

United Nations GENERAL ASSEMBLY

TWENTIETH SESSION

Official Records



**1342nd
PLENARY MEETING**

Wednesday, 29 September 1965,
at 3 p.m.

NEW YORK

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President: Mr. Amintore FANFANI (Italy).

AGENDA ITEM 9

General debate (continued)

1. The PRESIDENT (translated from French): The first speaker on my list for this afternoon's meeting is the Minister of Foreign Affairs of South Africa, H.E. Mr. Hilgard Muller.

2. The representative of Guinea wishes to raise a point of order. I shall call on him first.

3. Mr. ACHKAR (Guinea) (translated from French): Mr. President, you are about to call upon someone who has come here claiming to speak for South Africa. We for our part know that this person cannot represent the South African people. We for our part know that this person is nothing but an impostor, if you will allow me to use this word. We know that this person represents a small handful of oppressors and colonists, and that as such he cannot speak on behalf of the 16 million inhabitants of South Africa, 13 million of whom are ignored, oppressed and reduced to slavery.

4. On behalf of the African States and as Chairman of the Committee on apartheid^{1/} I have come to this rostrum to announce to this Assembly that, not only all the African States, but also Asian States and most of the friends of Africa are going to leave the hall when this person begins to address the Assembly. We consider that in these circumstances there will be no quorum and it will be your duty, Mr. President, to decide whether this person may speak to an empty hall.

5. Mr. MULLER (South Africa): Before embarking on the main text of my statement this afternoon, I have a few brief remarks on the statement just made by the representative of Guinea. I shall not comment on the contents of that statement, apart from saying that his remarks are unfounded and out

of place at the present meeting. I have to state that the demonstration is without any doubt in conflict with the traditional practice as well as the dignity of the United Nations. South Africa is a founding Member State of the Organization and as a Member State is constitutionally and in every other way entitled to representation in the United Nations. This is South Africa's right and my Government has every intention of exercising it. My delegation cannot allow itself to be deterred by manifestations of this nature, or by any other form of intimidation, from exercising that right.

6. Mr. President, may I extend to you the heartiest congratulations of the South African delegation on your election as President of the General Assembly of the United Nations. The General Assembly can indeed congratulate itself on choosing a statesman of such stature, wisdom and experience to be its leader in these crucial times.

7. I would also like to welcome the three new Members to this Organization, the Gambia, the Maldives Islands and Singapore. We wish them success in fulfilling their national ambitions and also in playing their role in the comity of nations.

8. The founders of the United Nations who assembled at San Francisco in 1945 did so in an atmosphere of realism—realism born of bitter experience. They also met with the solemn determination that the experience of the gruesome and most destructive war in the history of mankind should never recur. The Second World War was drawing to a close; no nation, whether it had actively participated or not, had escaped its painful consequences; the scars would never disappear, certainly not from the minds of millions of men, women and children who suffered its tortures and lived under its terror. A harsh and cruel lesson had been learned: war, whatever its causes or its outcome, left no victors. Its only legacies were destruction, suffering and the seeds of further hatreds and revenge. Soon Hiroshima and Nagasaki would demonstrate the advent of scientific and technological means of destruction which, in the event of another world conflagration, might well result in the extinction of human life itself.

9. It was the obvious task of the San Francisco Conference to seek means which could ensure that "succeeding generations" would be saved "from the scourge of war", that nations would pledge themselves in future "to practice tolerance and live together in peace with one another as good neighbours"; that every effort should be made to maintain international peace and security by agreeing to settle international disputes by peaceful means and to respect the sovereign equality of all nations. This

^{1/} Special Committee on the Policies of apartheid of the Government of the Republic of South Africa.

was the world order which was considered as the essential aim if power politics and aggression were to be removed from international life, if freedom in its full sense was to replace oppression, if poverty and the attendant forms of human misery were to be alleviated and ultimately eradicated—in so far as it lay within the power of man to do so; in short, if harmonious and fruitful coexistence among the nations of the world was to be achieved.

10. This was truly a gigantic task, especially in view of the natural differences firmly embedded in the various identities of nations, differences which could not and cannot be removed even by external interference and domination. For any attempts to do so would constitute a complete negation of the fundamental concept of freedom and have throughout history proved to be a basic cause of friction and aggression. There could be no question of devising artificial panaceas. The immutable laws of nature had to be accepted and a solution sought along realistic lines which would hold out hope of general acceptance and the achievement of permanent peace and security.

11. And so, with patience, realism and resolution, the Charter was drafted and accepted, and the United Nations created, in order that peaceful and constructive international co-operation along the lines inscribed in the Charter could displace the dangerous practices of coercion and domination, as well as the many other evils of the past. Thus it was hoped to ensure a form of peace which would enable each nation to attain the fulfilment of its rightful aspirations.

12. As one of the founding Members of the United Nations, my own country shared in the hopes of all the others who met on that memorable occasion in 1945. For we in the Republic of South Africa have as large a stake in peace as any other State, big or small, and we know full well that it is only in the security of peace that we, like all other nations, can maintain our freedom, survive and progress towards our rightful destiny. This is no selfish aspiration, for we, like others, are prepared to play our part in international life, and are convinced that we also can contribute to the achievement by others of their rightful destinies. The sincerity of this aspiration—that we too are dedicated to the cause of freedom and denounce foreign aggression in all its guises—requires no further proof than that recorded in history. We ourselves have had to struggle for our own freedom and many South Africans have also fought for the freedom of others. There are monuments in many foreign lands which serve as silent testimony to this.

13. I can assure the Assembly that my country will remain dedicated to the cause of freedom and will always endeavour to assist in creating a realistic pattern for future relations between nations, namely, a form of coexistence in which domination, international friction and war will have no place. This vision we shared with others at San Francisco.

14. It is appropriate that the Assembly should consider how far the world has progressed in reaching the goal set two decades ago and whether the efforts of statesmen, both inside and outside this Organization, have in any way succeeded in the removal of

those conditions that lead to friction and thus paved the way to a durable form of peace and security. The answer lies of course in the facts of the world as it is today: in the measure of our ability to live together peacefully as sovereign independent States, big and small, powerful and weak, no one being subservient to the other; and in the extent to which international co-operation has been rendered fruitful in all matters of common concern in the interest of mankind as a whole.

15. Now, what are the facts?

16. A development to which one should at the outset refer is that many nations have in recent years achieved their independence and that others are advancing along the road to self-determination according to the dictates of their own distinctive ways of life. This we must welcome, for each nation has the right to live its own life, provided it does not seek to impose its will and institutions upon others. We must likewise understand the desire of nations which have for so long been subjected to foreign rule to stand on their own and to assert themselves to the fullest extent.

17. In this connexion the question arises, however, whether political independence by itself is always accompanied by freedom in the full meaning of that concept—freedom which not only concedes the right of peoples to govern themselves, but which also includes the right to buttress their independence politically, and to develop their own institutions in a manner which will enable them to escape from the clutches of poverty, disease and illiteracy. It is therefore important that no form of assistance to developing peoples, whether it be technical economic or otherwise, rendered to achieve that goal, should be made available in such a way as to lead to an invasion of their sovereignty or to detract from their right to plan their own futures for their own happiness and well-being. Where assistance is rendered, it must be in the spirit of co-operation and good neighbourliness and therefore free from foreign domination, in whatever form. To ignore this must inevitably lead to the charge of neo-colonialism, which is nothing more than a form of domination rendering formal political independence somewhat hollow and barren. In saying this I fully realize that the charge of neo-colonialism is often implanted in the minds of some of the new nations by those who strive to exploit dissension.

18. In assessing the present international scene we observe manifestations of instability and intolerance which render conditions in 1965 more dangerous than those in 1939 which plunged us into war. Indeed, the world is also suffering from a malaise which threatens to develop into a complete negation of everything we sought to establish in 1945. There are forces which seek to create a new world imperialism and employ as their tools the envy, greed, ambition, intolerance and covetousness in others, as well as their misfortunes and the differences which inevitably arise in international intercourse.

19. Armed conflict continues to harass the world and threatens to engulf mankind in a universal cataclysm unless its true causes are removed. The

war against poverty, hunger, disease and illiteracy has not yet been won and these could well assume greater dimensions, bringing intolerable conditions of life to many who already barely exist. Subversion continues and even increases to an extent which threatens international relations as well as the existence of orderly and progressive national life.

20. All these disturbing facts and evils are due to a variety of causes, some of which are often obscure and not readily identifiable. Yet there are certain causes which are nearly always manifest wherever there is international friction or internal strife.

21. One of these is the ideological struggle for the minds of men. For years this struggle has frustrated well-nigh every effort to achieve international harmony. It has prevented the United Nations from achieving the fundamental objectives designed for it at San Francisco, and has consistently kept the spectre of war in the foreground. In fact, despite all efforts to achieve disarmament, the world today bristles with the most dangerous weapons in history. Major issues have often had to be dealt with outside the United Nations. In very few cases have issues been permanently resolved; the tensions and the causes in which they find their genesis have merely been relaxed temporarily and those issues continue to impede man's struggle towards peace and security.

22. The nature of this ideological conflict is known to all. It can truly be said that it continues unabated because communism continues to seek universal acceptance, and because it seeks to do so by forceful, subversive and other insidious means. Where the peoples of the communist States have accepted a communist form of government for themselves, that is of course, their own internal affair. But when their Governments seek to impose a communist form of government on others, then those of us who are irrevocably opposed to communism have every reason to object and to take such measures as we deem fit to protect ourselves against its infiltration into our respective national lives.

23. If we consider the measure of communist infiltration in every continent of the world and the manner in which the fundamental principles of government freely accepted and established in non-communist States are being subversively eroded, we cannot but regard communist activities, as they manifest themselves in these countries and in international life, as a continued threat to world peace.

24. I should like to add here that, however vigorously we reject and abhor communism, South African spokesmen in the United Nations have consistently and assiduously sought not to aggravate the already dangerous international situation by adding fuel to the flames of the cold war. We cannot, however, remain silent in the face of the threats which communist imperialism presents today, not only to world peace in general, but more particularly to the orderly development of the continent on which the Republic of South Africa is situated and where our future lies. Due to the location of our country in Africa, we are perhaps more aware than others of the threat of communist subversion on that continent,

and we therefore feel in duty bound to draw attention to this increasing danger.

25. Those peoples of Africa, including those in multinational South Africa, who are attempting to devote their full attention to the many problems with which they have to cope as nations in various stages of development, are continuously exposed to this peril and hampered in their efforts to create and maintain those conditions essential for the achievement of their legitimate national aspirations. It is no secret that the communists strive to create chaos, for chaos constitutes the most fertile soil for their ideology. We in South Africa are well aware of these facts and of the manner in which communist organizations endeavour to disrupt orderly government and development. Moreover, they take a leading part in the continuous denigration of our efforts to solve our complex problems—efforts which, as I explained in this Assembly last year, are making it possible, in increasing measure, to provide better standards of living, education and other important services to the various nations at present living within our sovereignty and to set them on the road to full self-realization.

26. I believe that I cannot more effectively stress my reference to the dangers of communist intervention in the affairs of other nations, whether on the continents of America, of Europe, of Asia or of Africa, than to refer to a statement by Mr. Chou En-lai when he toured Africa recently. Towards the end of his visit he stated that: "revolutionary prospects are excellent throughout the African continent". This statement constitutes a clear proof of Peking's ambitions and intentions with regard to areas where nations, some of them young, some small, are struggling against already great odds to strengthen their freedom, foster their own identities and build their own future.

27. The representative of the United States, a few days ago, drawing attention to a recent call to arms by the Communist Chinese Minister of Defence, observed that this manifesto "leaves no room for difference of tradition, of culture or of national aspiration, or for the legitimate right of every people, large and small, to choose its own... way. It leaves no room for genuine self-determination" [1334th meeting, para. 59].

28. My delegation cannot but associate itself with this statement, for the tendency to ignore the separate identities of different peoples and to expect heterogeneous communities to share a common national consciousness and loyalty is a further cause which lies at the root of many serious problems in various parts of the world.

29. We are all agreed, and it is fundamental to the Charter of the United Nations, that each nation has the indisputable right to live its own separate life, to run its own affairs, and to maintain its own identity, its own culture, religion and traditions. It follows that a nation is also entitled to do whatever it deems necessary in order to safeguard and protect its own heritage. A good illustration of this is the universal practice of controlled immigration to ensure that a nation will be able to assimilate the new

elements without jeopardizing its distinctive national character.

30. I need not remind delegates of the examples in history where the same considerations led to the creation of separate States owing to divergent identities and incompatible aspirations of different peoples in one and the same State. There may be other solutions, and all constructive attempts to make adjustments to suit particular circumstances should therefore be viewed with understanding.

31. Simply to ignore the separate identities of all peoples, and all the rights which are inherent in such identities, provides precisely those opportunities which are so readily and effectively exploited by others who, for motives of their own, invoke the right of self-determination in order to create dissensions and internal conflicts.

32. But what is more, nations cannot against their will be forced by foreign intervention to share a single statehood. History provides us with recent examples of how constitutional unions or federations, which had been artificially created and were therefore not the product of evolution and the free will of the peoples concerned, have collapsed.

33. This brings me to another practice—indeed an evil—which must be removed if there is ever to be any form of coexistence in which peace and security will be possible and the nations of the world enabled to co-operate constructively in order to promote the prosperity and happiness of mankind. This is the growing obsession to interfere in the domestic affairs of sovereign independent nations. South African representatives have often in the past found it necessary to deal with this practice in this forum. My delegation therefore subscribes to the strong pleas which have been made in the current debate that this odious practice be discontinued. We welcome the renewed attention given to this basic principle of the Charter. Indeed, it is a cornerstone of international co-operation, without which there would have been no United Nations. It has been recognized by other international institutions, including the Organization of African Unity. Article III of the Charter of this Organization explicitly declares that "Member States . . . solemnly affirm and declare their adherence" to the principle of "non-interference in the internal affairs of States".

34. We have also noted with special interest the pronouncement by the Foreign Minister of the USSR that "there can be and should be no justification—ideological, economic or any other—for interference by States in one another's internal affairs".* [1335th meeting, para. 60.]

35. The practice of foreign interference, which leads to subversion from without, has rightly been condemned by this Organization as the worst form of aggression. And yet, despite this clear and forceful condemnation, interference and subversion continue unabated and in some cases even receive support, directly or indirectly—perhaps unwittingly—from quarters which normally conform to accepted international practice. One can but express astonishment

that this should be so, for it must be realized that the path of subversion inevitably leads to the negation of the inalienable rights of others and thus, ultimately to international strife.

36. Diversity is a fact of international life, and we must accept it as such. Indeed, if I may borrow a striking phrase from the late President Kennedy, "we can help make the world safe for diversity". This ideal, it will be agreed, cannot be achieved if outside interference in the domestic affairs of others is permitted to continue. This practice must be eliminated. If not, it can result only in international chaos.

37. In speaking with so much emphasis of the need to accept and recognize the separate identity of nations if real peace is to be achieved and maintained, I have not been unaware of modern scientific developments which have reduced so much the effective size of this globe. That we live in each other's backyard, as the saying goes, is correct; but it is equally true that families like to gather by themselves in their own homes. Thus juxtaposition of opposites is itself one of the causes of confusion in men's minds. Both trends are inescapable, and we dare not ignore either of them.

38. I believe that what I have already said is sufficient to underline some of the dangers which the world is facing today and which must be removed if we are to live together as good neighbours. There are of course many others which require urgent attention. But I will not elaborate on these, and would like to conclude by outlining briefly certain principles which, in the view of my Government, constitute a healthier approach in international life and could well be reaffirmed. First, every nation is entitled to its own separate identity and existence; second, in the exercise thereof every nation must respect the unimpaired enjoyment of those rights by others; third, in view of the very complicated and ever-increasing problems in this modern world, a greater realization of the practicalities of any given situation is essential. This would lead to more fruitful international co-operation in the various specialized fields and so promote the prosperity and happiness of mankind. Fourth, the United Nations, proceeding along the course set at San Francisco, should avoid exacerbating disputes between nations and, as envisaged by its founders, strive to become "a centre for harmonizing the actions of nations". In the words of President Johnson, it would then indeed be "a workshop for constructive action and not a forum for abuse" [1284th meeting, para. 68].

39. Mr. GOMEZ CALVO (Costa Rica) (translated from Spanish): The people and the Government of Costa Rica take pleasure in expressing their gratification at the Assembly's decision to elect you, Mr. President, to its highest office. The prestige of Italy, which is so closely bound to the Latin American republics by ties of tradition, culture and friendship and your own personal qualities convince us that the complex and difficult questions to be decided at this twentieth session of the General Assembly will be discussed in an atmosphere in which lofty thoughts and a full sense of responsibility will prevail. Please accept therefore the sincere congratulations of the

*Provisional translation taken from text of interpretation.

Costa Rican delegation and our solemn promise to co-operate actively for the complete success of our work.

40. My Government and my country wholeheartedly welcome the admission to the United Nations of the new States of the Gambia, the Maldives Islands and Singapore. This happy event, which has just increased our international family, represents progress toward the ideals of justice and liberty in the world. Costa Rica, which has fought for its own independence and for that of other peoples, wishes to express its satisfaction at this new step towards universal amity.

41. The representative of a country like mine could not embark on his opening statement in the general debate without stressing, first of all, the significance and importance of the visit with which we shall be highly honoured within the next few days. I refer to the forthcoming visit to this international forum of His Holiness, Pope Paul VI. This visit will be a milestone in the history of the United Nations, of Christianity and of the world. It is, I think, a clear indication that mankind is undergoing a process of radical renewal in which the highest religious authority of our time confirms the wish to take part in our work which was already expressed during the fruitful pontificate of Pope John XXIII and repeated on many occasions by his august successor.

42. I am convinced that, in expressing the hope that this direct contact between the Supreme Pontiff of the Catholic Church and the United Nations will infuse new life into our Organization, I express the general feeling that this event which we are awaiting with such impatience will make a decisive contribution to the peacemaking and constructive mission which is the real *raison d'être* of the United Nations.

43. My Government welcomed the proposal to establish a Special Committee on Peace-keeping Operations [A/5916] which enabled the General Assembly to conclude its nineteenth regular session on a hopeful note [1331st meeting]. It would seem that the settlement of the recent crisis augurs well for the world's future. Costa Rica wishes to express its deep satisfaction that the General Assembly has resumed its work. Nevertheless, my Government wishes to reaffirm here its support of the legal argument on which was based the attitude of those countries which felt that Article 19 of the Charter is applicable to those Member States that refused to accept the constitutionally adopted decisions of this supreme body. Having fulfilled this duty, I should like to emphasize again that my Government, and I myself, share the satisfaction expressed by other delegations that we have been able to resume our interrupted work in a normal way.

44. One encouraging sign of the vigour of the United Nations as an instrument for promoting and maintaining world peace has been the unanimous resolutions of the Security Council urging two of our Member States, India and Pakistan, to put an end to the hostilities arising from the persistence of a problem which has preoccupied Asia and the world, the undoubtedly complex question of Kashmir. The executive organ of the United Nations has this time acted with authority and speed. Unfortunately, the same

cannot be said of other occasions when the peace of the world and the normal development of various countries was seriously endangered. Accordingly, my Government considers that it is not only the right but also the duty of the General Assembly to deliberate the act in cases of threats to the peace when the Security Council is virtually paralysed because one of the great Powers exercises its right of veto.

45. With regard to the armed conflict between India and Pakistan, I should like to express my Government's satisfaction that these two countries have complied with the urgent appeals of the Security Council. In this way, the United Nations has asserted itself as a peace-making body. I should also like to express my gratitude and admiration to the Secretary-General, U Thant, for his dedication, his steadfastness, his diplomatic skill and his obvious success in carrying out his noble and always difficult duties.

46. Costa Rica, which belongs to the so-called "group of seventy-five" and which shares the confidence which the developing countries place in the success of the work of the United Nations Conference on Trade and Development in achieving a more equitable regulation of international trade, wishes to stress the urgency of item 37 of our agenda, entitled "Report of the United Nations Conference on Trade and Development".

47. Resolution 1995 (XIX) of 30 December 1964 was adopted in a depressing and necessarily hectic atmosphere. While it was gratifying that, amidst discouragement and confusion, it was nevertheless possible to lay the foundations of the United Nations institutions responsible for seeking and finding solutions to the complicated problems of international trade, these institutions are still to some extent incomplete because of the atmosphere in which the plans for them were outlined.

48. Although resolution 1995 (XIX) is a tribute to the skill of its sponsors, it does not contain the specific provisions which many of us consider indispensable. I shall not discuss here in detail what specific provisions would be desirable. Their absence is, however, striking when we compare the contents of the Final Act of the First United Nations Conference on Trade and Development, held at Geneva from 23 March to 15 June 1964, with the grave realities of the present day, and this was emphasized at the first and second sessions of the Trade and Development Board and at the meetings of some of its Committees.

49. In pointing out the need for completing the structure of the Conference on Trade and Development and its various organs, I should like to reiterate Costa Rica's desire to co-operate actively with this new organization, on which the achievement of world harmony is largely dependent, because it is inconceivable that there could be any guarantee of peace without an equitable reorganization of the world economy. The less privileged peoples insist upon their right to an equitable distribution of the fruits of their labour, full ownership of their natural resources, and the regulation of markets by means

of agreements democratically drawn up, accepted and carried out. It is only through world-wide economic justice that the United Nations will be able to attain its objectives and put its principles into practice.

50. The steady decline in commodity prices, on which the existence of millions of human beings depends, is one of the most tragic features of the present day. The difficulties which the cocoa-producing countries are now experiencing and the difficulties facing such products as coffee and sugar cannot and should not be allowed to continue. It is therefore urgent that we should pass at once from the study to the implementation of solutions which have been worked out amicably. This is a matter of concern primarily to the United Nations Conference on Trade and Development, and it is to be hoped that at this session of the General Assembly new resolutions will be submitted which will have the effect of providing that institution with the material facilities and executive authority it requires.

51. The Assembly will at this session begin its review and reappraisal of the role and functions of the Economic and Social Council. My Government believes that this review and reappraisal should be carried out above all with due regard to the activities of the Conference on Trade and Development.

52. There must be a rational co-ordination of the functions of the Council and of its auxiliary organs, especially the regional economic commissions, with those of the Trade and Development Board and its committees. The work of the Conference on Trade and Development must be brought into line with the General Agreement on Tariffs and Trade (GATT). Differences in policies and in economic systems must be steered in constructive directions. Any innovations decided upon must take social requirements into account. The industrially advanced nations naturally have their legitimate interests to defend in the world-wide process of economic readjustment now in progress. They should not, however, lose sight of the fact that their own future is largely dependent on the progress of the less developed nations, which are potential customers for their large-scale heavy industries. For the purchasing power of the countries that are still poor to be increased, the understanding of the rich nations is increasingly desirable, even though, unfortunately, we must recognize that it is not always increasingly evident. It is, I think, in the light of these general observations that the work of reviewing the duties of the economic organs of our international Organization, be they old or new, must be tackled.

53. During the past year Costa Rica has played a dedicated and, I hope, an effective part in the work of the Commission on Human Rights. In an explanatory memorandum which our Permanent Mission submitted on 20 August 1965, we requested the inclusion in the agenda of the General Assembly's twentieth session of an item entitled "Creation of the post of United Nations High Commissioner for Human Rights". I shall not now dwell on the arguments advanced in that memorandum [A/5963] of 20 August 1965. I am glad that the request for the inclusion of the item was approved and I hope that the General Assembly will

consider sympathetically the draft resolution we proposed in that document.

54. I should like to express my particular thanks to those delegations which, like the delegations of the United States and Canada, have publicly expressed from this rostrum their support of our proposal, as well as our thanks to those who have privately encouraged us in our effort and who have also promised us their co-operation.

55. In expressing the gratitude of the Costa Rican delegation, I should like also to express our thanks to Spain, China, the Federal Republic of Germany, Venezuela, Chile, Ecuador, Jamaica, Trinidad and Tobago, Iraq, Kuwait and Israel. The last-mentioned country, as well as certain other countries I have mentioned, are relatively less developed countries; yet they have generously come to our assistance in our hour of need. Their contributions to the United Nations fund for assistance to Costa Rica after the eruption of the Irazú volcano, together with the effective bilateral assistance from the United States, the United Kingdom and other friendly countries, have enabled us within a short time to repair much of the terrible damage which this great calamity—now happily a thing of the past—wrought on our economy and our national life.

56. Costa Rica has also been extremely active in the Special Committee on the Policies of apartheid of the Government of the Republic of South Africa.

57. My Government views with concern and profound disapproval the outright refusal of the Government of the Republic of South Africa to heed or respect the exhortations and admonitory resolutions adopted by the United Nations, calling upon it to put a stop to the inhuman and illegal treatment to which it subjects the millions of inhabitants who are not of the white race. The South African Government should heed and accept the requests and resolutions of the United Nations regarding the grave problem of apartheid out of respect for universal justice, in implementation of the Universal Declaration of Human Rights, and for the sake of peace on the dynamic African continent and perhaps in the rest of the world too.

58. The policy of apartheid of the Government of the Republic of South Africa constitutes a real danger to international peace and security, and the delegation of Costa Rica is confident that the United Nations will speedily find effective and appropriate means of ensuring that the coloured citizens of that important African country enjoy their elementary rights, of which they are now deprived.

59. My delegation believes that a resolute step forward should be taken during this session of the General Assembly to implement the Declaration on the Granting of Independence to Colonial Countries and Peoples. The objective is to achieve the complete decolonization of territories which are still subject to metropolitan countries. Otherwise there will remain constant sources of friction and even of war which will continue to impede the forward march of mankind. In that connexion, Costa Rica repeats today, in this hall, the hopes expressed last year [1292nd meeting] by my predecessor in

the Ministry of Foreign Affairs, my illustrious fellow-countryman Mr. Daniel Oduber, that such problems as those of the Malvinas and the Rock of Gibraltar will be amicably solved. Our mother country, the fraternal Argentine nation and another great and friendly nation, the United Kingdom, are directly concerned in the just and final settlement of those matters. My country is confident that they will reach constructive solutions during the present session of the General Assembly, and that such an achievement, which will rejoice the hearts of the Spanish and Latin American peoples, will herald the dawn of a new and brilliant phase in the relations among those three Powers, with which we have such friendly ties.

60. The problem of Cyprus also deserves our special attention. The conflict which impedes the peaceful development of that young State beclouds the relations among Member States and constitutes another cause for anxiety in the world.

61. The Government of Costa Rica wishes to make a friendly appeal here to the States directly concerned in that complex matter to facilitate the work of pacification which our Organization is performing in that sensitive area of the eastern Mediterranean.

62. Other important items on the agenda of the twentieth session of the General Assembly are the third international conference on the peaceful uses of atomic energy; the question of general and complete disarmament; the preparation of a convention on the prohibition of the use of nuclear and thermonuclear weapons; the total suspension of nuclear and thermonuclear weapons tests; international co-operation in the peaceful uses of outer space, accelerated flow of capital and technical assistance to the developing countries; the establishment of a United Nations capital development fund; and, above all, the preparation of a conference for the purpose of reviewing the Charter. As regards the last item, although the committee concerned has taken the view that the right conditions for such a conference do not as yet exist, it is fundamental for the future of the United Nations. We have to adopt provisions designed to prevent acts which violate or flout the principles of the Charter. It is imperative to find legal solutions for such problems and to express the will to respect and carry out the decisions adopted to that end.

63. In expressing the hopes and broadly outlining the international policy of the small country which I represent, as I have endeavoured to do in the present statement, I feel that I am co-operating, on my Government's behalf, towards making this a fruitful session of the General Assembly.

64. The noble striving for universal peace and progress is in itself a constructive factor for the future of the world. Within these august precincts it will lead to favourable results. The political differences which will become apparent here can once again be composed by necessary compromises. We shall thus surely be able to clear the way to that better world which we are all striving to achieve for future generations.

Mr. Fuentealba (Chile), Vice-President, took the Chair.

65. The PRESIDENT (translated from Spanish): I call upon the representative of India, who has asked to exercise his right of reply.

66. Mr. QASIM (India): I am grateful for the opportunity to address this Assembly on some of the points which were raised by the Foreign Minister of Pakistan yesterday [1339th meeting]. I am afraid he has filled the records of this Assembly with a mass of untruths and misrepresentations of fact and history, more especially about the people of Kashmir, and I cannot possibly leave the Assembly to rely upon abuse and invective as substitutes for reason and the hard facts of history.

67. At the outset, let me say a word or two about my own humble title to speak on the issues which have been raised. I come here from that part of my country which is known as the Kashmir Valley. Perhaps I should mention that I belong to the majority community of Muslims in my home State of Kashmir, although in our country—unlike Pakistan—we do not believe that religious distinctions should impinge upon political life. I have had some little part to play in the political life of our state from the days of princely rule. It is for these reasons that it is my duty, on behalf of our delegation, to set the record of the Assembly right on the many statements made by the Foreign Minister of Pakistan.

68. I would like to confine myself mainly to the task of establishing, with reference to what I have just called the hard facts of history, that the people of Kashmir made their choice as between the Indian and Pakistan ideologies long before the events of Indian independence and the partition of the country.

69. I propose, furthermore, to expose the hollowness and the real nature of Pakistan's false solicitude for the Muslims of Kashmir—a deadly solicitude of which we have had repeated and bitter experience in the past. I propose to indicate Pakistan's real designs on Kashmir and the people of Kashmir, of which too we have had repeated evidence. I propose finally to draw the attention of the Assembly to the basic problem underlying the conflict between India and Pakistan which the United Nations seems anxious to resolve.

70. It was way back in the year 1938, some ten years before the formal accession to India, that we, the people of Kashmir, decided by our own free and well-considered choice to adopt the secular and democratic way of life, rejecting the two-nation theory advocated by Mr. Jinnah, the founder of Pakistan. Early in the course of our struggle against the autocracy of the then princely ruler, we received inspiration, sympathy and support from the great leaders of the Indian National Congress. Our people felt that it would be opposed to our cultural heritage and upbringing, our traditions and history, to confine our movement to the platform of a single religious community. Such a narrow approach was also contrary to the message of secularism and communal harmony preached by our great Kashmiri poets, our revered Kashmiri sheikhs, such as Nocruddin, the Wali of Kashmir, and our great philosophers. As a result, in the year 1938, led by Sheikh Abdullah, we took the decision to form the National Conference

at a historic session presided over by Mr. Ghulam Mohammad Sadiq, who today is the Chief Minister of the State. Thenceforward, we carried on our struggle for democratic rights on a common platform, on behalf of all the people of the State of Jammu and Kashmir, irrespective of religion, province or community. We have all these years fought the bigotry and narrowmindedness of those who exploited religion for political purposes. We routed them every time with the overwhelming backing and support of the Kashmiri people—much to the dislike and discomfiture of Mr. Jinnah and other leaders of the Pakistan movement. The next year—and I am still talking of the 'thirties—we held an important convention known as the Sopore Convention, at which we had as our honoured guests the great Jawaharlal Nehru, Maulana Abul Kalam Azad, Khan Abdul Ghaffar Khan and other stalwarts of the Indian National Congress.

71. It is understandable that, having played no part in the independence struggle of the sub-continent, the Pakistan Foreign Minister should be ignorant of these facts of history. The stalwarts in the political life of the sub-continent who inspired us in the 'thirties and the 'forties were these and other leaders of the Indian National Congress, and not Mr. Jinnah or any of the past or present leaders of Pakistan. We did have the misfortune of being exposed to the overtures of Mr. Jinnah and his Muslim League. Mr. Jinnah did his best to woo us and failed; he tried to bully us into submission and failed; we rejected his offers and blandishments on the strength of our experience of the part played by the protagonists of Pakistan in our popular movement.

72. What did the leaders of the Pakistan movement do to us? When we launched our popular movement in 1946, asking for abrogation of the autocratic rule of the Maharaja—and many of us, including myself, went to gaol in defence of our democratic rights—it was Jawaharlal Nehru, not Jinnah, who came to Kashmir and courted imprisonment for our sake. The great Gandhi followed and asked the Maharaja to give us our rights. What did the leaders of Pakistan do? Mr. Jinnah expressed his "Islamic sympathy" with the Muslims of the State by characterizing their popular movement as an agitation by a few malcontents. Maulvi Yousuf Shah, whom Pakistan has of late paraded abroad as the Grand Mufti of Kashmir, opposed our movement by hailing the "Hindu" Maharaja as the shadow of God on earth, as Sultan Zeil el-Allah. Mr. President, as a Muslim and one who claims some little knowledge of our Holy Koran, I can presume to say that this was a self-seeking, opportunistic and gross misinterpretation of the Holy Koran by the supporters of Pakistan.

73. When the founders of Pakistan failed to win over the Muslims of Kashmir politically to their retrograde, reactionary way of thinking, Pakistan tried to take Kashmir by the force of arms. In 1947, in the same way as on this occasion, they sent thousands of armed Pakistani raiders to subjugate the innocent, peace-loving Kashmiri people. The raiders committed murder, arson and pillage directed against Muslims and others alike. It is often forgotten that they did all this even before our State joined the Union of India. The people of Kashmir, Muslims,

Hindus and all, in unity, gave the invaders from Pakistan a determined and fitting reply even before—I repeat, even before—the arrival of Indian troops whose help we freely sought out of our old kinship and bonds with the Indian people. Year after year, all these years, Pakistani intruders have sneaked into our territory, killed people, looted property, indulged in head-hunting and sabotage. Bombs were placed in mosques, as well as in cinema halls, and innocent people were killed in such outrages year after year by Pakistan's trained saboteurs.

74. For us, 1965 was merely a repetition of an old and familiar experience at the hands of Pakistan. The Foreign Minister of Pakistan should know that we Kashmiris are fully aware of Pakistan's real designs on Kashmir. We realize that the reason why Pakistan wants our beautiful land has nothing to do with the welfare of Muslims in the State, or with securing for them any imaginary rights which they do not already enjoy, but rather with what the President of Pakistan called its "vital interests". If Pakistan were really interested in the people of Kashmir, Mr. Bhutto and his Government would not have bartered away large chunks of our territory to the Chinese or imposed repressive rule on our brethren in Pakistan-occupied Kashmir, whom Pakistan holds in bondage to this day and whom we cannot forsake.

75. Let me now turn to some of the other considerations urged by the Foreign Minister of Pakistan in support of his main theme. We are glad that Pakistan has now recognized that the remaining vestiges of colonial rule, wherever they might still exist, must be removed. Pakistan's earlier record on this question has hardly been any different from that of the colonial Powers themselves. This neo-crusader of the rights of dependent peoples had preferred to subserve, as an instrument of national policy, the interests of colonial Powers. It has maintained close and friendly relations with Portugal, a Power with the worst colonial record. When India stamped out the vestiges of Portugal's colonial domination in Goa, the President of Pakistan described it as, "an eye-opener for the entire world about India's evil intentions towards her peaceful neighbour". For years, after the adoption of resolution 1761 (XVII) by the General Assembly, Pakistan continued to trade with South Africa in the face of the united stand of Asians and Africans against commercial and other intercourse with that country.

76. Pakistan's pro-imperialist role in the Suez and Yemen crises is well known. When Egypt nationalized the Suez Canal, in the exercise of its right of self-determination, the then Pakistan Prime Minister justified the Anglo-French attack on Egypt on the ground that it was intended "to restore international morality". Sir Olaf Caroe, once Secretary of the Foreign Department in the British régime in undivided India, describes in his book, *Wells of Power*,^{2/} how Pakistan alone could serve as a British base for the protection of British interests in West Asia and Africa. Thus from its very birth, Pakistan has been subserving the policies of colonial Powers, rejecting with contempt the right of self-determination of the

^{2/} London, Macmillan and Co., 1951.

Asian and African people over whom those Powers ruled.

77. Now the Foreign Minister of Pakistan is contemptuous of the claim of Portugal that its colonies are part of the metropolitan territory. Only the other day in the Security Council he himself accused India of committing aggression in Goa. Pakistan is the only Afro-Asian country to have supported Portuguese colonialism. This Assembly itself has recognized that Goa, along with São João Batista de Ajudá, are nationally united with India and Dahomey respectively.

78. Speaking about Africa and Asia, the Foreign Minister of Pakistan said:

"The physical and human realities of Asia and Africa make it imperative that unity should be sought through diversity. The need for tranquillity is paramount for the countries of Asia and Africa to enable them to secure for themselves an orderly transition." [1339th meeting, para. 95.]

This is exactly what India has been trying for the last eighteen years of independence and this is exactly what Pakistan has done its utmost to prevent.

79. India desires nothing but to be left alone to decide its own destiny in peace and tranquillity and to maintain a society in which all Indians, regardless of their race or religion, may be able to pursue their programmes of economic and social betterment. Pakistan, however, will not leave us alone. Thrice within eighteen years it has committed aggression on India. Firstly, in October 1947, Pakistan took this deliberate step in violation of the United Nations Charter within a month of its becoming a Member of this Organization and of pledging to abide by its purposes and principles. The second aggression took place in April this year when Pakistani forces backed by armour invaded the Indian State of Gujarat. Even while the Kutch Agreement^{3/} was being signed, on 30 June 1965, Pakistan was already preparing for the third aggression on India. On 5 August this year, Pakistani armed personnel crossed the cease-fire line in Jammu and Kashmir in thousands. And yet yesterday the Foreign Minister of Pakistan talked of the need for unity through diversity and the need for tranquillity in Afro-Asia.

80. The Foreign Minister of Pakistan stated:

"The war with India is not of our seeking. It is a war of self-defence against an armed attack launched on our borders without warning on the morning of 6 September and aimed at the seizure of Lahore, our second largest city and the very heart of Pakistan." [Ibid., para. 100.]

81. But, even according to the facts recognized by the Secretary-General, it is established that the war was forced upon India by Pakistan. The truth is that on 5 August 1965 thousands of Pakistani armed personnel crossed the cease-fire line. Their purpose was to destroy military installations, disrupt vital communications, create terror among the local population, assassinate popular leaders, and set up

a so-called "revolutionary council" to give the false impression that the people of Jammu and Kashmir were in revolt. Let me quote from the Secretary-General's report:

"General Nimmo has indicated to me that the series of violations that began on 5 August were to a considerable extent, in subsequent days, in the form of armed men, generally not in uniform, crossing the CFL" —that is, the cease-fire line— "from the Pakistan side for the purpose of armed action on the Indian side. This is a conclusion reached by General Nimmo on the basis of investigations by the United Nations Observers, in the light of the extensiveness and character of the raiding activities and their proximity to the CFL, even though in most cases the actual identity of those engaging in the armed attacks on the Indian side of the Line and their actual crossing of it could not be verified by direct observation or evidence."^{4/}

82. This is what the Secretary-General of the United Nations said. How dare the Foreign Minister of Pakistan talk of the war not being of Pakistan's seeking? Is there no limit to misrepresentation? By now the world is so fully aware of Pakistan's direct complicity in dispatching armed troops in civilian disguise across the cease-fire line that I do not propose to burden the Members of the Assembly with hundreds of quotations from foreign correspondents and others who have written about the conflict which began on 5 August. But let me quote just a few.

83. Mr. Chalmers M. Roberts, Staff Writer of The Washington Post, wrote in that newspaper only the day before yesterday, on 27 September.

"Perhaps the best way to tell the story of what happened is to tell it chronologically.

"On August 5, the first of 4,000 to 5,000 Pakistani infiltrators were sent into the Indian-held part of Kashmir. They crossed the 1949 cease-fire line in that state...

"The Moslem Pakistanis, led by President Ayub Khan, had expected the infiltrators would be able to produce a general uprising of the predominantly Moslem Kashmiris, it is believed here. But there was no uprising, and this was Ayub's first disappointment.

"By the end of August, the Indians were sufficiently alarmed by the infiltration, however, that they countered with infantry offensives across the Kashmir cease-fire line."

84. The well-known columnist, Walter Lippmann, writing in the New York Herald Tribune of 28 September, had this to say:

"The hostilities in Kashmir began with an infiltration of guerrilla troops (recruited as a matter of fact from the Pakistan army though they wore different uniforms). The purpose of the guerrillas was to arouse the population and to liberate Moslem Kashmir from Hindu rule."

85. The nationalist Arabic daily of Beirut, Al-Anwar, says:

^{3/} Agreement between India and Pakistan concerning the Rann of Kutch dispute. See Official Records of the Security Council, Twentieth Year, Supplement for July, August and September 1965, document S/6507.

^{4/} Official Records of the Security Council, Twentieth Year, Supplement for July, August and September 1965, document S/6651, para. 6.

"The infiltration operations carried out by the Pakistanis at the present time in Kashmir are fruitless, and the infiltrators will not succeed in taking Kashmir from India. What they are doing is to widen the conflict between the two countries and make the possibility of settling the Kashmir problem more difficult than at any time before."

86. The Daily Sun of Ceylon in its edition of 18 August 1965, stated:

"In spite of conflicting reports from the Indian and Pakistani sides and the so-called Voice of Kashmir radio, it seems fairly clear that the present disorder in Kashmir, now fortunately under control, had been planned six or seven months in advance and was caused by armed Pakistani infiltrators variously admitted to be between two and three thousands."

87. The Swatantra Samachar of Nepal wrote in its edition of 22 August 1965:

"It has been quite clear that this Pakistani infiltration is wholesale aggression presenting a great challenge to world peace. Pakistan should realize that she will not be saved from the flames of this challenge."

88. The Gazette de Lausanne of Switzerland wrote:

"It appears evident that the responsibility for the present crisis lies with Pakistan. Pakistan defends herself by saying that she has no hand in the acts of sabotage committed by guerrilla fighters who have infiltrated into the Indian part of Kashmir. But the arms used by raiders could come only from Pakistan."

89. The Frankfurter Allgemeine Zeitung of 26 August 1965, said:

"Kashmir would have been torn open by a rebellion apparently directed and started by Pakistan. Pakistan infiltrations of the freedom fighters, who, she says, have risen in the Indian part of Kashmir can no longer be maintained, since New Delhi has shown to the world Pakistani officers who have been taken prisoner."

90. Le Monde of Paris had this to say about the so-called revolt in Jammu and Kashmir:

"Everything leads one to think that Pakistani infiltrations in the Valley were probably aimed at starting a revolt by throwing the suburbs of Srinagar into trouble, which in reality is the scene of political activity. For the moment, it seems that this undertaking which recalls a great deal the American adventure in the Bay of Pigs has not had an immediate success."

91. I hope it is clear by now that the Pakistani troops in civilian disguise who crossed the cease-fire line beginning on 5 August 1965 failed miserably in achieving their objective. Not only was there no revolt of the local population, but, on the contrary, there were hundreds of instances in which the local population participated actively in tracing and rounding up the infiltrators. And what was Pakistan doing while these Pakistan armed troops in civilian disguise were perpetrating acts of sabotage and terror on

the people of Jammu and Kashmir, for whose "liberation" they had crossed the cease-fire line? Pakistani forces were engaged in giving these troops in civilian disguise heavy artillery or other fire cover all along the cease-fire line from east to west and north to south. The intention obviously was to keep the Indian army engaged along the cease-fire line while the clandestine operations went unchecked. But even this failed. Then, on 1 September 1965, Pakistan took the ultimate step of invading the south-western part of the Indian State of Jammu and Kashmir across the cease-fire line and the international border. The invasion was supported by two regiments of Patton tanks and was provided with air cover. Pakistan's purpose was now crystal clear to the whole world: having failed in its clandestine operations it came out into the open.

92. When at last the United Nations Security Council met on 4 September to consider the situation, and the Government of India was considering the appeal of the Council for a cease-fire, Pakistan aircraft flew across the international borders to bomb the town of Ranbirsinghpura. What is more, on the same day, that is 5 September, the city of Amritsar was bombed by Pakistan war planes. It was obvious that Pakistan was preparing a full-scale invasion of the Indian State of the Punjab in order to cut off all land communications with the Indian State of Jammu and Kashmir. In that situation, there was no course left for India but to exercise its inherent right of self-defence, a right which is not only upheld by international law but is specifically recognized in the United Nations Charter. And yet the Foreign Minister of Pakistan would have this Assembly believe that: "The war with India is not of our seeking."

93. It is extraordinary that the Foreign Minister of Pakistan supports the lofty principles of Bandung. May I refer to some of the principles enshrined in the Bandung Declaration. The first is: "Respect for fundamental human rights and for the purposes and principles of the Charter of the United Nations." I have already indicated to this body that within thirty days of Pakistan's joining this Organization and pledging itself to the purposes and principles of the Charter of the United Nations, Pakistan invaded Jammu and Kashmir.

94. The second principle is: "Respect for the sovereignty and territorial integrity of all nations." I have already stated that Pakistan has committed aggression against India three times in the last eighteen years.

95. The sixth principle of the Bandung Declaration is in two parts. Part (a) reads: "Abstention from the use of arrangements of collective defence to serve the particular interests of any of the Big Powers." Need I refer to Pakistan's membership in the military alliances known as the South-East Asia Treaty Organization and the Central Treaty Organization? The Foreign Minister of Pakistan has himself stated that in any military conflict with India, the integrity and the sovereignty of the largest State in Asia would be involved because now Pakistan has joined hands with China, whose support it loudly proclaims. Part (b) of the sixth principle is: "Abstention by any country from exerting pressure on other countries." If membership in military alliances and the

collusion with China against India is not a violation of this principle, what is? Mr. Bhutto has gone even further. He has now threatened to take his country out of the United Nations if the membership of this Organization does not facilitate the annexation by Pakistan of the Indian State of Jammu and Kashmir.

96. The Foreign Minister of Pakistan has claimed that impartial world opinion supports Pakistan in its aggression against India. He has named Turkey, Iran and Indonesia. The two former are members of the same military alliances to which Pakistan belongs. Indonesia today has chosen to stand outside this world body and is perhaps the only country, apart from the People's Republic of China, which has applauded and supported Pakistan's aggression against India. Pakistan keeps the company of adventurist nations—those who covet the territory of others—and in that company Pakistan feels at home.

97. The Foreign Minister of Pakistan stated yesterday:

"Since the whole world has been concerned with the failure thus far to resolve the Jammu and Kashmir dispute, I must refer to at least two or three basic issues involved in it. The first and the foremost is the right of self-determination of the people of Jammu and Kashmir. The second issue is the sanctity of international agreements, especially those brought about by the United Nations itself. The third is the effectiveness of the United Nations in securing pacific settlement of international disputes." [1339th meeting, para. 106.]

98. First of all, I must categorically state, and with all the emphasis at my command, that there is no dispute about Kashmir, that the conflict between India and Pakistan has arisen as a result of repeated attempts by Pakistan to commit aggression against India in violation of the principles and purposes of the Charter of the United Nations, and more so as a result of the refusal by Pakistan to vacate aggression to this day.

99. But let us examine the three points which the Foreign Minister of Pakistan calls basic to the whole problem. The first is "...the right of self-determination of the people of Jammu and Kashmir". The Foreign Minister of Pakistan waxed eloquent on the peoples' right of self-determination, or, if I may say so, other peoples' right of self-determination. How about the right of self-determination of those people whose territory Pakistan has annexed? Does Pakistan practise what it preaches to others? What is its record in recognizing and honouring the right of self-determination of the people of Baluchistan, Pakhtunistan, Gwadar, and that area of the Indian State of Jammu and Kashmir forcibly occupied by it in 1947-1948? Let me lift the veil on the subject.

100. Pakistan's administration in Baluchistan was described by the newspaper Guardian of 21 April 1962, "...typical of good colonial rule" in which "there is a wide gulf between it and the people".

101. Baluchistan, lying to the south-west of Pakistan, did not, despite its predominantly Muslim population, automatically become part of Pakistan, as the neighbouring province of Sind did. In view of the well-

known opposition of the Baluchi people to their integration with Pakistan, the British Government's declaration of 3 June 1947, concerning the transfer of power and partition of British India, provided that: "...this province will also be given an opportunity to reconsider its position." But the referendum that took place in Baluchistan was boycotted by the most powerful and well-organized Baluchi party. Since then, the Baluchis have been struggling for their freedom, despite the most brutal suppression. In independent Pakistan, the Baluchis have lost even the tribal freedom which they enjoyed under British rule.

102. The repression in Baluchistan was so severe that the Sangbad of Dacca, in its issue of 15 April 1964, warned the people of Pakistan that the country was "crossing the limits of even a police state". The paper wrote:

"We have more than once heard about heartless repression in Baluchistan. Only the other day, Mr. Abdul Haq, a member of the National Assembly, disclosed that an Id gathering there had been bombarded...surely an astonishing occurrence... But the manner in which repression in Baluchistan is going on, and the countrywide arrests, the lathi charges, the firings and bombing...do they not prove that we might be crossing the limits even of a police state?"

103. The Baluchi demand is similar to the demand of the Pakhtuns in the North West Frontier area. Pakistan's repression of the Pakhtuns is exemplified by the suffering of their seventy-five-year-old leader, Khan Abdul Ghaffar Khan, Badshah Khan, as he is affectionately called by his people, was the founder of the Khudai Khidmatgar, or the Servants of God, which, like the Anjuman-e-Watan of Baluchistan, had boycotted the referendum of 1947. For this, he has since suffered almost seventeen years of incarceration and is now in Afghanistan in shattered health.

104. Even more illuminating is the manner in which Pakistan has purchased—let me repeat, purchased—the people and territory of Gwadar from the Sultan of Muscat and Oman. Not unexpectedly, news of this mediaeval cash-for-territory deal was hidden from the people of both Gwadar and Pakistan and the whole transaction was camouflaged as a gesture of goodwill. However, the then West Pakistan Chief Minister, Mr. Quizilbash, disclosed on 23 September 1958—that is, almost a fortnight after the deal—that Pakistan had purchased Gwadar. As for the people of Gwadar, Pakistan never asked them if they acquiesced in being bought like chattel in the twentieth century.

105. Since October 1947, the Pakistan Government has been systematically enslaving our brethren and fellow citizens in Pakistan-occupied Kashmir. How pitiful the conditions of these enslaved Kashmiri brethren in this area are has been described from time to time by their leaders who submitted a memorandum on their plight to the Pakistan Constituent Assembly and who have denounced Pakistan's despotic rule in the Pakistan Press. They have no independent legislature, no independent judiciary, and they have been robbed of all civil liberties.

106. The sanction of Pakistan's Kashmir Affairs Ministry is required for legislation and enactment of statutory rules, all appointments, all questions of general policy, budget, internal security, all matters involving financial commitments, alienation of State property, public debts and loans, all forest schemes, all important matters relating to civil supplies and rehabilitation and a wide range of other activities. This is stated clearly in the so-called Azad Kashmir Government Gazette Extraordinary dated 28 October 1952. If this is not colonization of our territory, what is?

107. In an editorial entitled "Azad Kashmir Prospect", the Khyber Mail of Pakistan, dated 27 August 1964, stated:

"But what has come to be witnessed in Azad Kashmir in recent days looks like a complete swing of the pendulum to the other extreme. From the available reports, it seems that the future presidents of Azad Kashmir would be put in place not by the people but by officials sitting in Rawalpindi."

108. No amount of propaganda or lip service to the principle of self-determination by Pakistan can hide these facts. Essentially a camp-follower of colonial Powers, it is hardly surprising that the Pakistan Government is not prepared to trust its own people. President Ayub's classic statements, describing the people of Pakistan as unworthy of democracy, are too well known to need any repetition. The no less categorical assertion by the Pakistan Foreign Minister, Mr. Bhutto, on the same subject is, however, worth repeating. "The slogan of democratization of the constitution was an old note", he said, according to Dawn of 29 October 1962. "We must not dance to an old tune; we must have a new song." This "new song" was based on suppressing the people's democratic rights. I must admit that Pakistan has achieved signal success in this direction.

109. India yields to no one in its support of the principle of self-determination. For many years, India has been fighting for this principle in the United Nations. But to abuse it by seeking to apply this principle and to apply it to parts of sovereign independent States would be disastrous. Such abuse could lead to political chaos in Africa, Asia and other parts of the world; for example, the Sudan, Kenya, Ethiopia, Cameroon, Thailand, Iran and Iraq, among others.

110. Jammu and Kashmir is an integral part of India. Its people are free nationals of India, who have made their choice of union with India and ratified the union through their representatives elected on the basis of adult franchise. Jammu and Kashmir has an elected legislature, a Government responsible to the electorate through this legislature which exercises control over government policies. Their judiciary is independent and they enjoy justifiable fundamental rights, like their fellow citizens in the rest of India. None of these rights and freedoms is to be found in Pakistan-occupied Kashmir, or even in Pakistan itself.

111. Pakistan, therefore, should be the last country to advocate the right of self-determination. Its attitude

is based on the mediaeval concept of religion being the basis of nationality and its contradictory conduct on the principle of self-determination cannot be described except as obscurantist and betraying a desire for territorial aggrandizement—an attitude completely divorced from the principles and ideals of non-aligned and Afro-Asian countries.

112. India has been and still is in the vanguard of the struggle against racialism and colonialism and is dedicated to the task of extending the frontiers of peace, coexistence and international co-operation. No other country in the world with a comparable population has given a fuller expression to popular rights and freedom or greater opportunity to its people to exercise their democratic rights.

113. Pakistan preaches the principles of self-determination and anti-colonialism to India. On this score, we have no need for lessons from Pakistan. We stand on our record, a record which has been recognized in the very resolutions of this Assembly throughout the last twenty years of its existence. We stand on our record of anti-colonialism in Asia and Africa and the Caribbean and other parts of the new world.

114. Another issue to which the Foreign Minister of Pakistan referred as basic is the sanctity of international agreements, especially those brought about by the United Nations. Pakistan's attitude to the Security Council resolutions has been extraordinary. As Sir Muhammad Zafrulla Khan told the United Nations Commission for India and Pakistan (UNCIP), his Government has never accepted any international obligations with regard to non-interference in Kashmir. One of the Foreign Ministers of Pakistan stated on the floor of the Security Council on 16 January 1957:

"I want to make it clear that Pakistan recognizes no international obligations with regard to the State of Jammu and Kashmir except those it has voluntarily accepted together with the Government of India in the resolutions of the United Nations Commission for India and Pakistan dated 13 August 1948 and 5 January 1949." ^{5/}

115. He conveniently forgot that India and Pakistan had also accepted Security Council resolution 38 (1948) of 17 January 1948, which Pakistan promptly violated by inducting regular Pakistan forces into the Indian State of Jammu and Kashmir, deliberately withholding this vital information from the Security Council though required to communicate any material changes in the situation, as provided for under the resolution.

116. Thus Pakistan has always claimed that it is not bound by any resolution which it has not voluntarily accepted, and yet, by some curious twist of irrational logic, Pakistan has been holding the view that India is committed to all resolutions of the Security Council whether India voluntarily accepted them or rejected them. In other words, Pakistan claims special dispensation where the implementation of resolutions affecting its own obligations are concerned.

^{5/} *Ibid.*, Twelfth Year, 761st meeting, para. 15.

117. It is a matter of record that even the United Nations Commission resolutions which Pakistan accepted have been violated by it. There is a mass of evidence in support of this charge in the records of the United Nations Commission and the Security Council. There is also the inescapable fact that, although an unqualified obligation was placed on Pakistan, under the United Nations Commission resolution of 13 August 1948,^{6/} to vacate its aggression against the Indian State of Jammu and Kashmir, Pakistan has not done so for the past seventeen years. Though solely responsible for the non-implementation of this resolution, Pakistan claims that the resolution must be implemented by India. Anyone who has taken the trouble to study the United Nations Commission resolution of 13 August 1948 will find that any action by India was not to arise until and unless Pakistani regulars and irregulars, as well as Pakistani nationals, were completely withdrawn from the State.

118. Faced by Pakistan's non-implementation of the resolutions, and with the passage of time leading to changed circumstances which rendered the resolutions obsolete, India implemented them in keeping with their spirit. Accordingly, the people of Kashmir convened a Constituent Assembly to which they elected representatives on the basis of adult franchise. These representatives duly ratified the State's accession to India.

119. In brief, Pakistan tried to grab Jammu and Kashmir first by imposing an economic blockade against the State, then by organizing raids by its irregulars, then by sending regular Pakistan troops into the State, and, when all these failed, it retained and extended its unlawful presence in the territory of the State by holding up implementation of the resolutions of the United Nations Commission.

120. A State Member of the United Nations such as Pakistan, which creates a problem by committing aggression, which conceals that aggression from the United Nations until its concealment becomes impossible, which undertakes to end the situation created by its aggression but refuses to implement the undertaking and in fact commits further acts of aggression, has no right to talk about the implementation of United Nations resolutions which, by its own conduct, it has treated with contempt.

121. The third issue mentioned by the Foreign Minister of Pakistan as basic is "the effectiveness of the United Nations in securing pacific settlement of international disputes".

122. How does the Foreign Minister of Pakistan intend to prove whether the United Nations is effective or not in this sphere? He threatens to take his country out of the United Nations if the Indian State of Jammu and Kashmir is not handed over on a silver platter to Pakistan by the United Nations —and that, too, here and now. On the one hand, he relies on the resolutions of the Security Council to prove his case that there is a binding commitment on the part of India to hold a plebiscite in Kashmir —and may I reiterate there is no such binding commitment on the part of India —and, on the other hand, he says that the

Security Council has been manoeuvred into a position of helplessness. On the one hand, he waxes eloquent over the testimonies given by Pakistan by United Nations Representatives appointed by the Security Council, and, on the other hand, he says: "It is a painful story, this story of the Security Council's inaction" [1339th meeting, para. 156]. On the one hand, he says that his country warned the Security Council of an impending explosion, and, on the other hand, his country sets about deliberately to infiltrate armed troops in civilian disguise across the cease-fire line to create a "revolt". On the one hand, he points the gun at India and asks for a plebiscite, and, on the other hand, he runs to this Assembly and wants to force it, under the threat of leaving the United Nations, to put pressure on India to do what his country has failed to achieve at the point of the gun. This is the manner in which he wants the United Nations to be effective. One begins to wonder whether he has really understood the purposes and the principles of the Charter of the United Nations. Where does he get the idea that the United Nations was created in order to put pressure on Member States to satisfy the insatiable lust of countries like Pakistan for territorial aggrandizement?

123. The Foreign Minister of Pakistan has presented a proposal to this Assembly. The first point in his proposal is that India and Pakistan both should withdraw their forces from the Indian State of Jammu and Kashmir. This is preposterous. Only a little earlier he was accusing India of treating the resolutions of the Security Council as obsolete. Let me make it clear to the Foreign Minister of Pakistan that not only does India consider the resolutions to be obsolete but, in view of the massive Pakistani assault on the cease-fire line and its open repudiation of the cease-fire agreement of 1949, India considers the resolutions to be also dead.

124. However, to return to the inconsistencies of the Pakistan Foreign Minister, he stated categorically that the resolutions on which he relies for his case could not be, to quote him "changed or modified even by the Security Council, far less repudiated by one of the parties" [1339th meeting, para. 146]. The first point of his proposal is in fact a repudiation of the earlier resolutions. One basic thread running through the resolutions of the Security Council is their unquestioned recognition of India's sovereignty over Jammu and Kashmir. Now one of the attributes of sovereignty is the right, indeed the duty, of a State to defend its territory against external aggression. It was due to this fact that while the resolutions called for the withdrawal of all Pakistani forces from Pakistan-occupied Kashmir, they recognized the right of India to retain forces necessary for the defence and security of the state. How does the Foreign Minister of Pakistan propose to reconcile these two contradictory positions? May I in passing also remark that he has not referred at all to withdrawal of Chinese troops from that area of the Indian State of Jammu and Kashmir which is currently under their illegal and forcible occupation.

125. The second point of the proposal submitted by the Foreign Minister of Pakistan is the induction

^{6/} Ibid., Third Year, Supplement for November 1948, document S/1100, para. 75.

into the Indian State of Jammu and Kashmir of a United Nations force. We are entirely opposed to this proposal. We do not want any foreign troops on our soil. We know how to defend ourselves. We will never agree to any foreign troops being inducted into our country. The Foreign Minister of Pakistan referred to India's contribution to United Nations peace-keeping forces in some parts of the world. Let it be clear beyond any doubt that nowhere have Indian troops been sent without the consent of the Governments concerned.

126. The third point of his proposal is a familiar one, concerning self-determination, plebiscite—call it what you will—and I have already dealt with it. However, in connexion with this third point the Foreign Minister of Pakistan made a curious statement. He said: "If we had made the demand that Kashmir be given to us, the United Nations would have every right to look askance at our suggestion" [*ibid.*, para. 175]. Has the Foreign Minister of Pakistan the statements of his own President? Has he forgotten his own statements? Let me refresh his memory.

127. In December 1959, the Pakistan President said: "Kashmir is vital for Pakistan, not only politically but militarily as well. Kashmir is a matter of life and death." Again, on 19 July 1961, President Ayub said: "Kashmir is important to us for our physical as well as economic security."

128. Now to quote the Foreign Minister of Pakistan himself. According to the Pakistan newspaper *Dawn* in its issue of 20 August 1965, the Foreign Minister of Pakistan said: "As a matter of fact, the State of Jammu and Kashmir was Pakistani territory which India has usurped."

129. Let me make one thing clear. Despite two aggressions against the Indian State of Jammu and Kashmir, Pakistan has not been able to annex the State by force of arms. Having failed to do so, having failed to compel India to discuss this so-called question of Kashmir at the point of the gun, Pakistan now seeks to put international pressure on India to enter into discussions. Let there be no misunderstanding or doubt about India's attitude on this subject. As the Prime Minister of India has already stated in his letter dated 14 September 1965 to the Secretary-General, "I should also like to state categorically that no pressures or attacks will deflect us from our firm resolve to maintain the sovereignty and territorial integrity of our country, of which the State of Jammu and Kashmir is an integral part" ^{2/}

130. Yesterday, the Foreign Minister of Pakistan quoted one of our leaders, Mr. Jay Prakash Narayan, in support of Pakistani contentions regarding the plebiscite. I can do no better than to quote the same leader, Mr. Narayan, giving his opinion about the latest aggression committed by Pakistan against India. I quote from *The Hindustani Times* of 19 September 1965:

"Mr. J. P. Narayan yesterday declared that Pakistan conditions for a cease-fire and withdrawal

of forces implied that Pakistan considered it within her right to wage war against India, if New Delhi did not agree to a plebiscite in Kashmir.

"This indeed is an extraordinary claim and needs to be looked at closely," Mr. Narayan said in a press statement here.

"He had not thought it necessary to add anything to his initial statement expressing full support to the Government's action in dealing with Pakistani aggression in Jammu and Kashmir, 'But now a moment has come when I feel I must speak not to my country and my people, but to the people and Governments of the world'.

"Mr. Narayan said: 'The world takes it for granted that Pakistan has a right to interfere in Kashmir, because she is a party to the dispute. This is not so. At any rate it is not so any longer'.

"Originally neither India nor Pakistan had any rights in Kashmir, though both had their undoubted interest in the future of the State. But, according to law, the future of the State was in the hands of Maharaja Hari Singh and his people.

"Pakistan, however, lost her patience and attacked the defenceless State with no other intent than to annex the territory. The Maharaja, with the full support of Sheikh Abdullah and the people of Kashmir, acceded to the Indian Union', Mr. Narayan said,

"Since that day', Mr. Narayan said, 'India became a party to the issue in Kashmir. Pakistan had yet nothing to do with Kashmir in terms of the settlement between the British Government, the National Congress, and the Muslim League.

"In fact, it was India that made her a party in the naïve hope that the Security Council will name the aggressor and discipline him. But let it be clear that even then the only sense in which Pakistan was made a party was in the capacity of an aggressor with no other responsibility in the matter than to vacate the aggression'.

"Mr. Narayan said not only was the original aggression not vacated for one reason or another, but Pakistan had now committed another and still more massive aggression in Kashmir with the same intent as before, namely, to occupy the State by force. By this deliberate and blatant action, Pakistan had forfeited whatever place it had in the Kashmir issue."

131. It is necessary for me to draw the attention of this world body to the concluding passage of the speech of the Foreign Minister. Under the guise of spurring the United Nations to activity, he attacks what he calls the philosophy of *status quo*. And what other progressive philosophy does he advocate in its place? Here is a passage from his speech which is worth noting:

"It is no use having the Security Council congratulate itself on the accomplishment of the cease-fire. Will it be any consolation to anyone that the United Nations has an observer corps merely to observe and report violations of the cease-fire? A cease-fire and its observation do not amount to peace. What is needed is firm action to eradicate

^{2/} *Ibid.*, Twentieth Year, Supplement for July, August and September 1965, document S/6683, para. 8.

the incentives to violence and fighting. What is needed is action to remove the seeds of war." [1339th meeting, para. 169.]

132. It is legitimate to ask which country has resorted to violence and fighting and which country has been constantly engaged in sowing the seeds of war. It is Pakistan and not India. Another passage in the Foreign Minister's statement is also to be pondered over:

"The forcible annexation of Jammu and Kashmir by India is not a guarantee of Indian secularism, democracy or territorial integrity. On the contrary, it keeps alive those very fears and suspicions which made it impossible for the Muslim minority to accept a united Indian State. If the Nagas, the Sikhs and other communities have grievances against the Government of India, then the fate of Jammu and Kashmir can act only as a spur to their fears and suspicions. The Nagas and the Sikhs can be pacified not by the example of forcible occupation of Jammu and Kashmir but by a just redress of their grievances." [Ibid., para. 127.]

133. Here again is another expression of Pakistan's evil intentions towards India—which are to try to disrupt the Indian Union—no doubt based on the major premise of the Foreign Minister's philosophy that the status quo should be disturbed and disrupted. I submit that the philosophy enunciated by the Foreign Minister is the philosophy of adventurism and disruption, which is an outlook and mode of strategy which Pakistan shares with its new-found friends in Peking.

134. Some concern has been expressed in regard to resolving the underlying cause of the conflict between India and Pakistan. What is the underlying cause of the conflict? It is not Kashmir. The underlying cause is Pakistan's intolerance of India's secular and democratic way of life. It is a conflict of two ways of life and arises out of Pakistan's unrelenting and ceaseless efforts to undermine the unity of our country, strike at the roots of our democracy, and destroy the secular structure of our society. The problem is that Pakistan's rulers have all these years worked up a deliberate campaign of hate against India and tried to mislead the people of Pakistan into imagining that India wants to destroy Pakistan. Nothing is farther from the truth. India wishes the people of Pakistan well; India is a party to Pakistan's creation and is interested in the prosperity and welfare of its people, who, until partition, formed one nation, sharing a long and glorious history. Some speakers have talked of the need for peaceful relations between our two countries. All these eighteen years of our independence we have repeatedly extended our hand of friendship to Pakistan; it is Pakistan which has consistently refused to accept it. We have repeatedly offered a no-war pact; it is Pakistan which has always spurned the offer and secretly prepared for this massive aggression against us. It is this attitude which has made it difficult for Pakistan to live as a friend and good neighbour of India.

135. The sooner Pakistan can be persuaded by this world body to see the reasonableness and the supreme

need for living as a good neighbour with India, the greater will be the prospects of lasting peace in the sub-continent. And when that is brought about, we in India fervently hope that further steps could then be considered to promote deeper understanding through easier international movement, freer movement of trade and commerce, economic co-operation and positive constructive measures of that type. We have more than once given evidence of our keen desire to establish such good and peaceful relations between our two countries: on the occasion of Kutch, on the occasion of the Canal Waters Treaty and on so many other occasions. If even now Pakistan is prepared to grasp our hand of friendship, we will warmly welcome such a gesture.

136. The PRESIDENT (translated from Spanish): I call upon the representative of Zambia, who has asked to exercise his right of reply.

137. Mr. MULIKITA (Zambia): I wish to exercise my right of reply with regard to the comments made by the representative of the United Kingdom on the statement of the Foreign Minister of Zambia yesterday. My Foreign Minister had to leave New York on an urgent mission soon after his speech, and it falls to my lot to reply on his behalf.

138. The representative of the United Kingdom quoted the actual words uttered by Mr. Bottomley: "it was a pity that African nationalists had not co-operated in working out the Constitution, since if they had done so they would have learned the arts of administration" [1340th meeting, para. 116]. The implication of this quotation is that the Africans in Southern Rhodesia are not ready for self-rule, and this is exactly what my Minister of Foreign Affairs understood the British Commonwealth Secretary to have meant. If the African nationalists in Southern Rhodesia had refused to co-operate in working out the Constitution it is only because they realized that a constitution which gave them fifteen seats as against the fifty seats for the white minority group was not in the interests of majority rule, especially when one considers the fact that the 1961 Constitution whittled away the entrenched clauses in the previous Constitution under which Britain exercised protective powers over the interests of the indigenous people.

139. From 1923, when Southern Rhodesia was given a measure of internal self-government, up to 1961, no steps were taken to ensure that the Africans in that colony were given an opportunity to learn the administrative and legislative processes of government. The provision for African representation in the present Constitution from nil to fifteen seats appeared generous on the surface, but in actual fact it was a handover of Southern Rhodesian affairs to the white minority which, after independence, would modify the Constitution to suit their convenience. The Conservative Government then in power had confessed its inability to legislate for Southern Rhodesia because of a long-standing convention not to do so. I am told that the Permanent Representative of the United Kingdom at the time disagreed with his Government's policy over Southern Rhodesia and this led to his subsequent resignation.

140. Zambia fully appreciated the difficulties confronting Britain with regard to Southern Rhodesia.

It was for this reason that the President of the Republic of Zambia had offered our Territory as a base for military operations against Southern Rhodesia should Britain decide to take military countermeasures to punish that colony for an illegal grab of independence by the white minority group. This is a grave decision on the part of Zambia, and we need no external advice as to the consequences of our decision.

141. My Foreign Minister said that Mr. Bottomley had stated that in the event of a unilateral declaration of independence, the United Kingdom would never undertake military intervention as a countermeasure because Rhodesia is too strong militarily. This statement has been refuted by the representative of the United Kingdom. Allow me to quote from a reputable Nigerian paper, the Morning Post, whose motto is "Only the truth can make the people free". In the issue of this paper of Thursday, 12 August 1965, Mr. Bottomley, who at the time was in Nigeria, is quoted as saying: "If there is a unilateral declaration of independence, we shall take such action as necessary; not by force but by economic sanction". The representative of the United Kingdom declared yesterday: "I should say that the Commonwealth Secretary has never ruled out force in all circumstances" [1340th meeting, para. 117]. These statements I suppose, are not contradictory, but I am not sure they are complementary either. Nevertheless, the Zambian delegation was delighted to hear this latest declaration by the representative of the United Kingdom on this issue.

142. We appreciate Mr. Wilson's declaration that British policy in Southern Rhodesia is designed to bring about majority rule. We urge the British Government to take immediate steps to bring this about, for we are more interested in tangible results than in mere declarations. That is why my Minister of Foreign Affairs called upon Britain to call a constitutional conference to which all political leaders should be invited to work out a new constitution leading to majority rule.

143. My delegation feels that it was necessary to make these remarks regarding the comments made by the representative of the United Kingdom on the speech of our Foreign Minister. No doubt, we shall state our points more fully when the occasion arises for us to do so.

144. The PRESIDENT (translated from Spanish): I call upon the representative of Pakistan, who has asked to exercise his right of reply.

145. Mr. AYUB (Pakistan): The representative of India began his statement [1341st meeting] by referring to the catalogue of falsehoods and distortions which he alleged had been used by the Foreign Minister of Pakistan when he addressed the Assembly yesterday, and he then promised us that he was going to help to set the record straight. We listened very carefully to his long statement and to all the criticisms, untruths, allegations and misrepresentations with which that statement was replete.

146. I do not intend to follow his example. I also see no sense in going over all the irrelevant issues with which he sought to confuse the Assembly. I should like, since my Foreign Minister is not here

to answer the statement, to concentrate on the main issue which my Foreign Minister sought to place before you yesterday, and that was the problem of Kashmir in the context of the wider principle of the self-determination of peoples.

147. The representative of India said that he was a Muslim Kashmiri who had taken part in political activities in his country for a long time, and he took the Assembly as far back as the 'thirties, the years before either India or Pakistan, as at present constituted, came into being or the problem of Jammu and Kashmir came to vex the United Nations. One of his remarks interested me. He spoke of the history of the Kashmir movement and even referred to its great leader, Sheikh Mohammed Abdulla, but he forgot to remind the Assembly that the same Sheikh Abdulla, the leader of the Kashmiri movement, the first Chief Minister of the State of Jammu and Kashmir—for the first three or four years—has been languishing in Indian gaols for more than a decade. He is back in gaol again. And what has he been imprisoned for? He has been imprisoned because he does not see eye to eye with the rulers of India and with their continued control and subjugation of his motherland. I wish that the representative of India had dwelt on that aspect of the situation.

148. He then went on to say that, in October 1947, the people of Jammu and Kashmir had decided of their own free will to join India. I am afraid his memory is playing tricks on him. The offer of Jammu and Kashmir's accession to India was not made by the people of Kashmir. It was made by Maharaja Hari Singh, the Hindu ruler of that State, on 27 October 1947. The people of Jammu and Kashmir were not consulted then; nor have they been consulted since.

149. He went on to accuse Pakistan of aggression, not on one occasion but on three occasions. On the first one, he said that Pakistan was guilty of aggression when Pakistani nationals invaded or attacked Kashmir. But at that time Kashmir was not a part of India. Even the Maharaja's spurious offer of accession had not been made.

150. That charge was made in the Security Council and was pleaded and argued with great eloquence by no less a man than the very distinguished father of the present Permanent Representative of India to the United Nations. I had the privilege of attending those meetings of the Security Council. However, despite all his learning and all his eloquence, he did not succeed in convincing the Security Council. India tried desperately hard but it never obtained any finding to that effect by the Security Council. Indeed, the members of the Security Council felt that that was an irrelevant issue. What mattered was: what were the wishes of the people of Jammu and Kashmir with regard to this matter? Did they wish to join India or did they wish to join Pakistan? The United Nations must help to create conditions in which, without fear, without question, without intimidation by either side, the people of Jammu and Kashmir would decide whether they wished to opt for India or they wished to opt for Pakistan.

151. These matters have been debated at length, not once but dozens of times, in the Security Council.

If any member of the Assembly is interested in reading those debates, he can do so by looking up the verbatim records of the Security Council. I should not be justified at this late hour in quoting from the various statements or even the various resolutions and reports of the Security Council and its commissions and representatives. However, because it is a matter easily settled, I should like to deal with the next point that was made by the representative of India. The representative of India, referring to the commitments undertaken by India and Pakistan under the United Nations resolutions, said as follows [see above para. 117]:

"Anyone who has taken the trouble to study the United Nations Commission resolution of 13 August 1948 will find that any action by India was not to arise until and unless Pakistani regulars and irregulars, as well as Pakistani nationals, were completely withdrawn from the State."

152. I have not only read those resolutions. I took part in all the discussions which led up to them. Indeed, for a long time I knew them by heart. The UNCIP resolutions consist of two documents: there is the resolution of 13 August 1948^{8/} and there is the resolution of 5 January 1949.^{9/} The resolution of 13 August 1948 had three parts. Part I dealt with the cease-fire order and the demarcation of a cease-fire line. Part II dealt with the truce agreement. Part III dealt with the question of ascertaining the wishes of the people. These are United Nations documents, and representatives can read them for themselves. They will find that the resolutions provided for a withdrawal of the Pakistan Army, on the one hand, and the bulk of the Indian Army, on the other.

153. The United Nations Commission gave assurances to Pakistan, which are recorded in its reports and therefore are public documents, that the two withdrawals would be synchronized. The United Nations Commission is also on record as stating that, in accordance with the provisions of the resolution of 5 January 1949, the rest of the Indian forces and the local forces—the Azad Kashmir forces on our side of the cease-fire line—would then be reduced, disbanded or disposed of by the plebiscite administrator.

154. Pakistan has been prepared at all times to honour those commitments. It was India that at every stage blocked the preparation of a synchronized programme of withdrawal of troops from Jammu and Kashmir and refused to abide by the decisions of UNCIP, of Sir Owen Dixon, or General McNaughton, or Dr. Graham and of the Security Council itself.

155. I did not want to weary the Assembly with quotations, but I have just picked up a brochure on Kashmir among our papers and I was reminded of the very judicial summing up by Sir Owen Dixon, the Chief Justice of Australia, who was the United Nations Mediator in 1950. With your permission, I should like to quote one paragraph, because this

sums up, in words better than I can find, the position of India as we and third parties saw it. Sir Owen Dixon said:

"In the end I became convinced that India's agreement would never be obtained to demilitarization in any such form, or to provisions governing the period of the plebiscite of any such character, as would in my opinion permit of the plebiscite being conducted in conditions sufficiently guarding against intimidation and other forms of influence and abuse by which the freedom and fairness of the plebiscite might be imperilled."^{10/}

That is the verdict not of a Pakistani prejudiced against India but of one of the distinguished jurists of our time, the Chief Justice of Australia.

156. Assuming for the sake of argument that there is a dispute between two Members of the United Nations with regard to obligations accepted by them under resolutions of the United Nations or an international agreement, how is it to be resolved? India says that Pakistan is in default. Pakistan says that India is in default. The only civilized way of settling such a matter is to refer it to third-party judgement. Pakistan has been prepared to accept such third-party judgement. We accepted the decisions of the United Nations Commissions and the United Nations representatives. We accepted the interpretation given by the Security Council. After all, it was the author of those resolutions. Finally, we also agreed to refer the matter to arbitration. We were prepared to refer it to arbitration by mutually acceptable arbitrators. This proposal was put by our Prime Minister to the late Prime Minister of India as far back as 1950. It was repeated in 1953. In 1962 we offered to refer the matter to the International Court of Justice. Is there any other way of settling this problem? However, on each and every occasion India said that it was right and that it knew it was right. There was never any willingness on its part to abide by the judgement or interpretation of any impartial third party.

157. Then we have a most extraordinary statement. In the statement of the representative of India today he told the Assembly, after referring first to the Foreign Minister's statement about the holding of a plebiscite in Kashmir [see para. 122 above]: "—and may I reiterate there is no such binding commitment on the part of India." What an extraordinary statement to come and make to this Assembly.

158. In his statement yesterday and in earlier speeches in the Security Council last week he quoted a number of statements by no less a personage than the Prime Minister of India, Jawaharlal Nehru. Not one but a dozen statements could be quoted. Here again, from this little brochure, I would like to quote two of the statements, different in character and in nature. The first was a telegram which he addressed to the Prime Minister of Pakistan on 31 October 1947, which I quote:

"Our assurance that we shall withdraw our troops from Kashmir as soon as peace and order are

^{8/} See Official Records of the Security Council, Third Year, Supplement for November 1948, document S/1100, para. 75.

^{9/} Ibid., Fourth Year, Supplement for January 1949, document S/1196, para. 15.

^{10/} Ibid., Fifth Year, Supplement for September through December 1950, document S/1791, para. 52.

restored and leave the decision about the future of the State to the people of the State is not merely a pledge to your Government but also to the people of Kashmir and to the world."

159. The second statement I wish to quote was a public one, for it was broadcast by All-India Radio on 2 November 1947. Mr. Nehru said:

"We have declared that the fate of Kashmir is ultimately to be decided by the people. That pledge we have given... not only to the people of Kashmir but to the world. We will not, and cannot back out of it. We were anxious not to finalise anything in a moment of crisis, and without the fullest opportunity to the people of Kashmir to have their say. It is for them ultimately to decide."

This was said one week after the so-called offer of accession by the Maharaja of Jammu and Kashmir.

160. Again I am tempted, because of my great regard for him, to quote from the statement of the then Defence Minister of India and the leader of the Indian delegation to the Security Council in January 1948, Mr. Gopalaswami Ayyangar, who addressing the Security Council on 15 January 1948 at the 227th meeting of the Council said:

"We desire only to see peace restored in Kashmir and to ensure that the people of Kashmir are left free to decide in an orderly and peaceful manner the future of their State. We have no further interest, and we have agreed that a plebiscite in Kashmir might take place under international auspices after peace and order has been established".^{11/}

Could anything be more clear than these statements?

161. If even this is not clear enough, let us look at the two UNCIP resolutions, which even India does not deny having accepted. This is in writing; the United Nations has the acceptance of the Governments of both India and Pakistan in writing. Let me quote the very first paragraph of the resolution of 5 January 1949; I will read the preamble as well for those who are not familiar with it:

"The United Nations Commission for India and Pakistan,

"Having received from the Governments of India and Pakistan, in communications dated 23 December and 25 December 1948, respectively, their acceptance of the following principles which are supplementary to the Commission's resolution of 13 August 1948;

"1. The question of the accession of the State of Jammu and Kashmir to India and Pakistan will be decided through the democratic method of a free and impartial plebiscite."^{12/}

And yet we are told that there is no binding commitment on the part of India to hold a plebiscite.

162. Arguments have been advanced and repeated today before you that these resolutions have become obsolete; the representative of India even said that

they had become dead. How do international agreements become obsolete or dead? By their non-performance by one of the parties? Is that a doctrine which this Assembly is prepared to accept? No, international agreements remain binding; they remain binding on all honourable men and on all honourable Governments. They do not lapse as a result of the unwillingness, the reluctance or the refusal of any one party to carry them out.

163. Then we were again charged with acts of aggression in August and September — this month. This issue has also been discussed, only a week ago, in the Security Council and it would not be proper for me to reply by quoting speeches, still less by quoting to you the catalogue of press clippings. We all can do this; this is a game at which we are not novices by any means. But what did the Security Council do when it heard all this catalogue of allegations and counter-allegations? It came to the conclusion that what mattered now was to stop the fighting; a cease-fire order should be given; troops should withdraw; armed personnel should withdraw to the positions they occupied before the outbreak of hostilities; the Security Council must again address itself, while this is going on, to resolving the basic political problem underlying the conflict, namely the Kashmir dispute.

164. This is all that we asked of the Assembly yesterday. If we had wanted to do so, it would not have been difficult for us to produce before you a chronology of Indian violations of the cease-fire. I think that, since January 1949, there have been thousands of violations of the cease-fire, some by India, some by Pakistan, some serious, some not so serious. It all depends on what you take as the starting-point, on which date you regard as useful for the case you wish to argue either before the Security Council or before the General Assembly. I did pick up, since I did not come here with a prepared speech, a chronology that we prepared the other day for use in the discussions in the Security Council. The first date that struck us was 15 May 1965, several months before the alleged infiltrations into Kashmir by armed and unarmed Pakistani personnel. And what was that? It was Indian occupation of three Pakistani posts in the Kargil area, clearly on our side of the cease-fire line, from which they were compelled to withdraw on the personal intervention of the Secretary-General of the United Nations.

165. Yet they reoccupied these very three posts on 15 August. Then there is a whole catalogue, date by date, action and counter-action, to which one could refer. But whatever one might say with regard to violations of the cease-fire in the disputed territory of Jammu and Kashmir, no one can challenge the fact that on 6 September it was the armed forces of India which crossed the international boundary and attacked Pakistan itself. The representative of India tried to justify this on the plea that somehow they thought we were about to attack the Province of Punjab, the Indian Punjab. What was the evidence? On what did they base their suspicions? None of that has been placed before the Assembly or placed before the Security Council.

^{11/} Ibid., Third Year, Nos. 1-15, 227th meeting, p. 28.

^{12/} Ibid., Fourth Year, Supplement for January 1949, documents 1196, para. 15.

166. But this is past and painful history. What we are concerned with here is this: whatever the rights or wrongs, whether India started this attack or Pakistan started that attack, how is this matter going to be settled? We are told that India is a very peace-loving country and wants to be a good neighbour of Pakistan, that they wish us well—as we certainly do them. Then how do they propose to resolve the problem which has divided the two countries for the last eighteen years, which has caused all this bitterness, all this hatred, which has burst out into open fighting—certainly on two occasions, if not three? We ask: how do they propose to resolve it? And what is the answer we get? They say there is nothing to resolve, there is no dispute. The representative of India argues in all seriousness that the Kashmir dispute does not exist.

167. Then what were they talking about all these eighteen years, both in the United Nations and in several bilateral meetings, meetings between the Prime Ministers of the two countries? What were they talking about? They were talking about Kashmir, because it was very much in dispute between the two countries. Heads of Governments do not waste their time meeting each other to discuss a problem which does not exist.

168. We are told that Kashmir is an integral part of India. How did it become an integral part of India? By the decision of the people of Jammu and Kashmir? At no time have the people of Jammu and Kashmir been consulted on this matter. We were told that the Constituent Assembly of Jammu and Kashmir adopted a resolution to this effect, but I remember very well listening to the very distinguished jurist of India, the late Sir Benegal Rau, speaking at Lake Success and assuring the Security Council that while the so-called Constituent Assembly of Jammu and Kashmir, which was elected without any contest—everybody was returned unopposed—might express an opinion, it could not bind either the Government of India or the Security Council or in any way come in the way of India's international obligations with regard to Jammu and Kashmir.

169. In case the representative of India, who, unfortunately, was never present at these meetings, wishes to question that statement, let me read to him from the preamble to Security Council resolution 81 (1951) of 30 March 1951:

"Affirming that the convening of a constituent Assembly as recommended by the General Council of the 'All Jammu and 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 in accordance with the above principle."

170. Those principles affirmed the UNCIP resolution of 5 January 1949, according to which both India and Pakistan were committed to the decision that the future of Jammu and Kashmir would be decided by a free and impartial plebiscite. This is the value or the legal significance of what was done by the so-called Constituent Assembly of Jammu and Kashmir.

171. But let me again quote from the late Jawaharlal Nehru, Prime Minister of India, because if my Indian colleagues wish to forget him, we do not. Mr. Nehru made a statement in the Indian Parliament on 1 January 1952. There, too, people like the present representative of India had argued that Jammu and Kashmir was part of India, that it was legally, constitutionally, and so on, part of India, and that there was no necessity now to worry about the plebiscite or consulting the people. This is what Mr. Nehru had to say in reply in that debate:

"Kashmir is not the property of either India or Pakistan. It belongs to the Kashmiri people. We made it clear to the leaders of the Kashmiri people that we would ultimately abide by the verdict of their plebiscite. If they tell us to walk out, I would have no hesitation in quitting Kashmir. We have taken the issue to the United Nations and given our word of honour for a peaceful solution, and as a great nation we cannot go back on it. We have left the question for final solution to the people of Kashmir, and we are determined to abide by their decision."

172. These words clearly belie the assertion of the representative of India and of those who have spoken in a similar vein that Kashmir is a part of India. According to their word of honour, India must have no hesitation in referring this issue to the free will of the people of Jammu and Kashmir, and if the result is unfavourable to them, they are honour bound to quit Kashmir.

173. Finally, the representative of India—and I find this is a peculiar weakness in Muslims who come to represent or plead India's case at the bar of international opinion—finds himself, and I sympathize with him, in the position of having to be more Catholic than the Pope. They talk to us and preach to us about the virtues of India, the greatness of India, that it is a great secular State and that it is a great democracy. On the other hand, he could find no adjectives strong enough to describe how bad Pakistan was, how backward we were, how reactionary we were and so on.

174. All this is completely irrelevant to what we are discussing. Kashmir is not a prize to be given to India for its virtues, and to deprive Pakistan of Kashmir is not a means of punishment for whatever sins of commission or omission of which Pakistan may be guilty.

175. If our friends are so sure of the attractiveness of India, of all the virtues and of all the good things India stands for, why are they afraid to let the people of Jammu and Kashmir choose between us? Surely the representative of India, himself being a Kashmiri with a good deal of political experience, can trust the wisdom of his own people. After all, the fate of 5 million people is at stake. Let them choose between India and Pakistan. Let India tell the people of Kashmir of all the good things it stands for and of all the good things it has done for Jammu and Kashmir. We have no objection. Let their people denounce and proclaim to the voters all the misdeeds of Pakistan in what we call Azad Kashmir.

We have no quarrel with that. All we ask is that we too should have the opportunity to state our side of the case and to let both countries abide by the verdict of these people. That is the only peaceful, honourable

and civilized way of settling a territorial dispute. There is no other way.

The meeting rose at 6.15 p.m.