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LETTER DATED 27 AUGUST 1965 FROM THE PERMANENT REPRESENTATIVE OF INDIA
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

1. I have the honour to refer to the letter addressed to you on 17 May 1965 by the Permanent Representative of Pakistan (S/6360) in reply to my predecessor's letter dated 27 April 1965 (S/6303) regarding the unlawful signing of the Protocol of the Sino-Pakistan Boundary Agreement.
2. The Government of Pakistan's whole case appears to be based on the groundless assumption that "India's locus standi in respect of Kashmir is no different from, or greater than, that of Pakistan". As is widely known, the aim of the Security Council resolution of 17 January 1948, and the United Nations Commission resolutions of 13 August 1948 and 5 January 1949, all three of which India and Pakistan accepted, was to deny to Pakistan the fruit of its aggression. Several members of the Security Council, permanent and non-permanent, have put it on record that the position of India and Pakistan in Kashmir is not similar, as the following extracts will show:

United States representative in the Security Council on 4 February 1948:

"External sovereignty of Jammu and Kashmir is no longer under the control of the Maharaja.... With the accession of Jammu and Kashmir to India, this foreign sovereignty went over to India and is exercised by India and that is how India happens to be here as a petitioner."

Representative of the USSR at the 765th meeting of the Security Council:

"The question of Kashmir has been settled by the people of Kashmir themselves. They decided that Kashmir is an integral part of the Republic of India."

Representative of the Netherlands at the 611th meeting of the Security Council:

"We know, of course, that in 1947 the then ruler of the State of Jammu and Kashmir acceded to India by an instrument which was accepted by the then Governor General of India, Lord Mountbatten."

Representative of Colombia at the 768th meeting of the Security Council:

"The Commission never recognized the legality of the presence of Pakistani troops in Kashmir."

Representative of Czechoslovakia in the Security Council on 12 May 1964:

"We proceed from the fact that within the scope of the constitutional arrangement that enabled the will of the Kashmir population to be expressed, the question of the home-rule position of Kashmir has been solved. In this connexion, I should like to recall the statement made by our Prime Minister at a press conference in Calcutta on 14 April 1958. When asked by a correspondent, our Prime Minister answered, inter alia: 'I consider the Kashmir question to be settled. It was done so in accordance with the will of the Kashmir people. I regard Kashmir as an integral part of the Republic of India.'"

Representative of Venezuela in the Security Council on 20 June 1962 (S/PV.1014):

"Even if Pakistan were to have any doubts regarding the will of the people of Kashmir to unite with India by means of the accession of their State to India, in law Pakistan could not help the rebels - if they were rebels - nor assist the invaders - if they were invaders - much less could it intervene directly with its regular forces in Kashmir."

3. The mere fact that the United Nations Commission considered the presence of Pakistan troops in Jammu and Kashmir a material change in the situation and placed an obligation on Pakistan to withdraw its troops from the State, makes it quite clear that Pakistan has no locus standi in the State, much less any authority to negotiate an agreement about Kashmir's border with the People's Republic of China.

4. No less misleading is the Pakistan Representative's statement: "... further, it has been made clear that the Sino-Pakistan Boundary Agreement fully protects any contingent interest India might have in Kashmir by providing for a re-negotiation of the Agreement after final settlement of the Kashmir dispute". The facts given in paragraphs 2 and 3 above fully expose the hollowness of the suggestion that India has only contingent interest in Jammu and Kashmir. Besides, authoritative statements made by the President of Pakistan and the Prime Minister of the People's Republic of China leave no doubt about the attempted misrepresentation by the Pakistan Permanent Representative of the provision for a re-negotiation of the Agreement. As far back as 1963, the President of Pakistan was reported by the Dawn of Karachi of 30 March 1963, to have said:

"Refuting the Indian propaganda that the Pakistan-China border accord was aimed against India or had violated the UN Security Council Resolution, the President declared that India had no right to interfere in Pakistan's domestic affairs. 'We are not going to consult India on a matter which is for the betterment of our country.'"

The finality of the border agreement was proudly declared by Mr. Chou En-lai who, speaking at a banquet given by the East Pakistan Governor in his honour at Dacca on 24 February 1964, said:

"The Karakorems have become bonds of friendship between the Chinese and Pakistan peoples."

Premier Chou En-lai would not have been so lyrical over a provisional arrangement.

5. In view of these facts, the language which my predecessor used in paragraph 3 of his letter dated 27 April 1965, and to which the Permanent Representative of Pakistan has taken exception - namely, that the formal signing of the so-called Boundary Protocol by Pakistan and the People's Republic of China is an act of international brigandage - was not only fully justified but was the only way to describe the blatant defiance by Pakistan of the United Nations Charter and international law.

6. I shall be grateful if this letter is circulated to the members of the Security Council as an official document.

Please accept, etc.

(Signed) G. PARTHASARATHI
Permanent Representative of India
to the United Nations

