agreement, both parties resolved to settle their differences by peaceful means through bilateral negotiations or by other peaceful means mutually agreed upon between them. However, paragraph 1(i) makes it clear that the Purposes and Principles of the UN Charter will govern the relations between the two countries, controlling, including full respect for Resolutions of the Security Council. The Simla Agreement does not and cannot supersede the Resolutions of the Security Council.

India's recent actions itself are in in breach of the Simla Agreement. Paragraph 1(ii) expressly precludes either side from acting unilaterally to alter the situation. By paragraph 4(ii), neither side may take action to unilaterally alter the Line of Control, including, necessarily, its status as a cease-fire line. India's announced 5 August, 2019 actions have both unilaterally altered the situation in Jammu and Kashmir and unilaterally sought to change the status of the Line of Control, as a cease-fire line, and turn it into an international boundary.

The situation in Jammu and Kashmir, and the relationship between the Pakistan and India as regards this matter, is accordingly governed both by applicable Resolutions of the Security Council and by relevant bilateral agreements, as well as by other multilateral conventions that address the conduct of the parties. The Secretary-General, through his Spokesman also expressly affirmed this in August 2019[6] (Flag U).

4. Bilateral Efforts

Pakistan has made consistent efforts to resolve the Jammu & Kashmir dispute with India. Even in bilateral engagements, India has consistently accepted the disputed status of J&K in contrast to its claim of it being an 'integral part of India.' These include:

Through the Lahore Declaration (Flag V) of 2 February 1999, both parties reaffirmed their commitment to the Principles and Purposes of the UN Charter, reiterated their determination "to implementing the Simla Agreement in letter and spirit" and agreed to "intensify their efforts to resolve all issues, including the issue of Jammu and Kashmir."

Islamabad Declaration (Flag W) of January 2004 expressed both sides' confidence in the resumption of the Composite dialogue to 'lead to peaceful settlement of all bilateral issues, including Jammu & Kashmir.'

The Joint Press Statement of the meetings of National Security Advisers and Foreign Secretaries (Flag X) of both sides on 6 December 2015 stressed the vision of leaders of both sides 'for a peaceful, stable and prosperous South Asia' with discussions covering 'Jammu & Kashmir and other issues, including tranquility along the LoC' indicating the resolution of the dispute as being central to peace in the region.

The Joint Statement of 9 December 2015 (Flag X) agreed to a 'Comprehensive Bilateral Dialogue and directed the Foreign Secretaries to work out the modalities and

[6] "The position of the United Nations on this region is governed by the Charter of the United Nations and applicable Security Council resolutions. The UN Secretary General also recalls the 1972 Agreement on bilateral relations between India and Pakistan, also known as the Simla Agreement, which states that the final status of Jammu and Kashmir is to be settled by peaceful means in accordance with the Charter of the United Nations. The Secretary General is also concerned over reports of restrictions on the Indian side of Kashmir which could exacerbate the human rights situation in the region. The Secretary General calls for all parties to refrain from taking steps that could affect the status of Jammu and Kashmir."

schedule of the meetings under the Dialogue including Peace and Security, Jammu & Kashmir.' The envisaged dialogue was never started as India backed out of it.

5. Letters to UNSC in 5 years on J&K

The following letters have been shared with the United Nations by Pakistan since 2015 (Flag Y):

2015

1. Letter, 4 September 2015, from Pakistan. Reports alleged violation of the ceasefire by India for July–August 2015 in Jammu and Kashmir.

2. Letter, 9 September 2015, from Pakistan. Reports alleged plan to build a wall by India along the boundary of Jammu and Kashmir and Pakistan.

3. Letter dated 1st October 2015 from the Permanent Representative to the UN Secretary General containing detailed information about the subversive Indian activities in Pakistan.

4. Letter dated 15 October 2015 from the Permanent Representative to the UN Secretary General forwarding, for his information and record, a copy of the Resolution No. 212 adopted by the Senate of Pakistan on October 5, 2015, concerning Pakistan's four-point peace initiative for peace and security in South Asia announced during his speech at the 70th UNGA session.

5. Letter, 24 November 2015, from Pakistan. Transmits letters from the Adviser to the Prime Minister of Pakistan on National Security and Foreign Affairs and the Foreign Secretary to their Indian counterparts on 8 September 2015, regarding a proposed mechanism for preserving the ceasefire arrangement of 2003 and ending ceasefire violations on the line of Control and Working Boundary, the release of fishermen, religious tourism, the alleged lack of cooperation by the Indian authorities in the government of Pakistan efforts to effectively prosecute the accused in the Mumbai trail and the alleged lack of prosecution of the Indian of accused in the Samjhauta Express attack.

6. Letter dated 01 December 2015 from the Permanent Representative to USG for Political Affairs forwarding copies of the letters written by Adviser to Prime Minister on NS&FA and the Foreign Secretary to their Indian counterparts on 8th September 2015.

2016

7. Letter dated 07 January 2016 from the Permanent Representative to the Secretary General to notify for retention of items: "The India-Pakistan question", "The Hyderabad question" and "The situation in the India-Pakistan Subcontinent" on the list of the Security Council.

8. Identical letters, 12 May 2016, from Pakistan addressed to the Secretary General and the President of the Security Council. Concerns the depictions of Jammu and Kashmir in maps.

9. Letter, 3 June 2016, from the Secretary General. Reports the Secretary General contentions to appoint Major General Per Gustaf Lodin (Sweden) as Chief Military Observer and Head of Mission of the UN Military Observer Group in India and Pakistan (UNMOGIP).

10. Letter, 7 June 2016, from the President of the Security Council. Refers to Secretary General's letter 3 June 2016 (S/2016/518) and reports that members of the Security Council have taken note of his intentions to appoint Major General Per Gustaf Lodin (Sweden) as Chief Military Observer and Head of Mission of the UN Military Observer Group in India and Pakistan (UNMOGIP).

11. Identical letters, 13 July 2016, from Pakistan addressed to the Secretary General and the President of the Security Council. Concerns the situation in Jammu and Kashmir in maps.

12. Identical letters, 8 August 2016, from Pakistan addressed to the Secretary General and the President of the Security Council. Transmits letter dated 5 August 2016 from the Prime Minister concerning the situation in Jammu and Kashmir.

13. Identical letters dated 8 August 2016 from the Acting Permanent Representative to the Secretary General and the President of the Security Council forwarding the Prime Minister's letters dated 8th August 2016 drawing urgent attention to the developments in Indian Occupied Jammu and Kashmir where persistent and egregious violations of the basic human rights of the Kashmiri people, including their right to self-determination was posting a grave threat to regional and international peace and security.

14. Letter, 12 August 2016, from Pakistan. Transmits resolution passed by Pakistan' Senate and National Assembly on 22 July and 1st August 2016 concerning the situation in Jammu and Kashmir.

15. Letter dated 17 August 2016 from the Permanent Representative forwarding Prime Minister's letter of 5th August 2016 regarding developments in Indian Occupied Jammu and Kashmir.

16. Letter dated 31 August 2016 from the Permanent Representative to the UN Secretary-General forwarding Prime Minister's letter dated 29 August 2016 in response to SG's letter of 12 August concerning the developments in the Indian Occupied Jammu & Kashmir.

17. Letter dated 6th September 2016 from the Permanent Representative to the UN Secretary-General forwarding Sardar Ayaz Sadiq, Speaker of the National Assembly's letter dated 9 August 2016 on the ongoing atrocities on the defenseless and innocent Kashmiris in Indian Occupied Kashmir by the Indian forces.

18. Letter dated 20 October 2016 from the Permanent Representative to the President of the Security Council forwarding a Press Release issued by MOFA enclosing Resolution 8/43-Pol adopted by the Council of Foreign Ministers of OIC on the situation in Indian Occupied Kashmir for circulation as an official document.

19. Identical letters dated 10 November 2016 from the Permanent Representative to the UN Secretary-General and President of the Security Council regarding Indian occupation forces artillery attack in the Shahkot and Jura sectors of the LoC for circulation as an official document of the Security Council.

2017

20. Letter dated 27 April 2017 from Adviser to the Prime Minister on Foreign Affairs addressed to UNSG regarding Jammu & Kashmir Dispute

21. Letter dated 18 May 2017 from Pakistan transmits letter dated 27 April 2017 from Adviser to the Prime Minister of Pakistan on Foreign Affairs concerning alleged demographic changes in Jammu and Kashmir.

22. Letters dated 31 May 2017 & 06 June 2017 from Adviser to the Prime Minister on Foreign Affairs regarding Jammu & Kashmir delivered to the UNSG and President of the Security Council.

23. Letter dated 13 June 2017 from Pakistan transmits letter dated 6 June 2017 from the Adviser to the Prime Minister of Pakistan on Foreign Affairs concerning a video showing the use of a human shield allegedly by the Indian army.

24. Identical letters dated 13 June 2017 from Pakistan addressed to the Secretary General and the President of the Security Council. Transmits letter dated 31 May 2017 from Adviser to the Prime Minister of Pakistan on Foreign Affairs concerning the situation in Jammu and Kashmir.

25. Foreign Minister's letter dated 31 October 2017 delivered by DPR to the Chef de Cabinet for UN SG reg. appointment of Special Envoy on Jammu & Kashmir.

26. Foreign Minister's letter dated 06 December 2017 sent to UNSG regarding illegal detention of Kashmiri leader, Shabbir Ahmed Shah.

2018

27. Foreign Minister's letter dated 12 March 2018 along with demarches sent to UNSG by Permanent Representative's letter dated 4th April.

28. Foreign Minister's letter dated 29 June 2018 sent to UNSG and President UNSC on illegal detention of Kashmiri leader, Shabbir Ahmad Shah.

29. PR's letters dated 17 August 2018 to Chief de Cabinet to the Secretary-General and Under-Secretary-General, Department of Political Affairs regarding report of the UN High Commissioner for Human Rights entitled 'Situation of Human Rights in Kashmir: Developments in the Indian State of Jammu and Kashmir from June 2016 to April 2018.

30. Foreign Minister's letter dated 16 December 2018 sent to UNSG and President UN SC on grave violations of human rights and tragic and indiscriminate killings of innocent people in Indian Occupied Kashmir for circulation.

2019

31. Foreign Minister's letter dated 18 February 2019 sent to the UN Secretary-General and President of the Security Council for circulation to member states of the GA and Security Council members.

32. Foreign Minister's letter dated 22 February 2019 sent to the UN SC President for circulations.

33. Foreign Minister's letter dated 26 February 2019 addressed to the UNSG and SC President drawing attention to the brazen violation by India of the sovereignty and territorial integrity of Pakistan, when 6 to 8 Indian aircraft entered the airspace of Pakistan, for circulation.

34. FM letter dated 3 April 2019 sent to UNSG and SC President on 10 April for circulation drawing attention to the situation on the Line of Control (LoC) and the Working Boundary in 2018, and also atrocities against unarmed innocent Kashmiris in Indian occupied Jammu and Kashmir.

35. FM letter dated 1st August 2019 sent to UNSG and SC President on 01 August for circulation to draw their attention to the three inter-locking developments relating to Indian occupied Jammu and Kashmir that entail grave dangers for regional peace and security in South Asia.

36. FM letter dated 6th August 2019 addressed to UNSG, President of the Security Council and President of the General Assembly for circulation as SC document and GA document drawing attention to the Indian action meant to strengthen India's illegal occupation of Indian-occupied Jammu and Kashmir.

37. FM letter dated 13 August 2019 addressed to SC President for circulation as official document of Security Council and General Assembly on recent developments in occupied Jammu and Kashmir.

38. Letter dated 21 August 2019 from H.E. Makhdoom Shah Mahmood Qureshi, Foreign Minister of Pakistan, to H.E. Ms. Michelle Bachelet Jeria, UN High Commissioner for Human Rights, Geneva, sent to EOSG for circulation to General Assembly members and Security Council.

39. Letter dated 26 August 2019 from H.E. Makhdoom Shah Mahmood Qureshi, Foreign Minister of Pakistan, to H.E. Ms. Joanna Wronecka, President of the UN Security Council and copy to H.E. Mr. Antonio Guterres, UN Secretary-General, for circulation to SC and GA members as an official document.

6. Clampdown on 5 August 2019

As can be seen, Pakistan's case on Jammu & Kashmir dispute is enshrined in the UN Security Council Resolutions. Meanwhile, bilateral dialogue remains suspended, unilaterally by India, since 2013 despite Pakistan's consistent position that the only way to resolve outstanding issues, including the Jammu & Kashmir dispute is through a result oriented, uninterruptible dialogue.

Refusal by India to engage with Pakistan, while it continues consolidating its illegal occupation of IOJ&K, including through its actions of 5 August 2019, has not only reduced IOJ&K to the biggest prison on earth and a humanitarian nightmare, but also poses grave risks for regional peace and stability.

Indian occupation forces continue to escalate tensions at the Working Boundary and Line of Control (Indian ceasefire violations resulted in 54 shahdats in 2017, 36 in 2018 and 25 shahadats to date in 2019) to divert international attention from Indian atrocities in IOJ&K.

Pakistan rejects the Indian narrative of 'normalcy' and fabricated allegations about Pakistan fostering 'unrest' in IOJ&K and continues to sensitize the international community about an Indian diversionary false flag operation.

7. Current Impasse

The dispute between Pakistan and India over the rights of the people of Jammu and Kashmir has been the cause of at least three wars between India and Pakistan and the subject of numerous Resolutions of the UN Security Council. It has also been at the core of binding agreements between Pakistan and India that have committed both sides not to take any unilateral action to alter the situation pending the final resolution of the dispute. By its actions, India has violated both the spirit and the letter of the UN Security Council Resolutions and of the agreements between the parties precluding such unilateral action.

Pakistan is committed to pursuing only peaceful avenues to address the growing crisis. These are increasingly limited, closed off by India's unwillingness to engage and a reluctance in some quarters internationally to act on the part of those whose engagement would assist in drawing the world back from the growing peril that it now faces in Indian occupied Jammu & Kashmir. Frustrating avenues of peaceful resolution is in no one's interests.

Pakistan is committed to the rights of the Kashmiri people and to a peaceful resolution of the dispute in accordance with the UN Security Council Resolutions, principles and purposes of UN Charter and of international law. Pakistan would readily submit the matter to the International Court of Justice, and, in accordance with the Charter and the Statute of the Court, commit itself to respecting the outcome. India, however, has sought to close off every avenue that might be pursued to this end, even lodging reservations to the jurisdiction of the International Court of Justice under bedrock conventions of international law such as the Genocide Convention and the Convention on the Elimination of All Forms of Racial Discrimination. Both conventions would address the feared and sadly anticipated ethnic cleansing of sections of the population of Indian occupied Jammu and Kashmir. India is also one of the few States that is not a party to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, a Treaty that would also addresses India's present conduct in Indian occupied Jammu and Kashmir.

Without the engagement of the international community, there are few, if any, peaceful avenues available to call India to account for its actions. This should be a source of heavy disquiet to all, and should resonate loudly in the corridors and organs of the United Nations and amongst its Member States. Among the fundamental purpose of the United Nations, expressed in the opening paragraph of the Charter, are to take effective collective measures for the prevention and removal of threats to the peace and to bring about by peaceful means, in conformity with the principles of justice and international law, the adjustment or settlement of international disputes or situations which might lead to a breach of the peace. The Charter also commits the United Nations to develop friendly relations among nations based, *inter alia*, on respect for the principle of self-determination. The respect for human rights and fundamental freedoms is also at the core of the United Nations.

The United Nations, and its Member States individually, have a responsibility, consistent with the UN Charter, with existing Resolutions of the Security Council, and with other instruments of international law, both bilateral and multilateral, to take steps to bring India and Pakistan back from the precipice. Pakistan cannot do this alone. States parties to key multilateral treaties have explicit obligations to prevent atrocities such as ethnic cleansing and to ensure respect for cornerstone principles of international law concerning the treatment of persons. Pakistan calls upon the United Nations and on its Member States to live up to the expectations of its founding generation and to engage with India, and with Pakistan, on equal terms and in accordance with law, to walk the world back from the brink.

Index of annexures and their links

A-	UNSC Resolution-38 of 17th January 1948:	https://undocs.org/S/RES/38(1948)
B-	UNSC Resolution-39 of 20th January 2948:	https://undocs.org/S/RES/39(1948)
C-	UNSC Resolution-47 of 21st April 1948:	https://undocs.org/S/RES/47(1948)
D-	UNCIP Resolution of 13th August 1948:	https://digitallibrary.un.org/record/471051/files/S_995-EN.pdf
E-	UNCIP Resolution of 5th January 1949:	http://pakistanmission-un.org/wp-content/uploads/2016/12/Resolution-adopted-at-the-meeting-of-the-United-Nations-Commission-for-India-and-Pakistan-on-5-January-1949.pdf
F-	Karachi Agreement:	https://peacemaker.un.org/sites/peacemaker.un.org/files/IN%20PK_490729_%20Karachi%20Agreement.pdf
G-	UNSC Resolution-80 of 14th March 1950:	https://undocs.org/S/RES/80(1950)
H-	UNSC Resolution-91 of 30th March 1951:	https://undocs.org/S/RES/91(1951)
I-	UNSC Resolution-98 of 23rd December 1952:	https://undocs.org/S/RES/98(1952)
J-	UNSC Resolution-122 of 24th January 1957:	https://undocs.org/S/RES/122(1957)
K-	UNSC Resolution-123 of 21st February 1957:	https://undocs.org/S/RES/123(1957)
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O-	UNSC Resolution-211 of 20th September 1965:	https://undocs.org/S/RES/211(1965)
P-	UNSC Resolution-303 of 6th December 1971:	https://undocs.org/S/RES/303(1971)
Q-	UNGA Resolution 2793 (XXVI) Dec. 1971:	https://undocs.org/en/A/RES/2793(XXVI)
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S-	UNSC Resolution-1172 of 6th June 1998:	https://undocs.org/S/RES/1172(1998)
T-	Shimla Agreement:	https://peacemaker.un.org/indiapakistan-simlaagreement72
U-	UNSG Spokesman Statement:	https://www.un.org/sg/en/content/sg/statement/2019-08-08/statement-attributable-the-spokesman-for-the-secretary-general-the-situation-jammu-and-kashmir
V-	Lahore Declaration:	https://peacemaker.un.org/sites/peacemaker.un.org/files/IN%20PK_990221_The%20Lahore%20Declaration.pdf

W-	Islamabad Declaration:	https://www.mea.gov.in/Speeches-Statements.htm?dtl/2973/IndiaPakistan_Joint_Press_Statement_Islamabad
X-	Joint Press Statement of the Meetings of National Security Adviser and Foreign Secretaries of India & Pakistan (6th December 2015) and Joint Statement of India & Pakistan (9th December 2015):	https://www.mea.gov.in/bilateral-documents.htm?dtl/26133/Joint_Statement_on_Discussion_between_External_Affairs_Minister_and_Adviser_to_the_Prime_Minister_of_Pakistan_on_Foreign_Affairs_in_Islamabad_December
Y-	Letters to UNSC in five years of Jammu and Kashmir:	S/2015/687, S/2015/695, S/2015/905, S/2016/440, S/2016/688, S/2016/707, S/2016/877, S/2017/439, S/2017/498, S/2018/308, S/2018/695, S/2018/1120, A/73/752, S/2019/152, S/2019/172, S/2019/182, S/2019/310