



UNITED NATIONS
SECURITY
COUNCIL



Distr.
GENERAL

S/6751
5 October 1965

ORIGINAL: ENGLISH

LETTER DATED 5 OCTOBER 1965 FROM THE PERMANENT REPRESENTATIVE OF
PAKISTAN ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to refer to your report of 1 October 1965 (document S/6699/Add.6) read with your aide memoire of 25 September 1965 and your letter of 2 October 1965 both addressed to the Permanent Representative of India and contained in document S/6758.

2. My Government notes the statement contained in your aide memoire of 25 September that the United Nations India-Pakistan Observation Mission (UNIFOM) is a new ad hoc operation established in the discharge of the function assigned to you in operative paragraph 2 of Security Council resolution 211 of 20 September 1965.

I further note the following statement in the aide memoire:

"The difference in the origin of the two operations (UNMOGIP and UNIFOM) is clear and a matter of history. The origin of UNMOGIP is found in the resolution of United Nations Commission for India and Pakistan of 13 August 1948, Part I, Paragraph D..... The further basis for UNMOGIP is the 'Agreement between the Military Representatives of India and Pakistan' of 27 July 1949 commonly called the 'Karachi Agreement'. The Security Council resolution 210 of 6 September, adopted prior to the cease-fire agreement, requests the Secretary-General 'to take all measures possible to strengthen the UNMOGIP' but the scope of UNMOGIP obviously continued to be the Kashmir CFL. The UNMOGIP is thus limited in its terms of reference and function to the Cease-fire line in Kashmir, and the Secretary-General assumes no authority on his part to extend the scope of UNMOGIP's function beyond the CFL."

I also note the statement in paragraph 2 of your report of 1 October that "the U.N. Observers serving outside of Kashmir could not be attached to UNMOGIP, which has no authority to act outside of Kashmir".

3. While these statements are self-evident, I would like to put on record my Government's emphatic view on this question. The separation of the two operations, UNMOGIP and UNIFOM, is not a matter solely of administrative necessity.

On the contrary, it reflects the distinction between the two operations which differ in nature, in origin and in the legal authority behind each. Like the remaining provisions of the UNCIP resolutions of 13 August 1948, the UNMOGIP derives its authority from that resolution as accepted by both India and Pakistan. Its origin is the cessation of hostilities effected in Jammu and Kashmir upon the acceptance of that resolution. It follows that it bears no relation, beyond that of the administrative co-ordination dictated by practical necessities, to the UNIPM which is based on Security Council resolution 211 of 20 September 1965, adopted after the invasion of Pakistan by India on 6 September 1965.

4. In his letter of 30 September 1965 the Permanent Representative of India has adduced the instance of an agreement between the local army commanders of India and Pakistan and the Chief Military Observer in Kashmir to justify his request for the expansion of the scope and function of the UNMOGIP beyond Kashmir. This instance itself shows that any extension of the scope and function of UNMOGIP requires the consent of both parties.

5. Moreover, the agreement mentioned by the Indian Representative did not in any way extend the function of the UNMOGIP to the international frontier between India and Pakistan. When the Indian Representative talks of the "border between India and Pakistan in Jammu", he talks of something which does not exist. The province of Jammu in the State of Jammu and Kashmir borders, for the great part, on Pakistan and, for the smaller part, on India; there is, and can be no border between India and Pakistan in Jammu.

6. In view of these elementary considerations, my Government would like it to be clearly understood that any attempted merging of the two operations, UNMOGIP and the UNIPM, will be illegal, arbitrary and, lacking consent, will give rise to consequences of a nature which, I am confident, both you and the Security Council would like to avert.

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

Please accept, etc.

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