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LETTER DATED 28 DECEMBER 1967 FROM THE PERMANENT REPRESENTATIVE OF PAKISTAN
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I am instructed by my Government to draw the attention of the Security Council to the additional measures that the Government of India has recently taken to suppress the demand of the people of Jammu and Kashmir for the exercise of their right of self-determination as pledged to them in the resolutions of the United Nations Security Council and of the United Nations Commission for India and Pakistan.

2. These measures are exemplified by the recent enactment of a law, known as "The Prevention of Unlawful Activities Act (1967)", by the Indian Parliament. The adoption of this law was reported in The New York Times of 21 December 1967, in a dispatch from its special correspondent in New Delhi, excerpts from which are reproduced below:

"The Indian Parliament passed a bill today giving the Government sweeping powers to outlaw organizations or imprison individuals found guilty of questioning the country's sovereignty over any of the territory it claims."

"The immediate purpose of the bill will be to curb any agitation for a change in the status of Kashmir by Sheik Mohammed Abdullah, the Kashmiri Moslem leader."

3. In so far as this legislation relates to the territory of the Union of India my Government has no desire to make any comment on it. But in so far as it is sought to be extended to the territory of Jammu and Kashmir occupied by India, it represents yet another act by the Government of India to make a peaceful settlement of the Jammu and Kashmir dispute more difficult. It is, therefore, the duty of my Government to bring the matter to the attention of the Security Council as it is bound to lead to serious consequences for which the Government of India alone will be responsible.

4. In this connexion, my Government considers it necessary to also bring to the attention of the Security Council certain pertinent facts.

5. The situation in Indian-occupied Jammu and Kashmir has been deteriorating seriously, especially since September 1967. The people of the occupied territory have been subjected to a renewed campaign of oppression and victimization. The head of Jan Sangh (a major political party in India) Mr. Balraj Madhok, in a speech in Srinagar recently stated that the Muslims of the territory, who did not accept Jammu and Kashmir as a part of India, should migrate to Pakistan. In view of the fact that similar threats have been held out from time to time by other influential Indian leaders, Mr. Madhok's statement cannot be dismissed as the irresponsible utterance of an extremist. The refusal by the Indian Government to permit the return to their homes of the tens of thousands of Jammu and Kashmir nationals who were forced to seek refuge in Azad Kashmir or in Pakistan during the war of 1965 and its aftermath, lends an ominous significance to such threats.
6. The adoption by India of the law which, as the report of The New York Times makes clear, is designed to curb the movement in Jammu and Kashmir for self-determination in accordance with the resolutions adopted by the United Nations, creates an extraordinary international situation.
7. Part III of the resolution of the United Nations Commission for India and Pakistan of 13 August 1948 reads:

"The Government of India and the Government of Pakistan reaffirm their wish that the future status of the State of Jammu and Kashmir shall be determined in accordance with the will of the people and to that end, upon acceptance of the Truce Agreement, both Governments agree to enter into consultations with the Commission to determine fair and equitable conditions whereby such free expression will be assured."

Paragraph 1 of the supplementary resolution of the United Nations Commission for India and Pakistan of 5 January 1949, reads:

"The question of the accession of the State of Jammu and Kashmir to India or Pakistan will be decided through the democratic method of a free and impartial plebiscite."

8. These resolutions were accepted by both India and Pakistan and constitute an international agreement in regard to the disposition of the State of Jammu and Kashmir.
9. As such, the agreement takes precedence over any provision of domestic law, constitutional or other, of the parties involved. To prevent its fulfilment is,

therefore, a serious violation, on the part of India, of its undertaking to fulfil in good faith, its obligations under the Charter of the United Nations. The matter becomes much graver when India compounds the breach of its international commitment by adopting punitive legislation against the people of Jammu and Kashmir for demanding that the international agreement between India and Pakistan, under the aegis of the United Nations, recognizing their right of self-determination, be implemented.

10. In conclusion, it must be mentioned that the Government of Pakistan has proposed negotiations to achieve a just and honourable settlement of the dispute concerning the disposition of Jammu and Kashmir. Until such negotiations are held and come to fruition, the minimum requirement is that both parties refrain from any act which aggravates the situation.

11. My Government deeply regrets that, by intensifying the suppression of the people of Jammu and Kashmir, the Government of India is preventing the promotion of a propitious climate for negotiations between the two countries for a settlement of the Jammu and Kashmir dispute.

12. I shall be grateful if this letter is circulated as a Security Council document.

13. Please accept, etc.

(Signed) A. SHAHI
Ambassador Extraordinary and Plenipotentiary
Permanent Representative of Pakistan
to the United Nations

