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MEMORANDUM

THE WHITE HOUSE

WASHINGTON

INFORMATION

~~SECRET~~

December 8, 1971

MEMORANDUM FOR: DR. KISSINGER

FROM: HAROLD H. SAUNDERS
SAMUEL M. HOSKINSON *SH*

SUBJECT: Security Commitments to Pakistan

Attached for your reference are copies of the documents spelling out our security obligations to Pakistan and other related assurances and commitments we have made to the Paks over the years.

Tab A -- texts of Baghdad Pact of 1955 and the supplementary bilateral agreement of 1959.

Tab B -- text of the SEATO treaty.

Tab C -- a complete compilation of all security assurances we have given to the Paks over the years.

Tab D -- a State paper on our legal obligations to Pakistan.

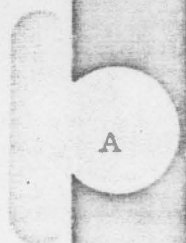
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DECLASSIFIED

E.O. 13526 (as amended), 550 33
 NSC Memo, 3/30/79, Class. Auth. Guidelines
 By HR / 9/21/11



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A. Pact of Mutual Cooperation:

Following is the text of Articles contained in the original Pact of Mutual Cooperation between Iraq and Turkey, signed in Baghdad on February 24, 1955, subsequently acceded to by Iran, Pakistan and the United Kingdom. Iraq withdrew in 1959:

Article 1 Consistent with Article 51 of the United Nations Charter the High Contracting Parties will cooperate for their security and defence. Such measures as they agree to take to give effect to this cooperation may form the subject of special agreements with each other.

Article 2 In order to ensure the realization and effect application of the cooperation provided for in Article 1 above the competent authorities of the High Contracting Parties will determine the measures to be taken as soon as the present Pact enters into force. These measures will become operative as soon as they have been approved by the Governments of the High Contracting Parties.

Article 3 The High Contracting Parties undertake to refrain from any interference whatsoever in each other's internal affairs. They will settle any dispute between themselves in a peaceful way in accordance with the United Nations Charter.

Article 4 The High Contracting Parties declare that the dispositions of the present Pact are not in contradiction with any of the international obligations contracted by either of them with any third state or states. They do not derogate from, and cannot be interpreted as derogating from, the said international obligations. The High Contracting Parties undertake not to enter into any international obligation incompatible with the present Pact.

Article 5 The Pact shall be open for accession to any member state of the Arab League or any other state actively concerned with the security and peace in this region and which is fully recognized by both of the High Contracting Parties. Accession shall come into force from the date on which the instrument of accession of the state concerned is deposited with the Ministry of Foreign Affairs of Iraq.

Any acceding state Party to the present Pact may conclude special agreements, in accordance with Article 1, with one or more states Parties to the present Pact. The competent authority of any acceding state may determine measures in accordance with Article 2. These measures will become operative as soon as they have been approved by the Governments of the Parties concerned.

Article 6 A Permanent Council at Ministerial level will be set up to function within the framework of the purposes of this Pact when at least four Powers become parties to the Pact.

The Council will draw up its own rules of procedure.

Article 7 This Pact remains in force for a period of five years renewable for other five-year periods. Any Contracting Party may withdraw from the Pact by notifying the other Parties in writing of its desire to do so, six months before the expiration of any of the above-mentioned periods, in which case the Pact remains valid for the other Parties.

Article 8 This Pact shall be ratified by the Contracting Parties and ratifications shall be exchanged at Ankara as soon as possible. Thereafter it shall come into force from the date of the exchange of ratifications.

Bilateral Agreements:

Following is the text of the identical Bilateral Agreements of Cooperation signed by the United States with Iran, Pakistan and Turkey in Ankara on March 5, 1959:

The Government of (Iran/Pakistan/Turkey) and the Government of the United States of America,

Desiring to implement the Declaration in which they associated themselves at London on July 28, 1958;

Considering that under Article 1 of the Pact of Mutual Cooperation signed at Baghdad on February 24, 1955, the Parties signatory thereto agreed to cooperate for their security and defence and that, similarly, as stated in the above-mentioned Declaration, the Government of the United States of America, in the interest of world peace, agreed to

Recalling that, in the above-mentioned Declaration, the members of the Pact of Mutual Cooperation making that Declaration affirmed their determination to maintain their collective security and to resist aggression, direct or indirect;

Considering further that the Government of the United States of America is associated with the work of the major Committee of the Pact of Mutual Cooperation signed at Baghdad on February 24, 1955;

Affirming their right to cooperate for their security and defence in accordance with Article 51 of the Charter of the United Nations;

Considering that the Government of the United States of America regards as vital to its national interest and to world peace the preservation of the independence and integrity of (Iran/Pakistan/Turkey);

Recognizing the authorization to furnish assistance granted to the President of the United States of America by the Congress of the United States of America in the Mutual Security Act of 1954, as amended, and in the Joint Resolution to Promote Peace and Stability in the Middle East; and Considering that similar agreements are being entered into by the Government of the United States of America and the Governments of (Iran/Pakistan/Turkey) respectively;

Have agreed as follows:

Article I. The Government of (Iran/Pakistan/Turkey) is determined to resist aggression. In case of aggression against (Iran/Pakistan/Turkey) the Government of the United States of America, in accordance with the Constitution of the United States of America, will take such appropriate action, including the use of armed forces, as may be mutually agreed upon and as is envisaged in the Joint Resolution to Promote Peace and Stability, in the Middle East, in order to assist the Government of (Iran/Pakistan/Turkey) at its request.

Article II. The Government of the United States of America in accordance with the Mutual Security Act of 1954, as amended, and related laws of the United States of America, and with applicable agreements heretofore or hereafter entered into between the Government of (Iran/Pakistan/Turkey) and the Government of the United States of America, reaffirms that it will continue to furnish to the Government of (Iran/Pakistan/Turkey) such military and economic assistance as may be mutually agreed upon between the Government of (Iran/Pakistan/Turkey) and the Government of the United States of America, in order purposes set forth by the Governments associated in the preservation of its national independence and integrity and in the effective promotion of its economic development.

Article III. The Government of (Iran/Pakistan/Turkey) undertakes to utilize such military and economic assistance as may be provided by the Government of the United States of America in a manner consonant with the aims and purposes set forth by the Governments associated in the Declaration signed at London on July 28, 1958, and for the purpose of effectively promoting the economic development of (Iran/Pakistan/Turkey) and of preserving its national independence and integrity.

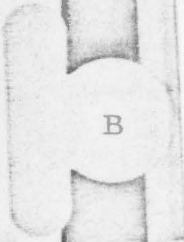
Article IV. The Government of (Iran/Pakistan/Turkey) and the Government of the United States of America will cooperate with the other Governments associated in the Declaration signed at London on July 28, 1958, in order to prepare and participate in such defensive arrangements as may be mutually agreed to be desirable subject to the other applicable provisions of this agreement.

Article V. The provisions of the present agreement do not affect the cooperation between the two Governments as envisaged in other international agreements or arrangements.

Article VII. This agreement shall enter into force upon the date of its signature and shall continue in force until one year after the receipt by either Government of written notice of the intention of the other Government to terminate the agreement.



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Text of SEATO Treaty

South-East Asia

Collective Defense Treaty

(Manila Pact)

The Parties to this Treaty,

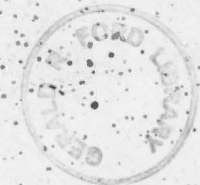
Recognizing the sovereign equality of all the Parties,

Reiterating their faith in the purposes and principles set forth in the Charter of the United Nations and their desire to live in peace with all peoples and all governments,

Reaffirming that, in accordance with the Charter of the United Nations, they uphold the principle of equal rights and self-determination of peoples, and declaring that they will earnestly strive by every peaceful means to promote self-government and to secure the independence of all countries whose peoples desire it and are able to undertake its responsibilities,

Desiring to strengthen the fabric of peace and freedom and to uphold the principles of democracy, individual liberty and the rule of law, and to promote the economic well-being and development of all peoples in the Treaty Area,

Intending to declare publicly and formally their sense of unity, so that any potential aggressor will appreciate that the Parties stand together in the area, and,



Desiring further to coordinate their efforts for collective defence for the preservation of peace and security,

Therefore agree as follows:

ARTICLE I.

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international dispute in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

ARTICLE II

In order more effectively to achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack and to prevent and counter subversive activities directed from without against their territorial integrity and political stability.

ARTICLE III

The Parties undertake to strengthen their free institutions and to cooperate with one another in the further development of economic measures, including technical assistance, designed both to promote economic progress and social well-being and to further the individual and collective efforts of governments toward these ends.



ARTICLE IV

1. Each Party recognizes that aggression by means of armed attack in the Treaty Area against any of the parties or against any State or territory which the Parties by unanimous agreement may hereafter designate would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations.

2. If, in the opinion of any of the Parties, the inviolability or the integrity of the territory or the sovereignty or political independence of any Party in the Treaty Area or of any other State or territory to which the provisions of paragraph 1 of this Article from time to time apply is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the Parties shall consult immediately in order to agree on the measures which should be taken for the common defence.

3. It is understood that no action on the territory of any State designated by unanimous agreement under paragraph 1 of this Article or on any territory so designated shall be taken except at the invitation or with the consent of the government concerned.

ARTICLE V

The Parties hereby establish a Council, on which each of them shall be represented, to consider matters concerning the implementation of this Treaty. The Council shall provide for consultation with regard to military and any other planning as the situation obtaining in the Treaty Area may from time to time require. The Council shall be so organized as to be able to meet at any time.



ARTICLE VI

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of any of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security. Each Party declares that none of the international engagements now in force between it and any other of the Parties or any third party is in conflict with the provisions of this Treaty, and undertakes not to enter into any international engagement in conflict with this Treaty.

ARTICLE VII

Any other State in a position to further the objectives of the Treaty and to contribute to the security of the area may, by unanimous agreement of the Parties, be invited to accede to this Treaty. Any State so invited may become a Party to the Treaty by depositing its instrument of accession with the Government of the Republic of the Philippines. The Government of the Republic of the Philippines shall inform each of the Parties of the deposit of each such instrument of accession.

ARTICLE VIII

As used in this Treaty, the "Treaty Area" is the general area of South-East Asia, including also the entire territories of the Asian Parties, and the general area of the South-West Pacific not including the Pacific area north of 21 degrees 30 minutes north latitude. The Parties may, by unanimous agreement, amend this Article to include within the Treaty Area the territory of any State acceding to this Treaty in accordance with Article VII or otherwise to change the Treaty Area.



ARTICLE IX

5.

1. This Treaty shall be deposited in the archives of the Government of the Republic of the Philippines. Duly certified copies thereof shall be transmitted by that Government to the other signatories.

2. The Treaty shall be ratified and its provisions carried out by the Parties in accordance with their respective constitutional processes. The instruments of ratification shall be deposited as soon as possible with the Government of the Republic of the Philippines, which shall notify all of the other signatories of such deposit.

3. The Treaty shall enter into force between the States which have ratified it as soon as the instruments of ratification of a majority of the signatories shall have been deposited, and shall come into effect with respect to each other State on the date of the deposit of its instrument of ratification.

ARTICLE X

This Treaty shall remain in force indefinitely, but any Party may cease to be a Party one year after its notice of denunciation has been given to the Government of the Republic of the Philippines, which shall inform the Governments of the other Parties of the deposit of each notice of denunciation.

ARTICLE XI

The English text of this Treaty is binding on the Parties, but when the Parties have agreed to the French text thereof and have so notified the Government of the Republic of the Philippines, the French text shall be equally authentic and binding on the Parties.



Understanding of the
United States of America

The United States of America in executing the present Treaty does so with the understanding that its recognition of the effect of aggression and armed attack and its agreement with reference thereto in Article IV, paragraph 1, apply only to Communist aggression but affirms that in the event of other aggression or armed attack it will consult under the provisions of Article IV paragraph 2.

In witness whereof the undersigned Plenipotentiaries have signed this Treaty.

Done at Manila, this eighth day of September, 1954.

Protocol to the South-East Asia
Collective Defense Treaty

Designation of states and territory as to which provisions of Article IV and Article III are to be applicable:

The Parties to the South-East Asia Collective Defense Treaty unanimously designate for the purposes of Article IV of the Treaty the States of Cambodia and Laos and the free territory under the jurisdiction of the State of Vietnam.

The Parties further agree that the above mentioned states and territory shall be eligible in respect of the economic measures contemplated by Article III.

This Protocol shall enter into force simultaneously with the coming into force of the Treaty.



In witness whereof, the undersigned Plenipotentiaries have signed this Protocol to the South-East Asia Collective Defense Treaty.

Done at Manila, this eighth day of September, 1954.



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16PAKISTAN

I - SECURITY ASSURANCES

A. Treaty Obligations

Southeast Asia Treaty--September 8, 1954 (United States, Pakistan, Australia, New Zealand, Philippines, Thailand, United Kingdom and France)

- An armed attack in the treaty area* against any Party would endanger the peace and safety of the other Parties.

(Article IV, 1)

- Each Party will act to meet the common danger in accordance with its constitutional processes.

(Article IV, 1)

- The Parties shall consult immediately to agree on measures for the common defense in the event any Party is threatened in any way other than armed attack or is affected by a fact or situation which might endanger the peace of the area.

(Article IV, 2)

* The general areas of Southeast Asia and the Southwest Pacific, excluding the Pacific area north of 21° 30' N.



PAKISTAN

I - SECURITY ASSURANCES

B. Less Formal AssurancesMid-East Resolution, The "Eisenhower Doctrine"--May 9, 1957.

"...the U.S. regards as vital to its national interest and world peace the preservation of the independence and integrity of the nations of the Mid-East. If the President decides the necessity thereof, the United States is prepared to use armed forces to assist any such nation...requesting assistance against armed aggression from any country controlled by international communism: Provided such employment shall be consistent...with the Constitution of the United States..."

(Joint Senate-House Resolution)

Multilateral Declaration Respecting the Baghdad Pact--July 28, 1958
(United States, Iran, Pakistan, Turkey, United Kingdom)

".../The Baghdad Pact - later CENTO/ provides that the Parties will cooperate for their security and defense... similarly, the United States agrees to cooperate with the nations making this declaration for their security and defense, and will promptly enter into agreements to give effect to this cooperation.

NOTE: The United States is not a party to CENTO, but participates in CENTO activities.

US-Pakistan Agreement of Cooperation--March 5, 1959

"...In case of aggression against Pakistan, the Government of the United States...in accordance with the Constitution of the United States... will take such appropriate action, including the use of armed forces, as may be mutually agreed upon and as is envisaged in the.../Mid-East Resolution/ ...in order to assist the Government of Pakistan at its request..."



I - SECURITY ASSURANCES

B. Less Formal Assurances (Cont'd)

U.S. Ambassador-Pakistani Foreign Minister--April 15, 1959

"...The United States would promptly and effectively come to the assistance of Pakistan if it were subjected to armed aggression.. A threat to the territorial integrity or political independence of the members /of CENTO/ would be viewed by the United States with the utmost gravity."

(Formal Note - Not for Publication)

President Kennedy-President Ayub--January 26, 1962

"...As a firm ally, Pakistan is entitled to the reaffirmation you have requested of the prior assurances given by the United States to Pakistan on the subject of aggression against Pakistan. My government certainly stands by these assurances..."

(Secret Letter)

Unilateral U.S. Statement--November 17, 1962

"...The United States...has assured...Pakistan that, if our assistance to India should be misused and directed against another in aggression, the United States would undertake immediately, in accordance with constitutional authority, appropriate action both within and without the United Nations to thwart such aggression..."

(State Department Press Release)

President Johnson-Foreign Minister Bhutto--November 29, 1963

"...The United States was not going to let anyone attack Pakistan..."

(Secret MemCon)

President Johnson-President Ayub--December 15, 1965

"...Ayub had told /The President/ that Pakistan's first obligation was to the United States. Ayub had no agreements of any kind with Chicanos but what if the Indians were to try to gobble up Pakistan. The President replied that we would do what we did in Viet-Nam. We were not going to let anybody overrun them. Ayub said that was all he wanted to know..."

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E.O. 13526 (as amended) SEC 3.3 3/1/04

State Dept Guidelines

By 130 NARA, Date 9/21/11

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"...The President told Ayub that...our Indian policy is our business. Ayub said he fully understood this but what if the Indians tried to knock us off? The President said we would not let them...

"...Ayub had said, 'I know you won't believe it but those Indians are going to gobble us up.' President Johnson had replied that if they tried this we would stop them and that he believed we could do this simply by telling India we would not allow it. We cannot believe that India would attack Pakistan if the United States were opposed..."

(Secret MemCon)



PAKISTAN

II - MAP, SALES OR OTHER SUPPORT ASSURANCES

A. Treaty ObligationsSoutheast Asia Treaty--September 8, 1954

"...The Parties...by means of continuous self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack and to prevent and counter subversive activities directed from without against their territorial integrity and political stability."

B. Less Formal AssurancesArrangement for the Pakistani Air Force--June 11, 1969 (USAF-PAF)

"...the purpose of this Arrangement is to enable the Pakistani Air Force to utilize the United States Air Force Logistics System to obtain support for mutually agreed upon weapons systems and mission-related items of US origin common to the air forces of both countries. This Arrangement covers spares and expendable items (as stated) in support of weapons systems covered by this Arrangement, and does not authorize the PAF to requisition items of non-expendable equipment..."

III - US FORCE COMMITMENTS

A. Treaty Obligations

See Section IA

B. Less Formal Assurances

See Section IB



15
Enclosure 1 to Airgram A-613 from Embassy Karachi, November 1962
to the President of Pakistan:

Dear Mr. President:

You will recall that during our conversation of November 5 at Rawalpindi I presented to you on behalf of my government an Aide Memoire reaffirming previous assurances given your government that my government will come to Pakistan's assistance in the event of aggression from India against Pakistan. At that time you suggested that if my government were in a position to make those assurances public they would have a healthy and settling effect in Pakistan. This request was transmitted to my government following our conversation.

The Department of State on November 17 issued a public statement containing assurances to the Government of Pakistan that if our assistance to India is misused and directed against another country in aggression the US Government would undertake to thwart such aggression. I am enclosing a copy of this statement by the Department of State which was conveyed previously to your Embassy in Washington. I wanted to take this opportunity to inform you that these assurances were made public as a result of your request to me on November 5. With assurance of my high regard, I have the honor to be with great respect very cordially and sincerely yours,

Walter P. McConeghy



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Enclosure 2 to Airgram A-613

From Dehlavi of the Pakistan Ministry of Foreign Affairs dated November 28, 1962, and to the American Ambassador in Karachi.

Dear Mr. Ambassador:

I am desired to acknowledge with thanks your letter dated Karachi November 19, 1962, to the President in which you have referred to the Aide Memoire of your Government reaffirming previous assurances that the US Government will come to Pakistan's assistance in the event of aggression from India. I am also desired to thank you for enclosing with your letter the text of Press Release dated 17 November 1962.



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If China were to attack India to support Pakistan following either an Indian attack on Pakistan or a gradual escalation leading to hostilities, and if India were to call on the United States to consult or to provide assistance under the terms of the 1963 Indo-American Air Defense Agreement, the United States could respond in any of the following ways:

(a) The United States could state that it has no obligation to consult since in its view there was no case of "outright Chinese aggression" against India. In either a case of an initial Indian attack against Pakistan, or a gradual escalation leading to hostilities, a reasonable argument could be made that Chinese military action against India was not aggression but rather collective self-defense against India consistent with Article 51 of the UN Charter, assuming, of course, a Pakistani request for Chinese assistance.

(b) The United States could state that the secret 1963 agreement dealt with specific air defense assistance to be provided pursuant to the 1962 agreement under which assistance was expressly limited to the situation existing in the early 1960's; that the United States had fully performed its undertakings pursuant to the 1962 and 1963 agreements; and that the United States does not consider that it currently has any legal obligation to consult India on possible assistance to strengthen its air defense.

(c) The United States could, of course, agree to consult with India as a policy matter while disclaiming any obligation to do so under the 1963 agreement.

II. Consultation Obligations to Pakistan

1. SEATO Treaty. Article IV provides in part:

"1. Each Party recognizes that aggression by means of armed attack in the treaty area against any of the Parties...would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes....

DECLASSIFIED *State Review*

E.O. 13526 (as amended) SEC 3.3 3/1/04

State Dept Guidelines

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By HR NARA, Date 9/21/11

"2. If, in the opinion of any of the Parties, the inviolability or the integrity of the territory or the sovereignty or political independence of any Party in the treaty area...is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the Parties shall consult immediately in order to agree on the measures which should be taken for the common defense." (Emphasis added.)

In executing the SEATO Treaty, the United States officially recorded its understanding:

"that its recognition of the effect of aggression and armed attack and its agreement with reference thereto in Article IV, paragraph 1 apply only to communist aggression, but in the event of other aggression or armed attack it will consult under the provisions of Article IV, paragraph 2."

If armed conflict should occur between India and Pakistan and Pakistan should call on the United States to consult or to provide assistance on the basis of the SEATO Treaty, the United States would be on firm ground in asserting that it had no obligation under Article IV, paragraph 1, even if India were clearly the aggressor, and that in accordance with the understanding quoted above, the United States is only obligated under Article IV, paragraph 2 to consult immediately with the other parties, including Pakistan, "in order to agree on the measures which should be taken for the common defense."

In such consultations, the U.S. would have no legal obligation to agree upon any particular measures, and could if it wished take the position that under the circumstances the most promising measures would be public or private diplomatic activity rather than military assistance.

2. Defense Cooperation Agreement

On March 5, 1959, the United States entered into identical bilateral executive agreements with Pakistan



Iran and Turkey. The preamble states that the parties desired "to implement" the 1958 London Declaration Respecting the Baghdad Pact which states in part:

"... the United States in the interest of world peace, and pursuant to existing Congressional authorization, agrees to cooperate with the nations making this Declaration for their security and defense, and will promptly enter into agreements designed to give effect to this cooperation."

Article II of the Defense Cooperation Agreement provides:

"The Government of Pakistan is determined to resist aggression. In case of aggression against Pakistan, the Government of the United States of America, in accordance with the Constitution of the United States of America, will take such appropriate action, including the use of armed forces, as may be mutually agreed upon and as is envisaged in the Joint Resolution to Promote Peace and Stability in the Middle East, in order to assist the Government of Pakistan at its request."

This article does not commit the United States to take any particular action other than to consult on what "appropriate action" might be agreed upon in a particular case. Such action might be limited to public or private diplomatic efforts, or possibly nothing at all. Although Article 1 states that the United States "will take such appropriate action, including the use of armed forces, as may be mutually agreed upon", the reference to the Middle East resolution has the effect of limiting our obligation to consider the possible use of American armed forces to a case of "armed aggression from any country controlled by international communism". In a case of direct or indirect aggression from a non-communist country, such as India, therefore, our obligation to consult would be limited to possible diplomatic, economic or military assistance, but not



the possible use of American armed forces. The negotiating history makes clear that Pakistan understood this effect of the reference to the Middle East resolution.

At the time the bilateral agreement was entered into, the United States also explained to India the limiting effect of the reference to the Middle East resolution. In making clear to both India and Pakistan the scope of the 1959 Defense Cooperation Agreement in the event of hostilities between them, the United States also emphasized to both governments the strong opposition of the United States to aggression of any kind and "the obligations imposed by the UN Charter on members of the UN to consider how best to assist any victim of aggression."

In 1965, Pakistan called on the U.S. "to act immediately under the 1959 agreement to suppress and vacate the Indian aggression." The United States answered that "in accordance with our assurances to Pakistan, we are acting urgently, as we said we would, to meet this common danger by full support for immediate UN action to end the hostilities; that must be first objective of all concerned." (Deptel 290, September 6, 1965). The United States reply did not specify whether it was acting under the 1959 agreement or on some other basis. The use of the phrase "acting urgently ... to meet this common danger", however, sounds more like Article IV of the SEATO Treaty.*

* Also, in September 1965, Indian Ambassador Nehru asked Secretary Rusk about a general assurance given in a ^{Presidential} letter of February 24, 1954 which included the following:

"And I am confirming publicly that if our aid to any country, including Pakistan, is misused and directed against another in aggression I will undertake immediately, in accordance with my Constitutional authority, appropriate action both within and without the UN to thwart such aggression."

Secretary Rusk "Said he did not want to give off cuff reply to MAP assurances questions" (Deptel 343, September 3, 1965). It does not appear that the Indians pursued the problem.



By way of background, it is useful to recall that the three bilateral CENTO-related defense cooperation agreements were entered into as executive agreements in 1959 based at the time on the 1957 Middle East resolution and the Mutual Security Act of 1954, as amended. In commenting on the 1969 Mathias proposal to repeal the area resolutions regarding the Middle East, Cuba, Formosa and Southeast Asia, the Department wrote that we were no longer relying on any of the resolutions as authority for current foreign policy decisions and accordingly we neither favored nor opposed repeal.* The Department's letter pointed out that the Middle East resolution contained a statement which continued to be the policy of this Administration, i.e. "... The United States regards as vital to the national interest and world peace the preservation of the independence and integrity of the nations of the Middle East." The Department also explained that repeal of the Middle East resolution would not affect the continuing validity of the bilateral defense cooperation agreements with Turkey, Iran and Pakistan since the undertakings to consult on possible assistance did not commit us to any particular action and hence were clearly within the President's constitutional authority.

* The Southeast Asia (Tonkin Gulf) resolution has been repealed, and the Foreign Relations Committee has voted to repeal the Formosa resolution although it is not clear whether further Congressional action will be taken on the Committee's recommendation in the near future. Separate proposed resolutions have also been recently introduced to repeal the Cuban and Middle East resolutions. Department comments have been drafted to reaffirm the comments submitted last year, and we expect these to be formally submitted to the Foreign Relations Committee in the near future.



III. Agreements to Provide Military Assistance to Pakistan

1. Defense Cooperation Agreement - Article II provides the United States "will continue to furnish to the Government of Pakistan such military and economic assistance as may be mutually agreed upon...." in accordance with U.S. legislation and applicable agreements between the two governments. Obviously, this article does not embody any new U.S. obligation to provide any specific military equipment or assistance.

It is clear that Pakistan also understood Article II in this way at the time the agreement was entered into. Prior to signing the agreement, Pakistan objected to statements by U.S. officials to the effect that the bilateral was nothing more than a reaffirmation of our mutual defense assistance agreement. Pakistan agreed that this was an accurate characterization, but said it was not helpful from the viewpoint of Pakistani public opinion which was looking for something new.

2. SEATO Treaty

Article II of the SEATO Treaty provides that:

"... the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack...."

To our knowledge, Pakistan has not based past requests for U.S. military assistance on this provision, probably because of the more specific U.S.-Pakistan mutual defense assistance agreement referred to in Article II of the Defense Cooperation Agreement.

Clearances: _____

- L - Mr. Aldrich
- L/EA - Mrs. Strachan
- L/T - Mrs. McDowell

L/NEA:SMBoyd:eg
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THE WHITE HOUSE

WASHINGTON

December 10, 1971

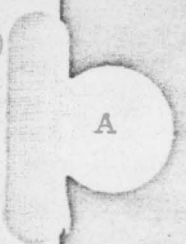
MEMO FOR: HENRY A. KISSINGER
FROM: AL HAIG
SUBJECT: Meeting with Amb. Johnson .

The following documents are attached for your use in the meeting with Ambassador Johnson.

- At Tab A is the President's letter of December 6 to Secretary Brezhnev.
- At Tab B is the Soviet reply of December 8.
- At Tab C is the President's letter which was delivered to the Soviets this morning.
- At Tab D are the two points delivered by Ambassador Raza this morning.
- At Tab E is a precis of the President's comments to Soviet Minister of Agriculture and the Soviet Charge on December 9.



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THE WHITE HOUSE
WASHINGTON

December 6, 1971

Dear Mr. Secretary:

I address this urgent message to you because of my profound concern about the deepening gravity of the situation in the Indian Subcontinent.

Whatever one's view of the causes of the present conflict, the objective fact now is that Indian military forces are being used in an effort to impose political demands and to dismember the sovereign state of Pakistan. It is also a fact that your Government has aligned itself with this Indian policy.

You have publicly stated that because of your geographic proximity to the Subcontinent you consider your security interests involved in the present conflict. But other countries, near and far, cannot help but see their own interests involved as well. And this is bound to result in alignments by other states who had no wish to see the problems in the Subcontinent become international in character.

It had been my understanding, from my exchanges with you and my conversation with your Foreign Minister, that we were entering a new period in our relations which would be marked by mutual restraint and in which neither you nor we would act in crises to seek unilateral advantages. I had understood your Foreign Minister to say that these principles would govern your policies, as they do ours, not only in such potentially dangerous areas as the Middle East but in international relations generally.



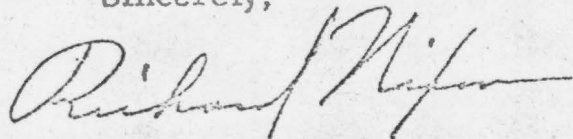
I regret to say that what is happening now in South Asia, where you are supporting the Indian Government's open use of force against the independence and integrity of Pakistan, merely serves to aggravate an already grave situation. Beyond that, however, this course of developments runs counter to the recent encouraging trend in international relations to which the mutual endeavors of our two governments have been making such a major contribution.

It is clear that the interests of all concerned states will be served if the territorial integrity of Pakistan were restored and military action were brought to an end. Urgent action is required and I believe that your great influence in New Delhi should serve these ends.

I must state frankly that it would be illusory to think that if India can somehow achieve its objectives by military action the issue will be closed. An "accomplished fact" brought about in this way would long complicate the international situation and undermine the confidence that we and you have worked so hard to establish. It could not help but have an adverse effect on a whole range of other issues.

I assure you, Mr. Secretary, that such a turn of events would be a painful disappointment at a time when we stand at the threshold of a new and more hopeful era in our relations. I am convinced that the spirit in which we agreed that the time had come for us to meet in Moscow next May requires from both of us the utmost restraint and the most urgent action to end the conflict and restore territorial integrity in the Subcontinent.

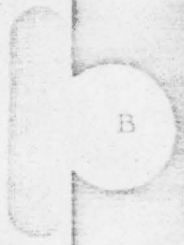
Sincerely,



His Excellency
Leonid I. Brezhnev
General Secretary of the Communist
Party of the Soviet Union
The Kremlin
Moscow



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Dear Mr. President:

We have already conveyed to you certain reflections regarding the developments in the Hindostan peninsula that we had in connection with your preliminary considerations transmitted through Mr. Kissinger. Now your letter has been received, and I would like to set forth to you, in an urgent manner as required by the acuteness of the question, our considerations in greater detail.

I would like to note, first of all, that we are also profoundly concerned about the situation in the Hindostan peninsula, the more so that the dangerous events are taking place in immediate proximity to the borders of the Soviet Union.

The events that had led to the armed conflict between Pakistan and India, are well known to you as well as to us. Striving to forestall their deterioration we were in mutual contact and kept informed of the



actions of each other. Yet, the military confrontation still could not have been averted.

Concerned about the dangerous development of events in the Peninsula and interested in maintaining good relations both with India and Pakistan, the Soviet Union from the very outset took the position aimed at a peaceful solution of the questions at issue, and did everything necessary in this respect, trying in every way to convince both sides of this. We stated to President Yahya Khan and the Pakistani Government that the only way to proceed is the way of political settlement, and that a political settlement requires political means. Also, we repeatedly laid emphasis on the essence of the problem to be solved.

And that essence is that as a result of the reprisal by the Pakistani authorities against those political forces in East Pakistan which were given full confidence by the people in the December 1970 election



and as a result of cruel repressions against the broad masses of the East Pakistani population, India was flooded with a stream of refugees unprecedented in history - some 10 million people. This influx of many millions of those illfated and deprived is a misfortune not only for themselves but also for India. That would be a misfortune for any country, even the richest one.

But it was clear all along that it would be impossible to get the refugees back to their native hearths without a political settlement in East Pakistan itself through negotiations between the Pakistani Government and the East Pakistani leaders who were elected by the people, and elected at that by universal vote which the Pakistani authorities themselves termed as completely free. That is why we advised President Yahya Khan to speedily take that path. We figured that the United States, too, would act in the same direction, and told you about it.



Our approach in this matter has not been and is not one-sided. We persistently expressed to both Pakistan and India our views about the necessity of a speediest political solution of the problem at issue. We sought to exert influence on the Pakistani leadership not because we were interested, for some special considerations of ours, in supporting the other side. We acted in that way because we saw the events in East Pakistan as the main cause of what was happening. And our viewpoint has not changed.

Unfortunately, President Yahya Khan and his Government did not take our advice. We are still puzzled as to the reason why the Pakistani leadership did not want to follow the way of political settlement - the way of negotiations. But the fact remains that they preferred to conduct the affairs in such a way as to make the guns speak and blood shed. Nobody can tell how many people have already perished - and still many more may die.



I shall not, however, go into this side of the matter. I would like to draw your attention to another thing. We are far from making the conclusion that everything is now lost and nothing can be done. Such a conclusion could only be dictated by lack of confidence in the power of reason and in the possibilities for action, which remain in the present situation as well.

The Soviet Union applies and will continue to apply most determined efforts in order to stop the bloodshed and to turn the course of events towards political settlement. We trust this is possible.

You refer to your understanding that in times of international crises neither you nor you should seek unilateral advantages. I agree with this. But I would go beyond that and would say that it is important not only to formulate this realistic principle but also, on its basis, to act for the purpose of overcoming the crisis. In general I believe that a favorable element, from the viewpoint of prospects



in the struggle for ending the conflict, is that there is no confrontation here of our two powers. And this being the case, we have all the more ground for parallel actions.

The thing to do now is to stop the war already underway. This requires a cease-fire. But the question arises - what is the best way to achieve it? It seems to us that, proceeding from the situation which developed from the very start, effective can be such a cease-fire which would be connected with a simultaneous decision for a political settlement, based on the recognition of the will of the East Pakistani population. Otherwise it is impossible to ensure the respect for the lawful rights and interests of the people of East Pakistan and to create conditions for the return of the millions of refugees. Without it a cease-fire will not be stable.

You already know about this proposal of ours, i.e. to solve together and simultaneously both questions - of cease-fire and of immediate resumption of



negotiations between the Government of Pakistan and the East Pakistani leaders concerning a political settlement in East Pakistan. Those negotiations should, naturally, be started from the stage at which they were discontinued. We feel that this proposal provides a way out for all, including Pakistan. On the other hand, all would lose - and Pakistan maybe even more others - on the way of continuing the war and rejecting a political settlement.

That is why I would like to pose a question to you: is the above mentioned basis for the restoration of peace and ensuring the political settlement acceptable to the US? We think that it does not contain anything that cannot be acceptable, and we have in mind to apply our efforts in this direction, wherever this question is considered.

The crust of the whole matter, as we are convinced, is the question of how to exert due influence upon President Yahya Khan and his Government. We continue to do that. But here, it seems, you have more possibilities.



The events in the Hindostan peninsula constitute a major question. It is necessary to do everything in order to bring about a turn towards peace there, and our two powers can in many respects contribute to that. Particularly needed for this purpose is a calm and balanced approach which would take into account both the specifics of the current moment and the general prospects of world development.

My colleagues and I will be waiting for your earliest possible reaction to the considerations above.

Sincerely,

L. BREZHNEV

December 8, 1971



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THE WHITE HOUSE

WASHINGTON

December 10, 1971

Dear Mr. Secretary:

I have carefully noted the contents of your letter of December 8, 1971. My own views of the basic issues involved in the conflict on the Indian Subcontinent were expressed in my previous letter and in my conversation with your Minister of Agriculture.

The situation is constantly deteriorating and as it does the adverse implications grow for our relations and for progress toward a stable international peace.

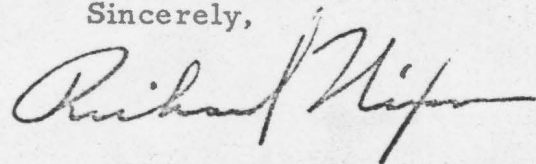
The proposals, contained in your letter, concerning the political evolution of East Pakistan appear to be being met. Pakistan's actions today in this respect were largely due to our influence initiated immediately upon receipt of your letter.

This must now be followed by an immediate cease-fire in the West. If this does not take place, we would have to conclude that there is in progress an act of aggression directed at the whole of Pakistan, a friendly country toward which we have obligations.

I therefore propose an immediate joint appeal for a complete cease-fire.

Meanwhile, I urge you in the strongest terms to restrain India with which, by virtue of your treaty, you have great influence and for whose actions you must share responsibility.

Sincerely,



His Excellency
Leonid I. Brezhnev
General Secretary of the Communist
Party of the Soviet Union
The Kremlin
Moscow



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(a) India and Pakistan should agree to an immediate ceasefire with the separate armed forces 'standing fast'; and that the United Nations or other international organization provide observers to see that the ceasefire is effective;

(b) that India and Pakistan 'at any effective level' immediately open negotiations aimed at a settlement of the war and troop withdrawal; and coincident therewith negotiations be started looking towards the political satisfaction of Bengali aspirations; i. e., a political settlement.

Delivered by Amb. Raza, 12/10/71



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TOP SECRET/SENSITIVE

Extract of President's Conversation with Soviet Minister of
Agriculture Matskevich and Soviet Charge Vorontsov -- 4:00 p.m.,
Thursday, December 9, 1971, in the President's Oval Office

Following an exchange of pleasantries in which Matskevich emphasized Mr. Brezhnev's warmly anticipated meeting with President Nixon, the President informed the Soviet representatives that he wished to discuss an urgent problem very frankly. The President continued, "I want you to know how strongly I personally feel about this issue." Great progress has been made in US/Soviet relations. No one two years ago would have thought this progress possible. It includes progress on SALT, the Berlin situation, and an agreement on the Spring Summit. Discussions have been held on the possibility of a European Security Conference, and the opportunity exists for a totally new relationship between the U.S. and the USSR.

^a
"Now, quite frankly, a great cloud hangs over it -- the problem of the Subcontinent." Six-hundred million will win over 60,000,000 people. Pakistan will be cut in half. In the short-range, this may be a gain for the Soviet Union and a setback for China. It is certain to be a tragedy for Pakistan. What is far more significant if the situation continues is the fact that it will poison the whole new relationship between the U.S. and the USSR. The question is, 'are short-term gains for India worth jeopardizing Soviet relations with the U.S.?'

TOP SECRET/SENSITIVE

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This is not conveyed in a threatening way. It would be difficult, however, for the U.S. to stand by if the Indians move forces into West Pakistan. The key to a settlement is in the hands of the Soviet Union. If the Soviets do not restrain the Indians, it will be difficult for the U.S. to deal with Yahya. If the Indians continue military operations, we must inevitably look toward a confrontation between the Soviet Union and the United States. The Soviet Union has a treaty with India, but the United States has obligations to Pakistan. The urgency of a ceasefire must be recognized.

