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LETTER DATED 2 SEPTEMBER 1971 FROM THE PERMANENT REPRESENTATIVE OF PAKISTAN  
TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Under instructions from the Government of Pakistan, I have the honour to refer to the letter dated 21 July 1971 from the Permanent Representative of India and to record my Government's deep regret that the Government of India continues to justify its arbitrary and illegal ban on overflights of Pakistan aircraft across its territory by invoking considerations which are in no way connected with the dispute. The Indian aim is to confuse world opinion and to continue to keep the vital air communications between the two wings of Pakistan disrupted for as long as possible.

2. Following the Pakistan-Indian conflict of 1965, these overflights were resumed in 1966 as a result of the reactivation of all the relevant agreements between Pakistan and India, namely, the Bilateral Agreement of 1948 and the Convention on International Civil Aviation and International Transit Services Agreement, both of 1944. Attention is invited in this connexion, to the message from the Prime Minister of India to the President of Pakistan dated 6 February 1966, in which it was stated inter alia:

"We would be agreeable to immediate resumption of overflights across each others' territory on the same basis as that prior to 1st of August 1965. Instructions are being issued to our civil and military authorities accordingly."

3. It is thus clear that the resumption was not in any way linked with the settlement of certain disputes between Pakistan and India, nor was such resumption the result of any "special régime" as is now being made out by India.

4. Earlier, in my letter of 10 May 1971, I dealt with the Indian allegation of Pakistan's involvement in the hijacking of the Indian aircraft and its subsequent destruction by the two hijackers. At that time, I made it abundantly clear that the Government of Pakistan had no responsibility whatever in regard to either incident. I also submitted to the Council the findings of the Commission of Enquiry instituted by the Government of Pakistan regarding the hijacking incident. The Commission has established that the two hijackers were, in fact, paid Indian agents and that the circumstances surrounding the hijacking were such that it could not have been carried out without the connivance of the Government of India.

5. The Indian contention that the ban was imposed because Pakistan could not guarantee air safety in the subcontinent is wholly false. It is disproved by the manifest reality that since the time to which the Indian allegation relates, scheduled flights of about 23 airlines and other international unscheduled flights have been operating into and across Pakistan territory with complete safety.

6. The Permanent Representative of India has mentioned the strained relations existing between the two countries. He has attributed this to Pakistan's policy of confrontation with India. The fact of the matter is that if, in spite of the best efforts on the part of Pakistan, relations between the two countries have not improved, it is because of India's insistence on settling the outstanding disputes between the two countries on its own terms. In a sincere bid to improve relations between the two countries, Pakistan suggested to India sometime ago that a self-executing machinery be established to resolve the disputes between the two countries. It is deplorable that the proposal was not accepted by India.

7. The Permanent Representative of India has also stated that because of certain developments in East Pakistan, a lifting of the ban at this stage would not find favour with the people of India. The Government of Pakistan takes a serious view of this attitude. Apart from the situation in East Pakistan being extraneous to the dispute under discussion, this action by the Government of India as well as the justification advanced in its favour clearly exemplify India's blatant and hostile interference in the internal affairs of Pakistan.

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The fact is well established that active Indian involvement in the form of assistance and encouragement to the secessionist elements and infiltration of regular Indian armed forces into East Pakistan are the factors responsible for inflaming the situation in the eastern wing of Pakistan.

8. The Indian Permanent Representative has also suggested that the dispute should be resolved bilaterally between Pakistan and India. This is nothing more than a favourite strategem of the Government of India employed in order to evade a fair solution. Despite Pakistan's repeated invitations, India has not agreed to hold bilateral discussions to resolve the dispute relating to the suspension of overflights. At the initiative of Pakistan, the dispute has been placed before the Council of the International Civil Aviation Organization. The Government of Pakistan fails to understand why India should seek to avoid the machinery of ICAO if it is really interested in a just and equitable settlement.

9. I request that this letter be circulated as a Security Council document.

(Signed) A. SHAHI

Ambassador Extraordinary and Plenipotentiary  
Permanent Representative of Pakistan to the  
United Nations

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