

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

McC *Chen* *Hank* *W...*
Frank *Ray*
ACTION 30762

July 23, 1971

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MEMORANDUM FOR DR. KISSINGER

State Dept. review completed

FROM: Harold H. Saunders *HS*
Samuel M. Hoskinson

NSS review completed

SUBJECT: Follow-up on Your Talk with Swaran Singh

One of Ambassador Jha's assistants has called, on the basis of instructions from New Delhi, to inquire about two issues which Foreign Minister Singh raised and which you indicated you would look into. These are:

--The U. S. position on India's "preliminary objections" to Pakistan's complaint before the ICAO Council concerning the Indian ban on Pakistani overflights.

--Indian reports that Iran has transferred spares for F-86s to Pakistan.

There is no reason for you personally to discuss these side issues with the Indians and, if we have your views, we can pass them on to Ambassador Jha.

ICAO Issue

You will recall that after the destruction of an Indian commercial aircraft hijacked from Kashmir to Lahore last spring the Indians retaliated by banning all Pakistani overflights of India. Subsequently, the Pakistanis lodged a formal complaint with the Council of the International Civil Aviation Organization (ICAO) after deciding not to follow our suggestion that they use the good offices procedures of that organization. The Indians in turn have lodged a "preliminary objection" to Pakistan's complaint, claiming essentially that the overflight ban is a bilateral Indo-Pak issue outside ICAO jurisdiction. The objection is to be considered by the Council, of which the U. S. is a member, on Tuesday. It is a legal maneuver to delay.

MORI/CDF per C03320281 & C05098404

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- 2 -

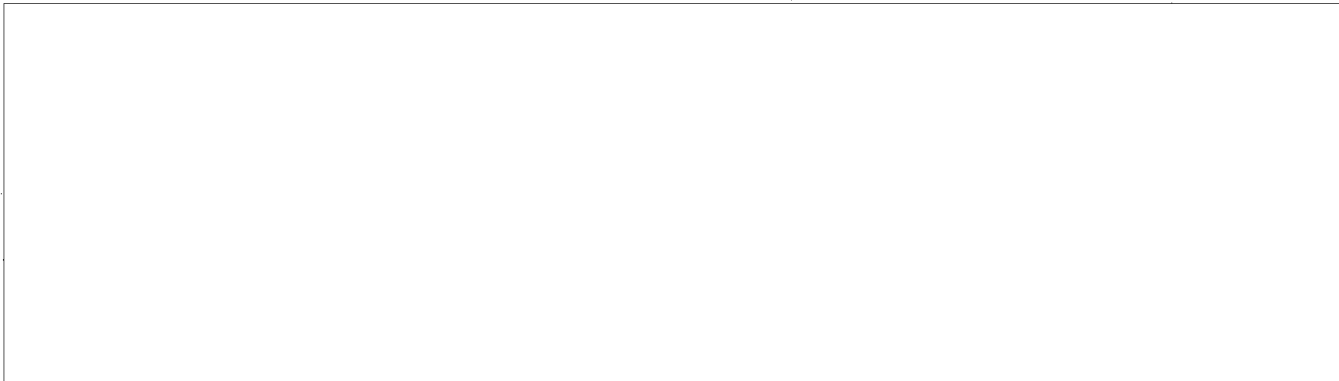
State has already told the Indians that our position in ICAO will be governed by legal, rather than political considerations. State's legal experts are working on the problem now and will have a formal opinion shortly. Informally they say that the Indian position is very weak and would be difficult to sustain without seriously undermining ICAO, an organization we are attempting to strengthen because of the general hijacking problem. State would hope to let other like-minded members of the ICAO Council take the lead in overriding India's "preliminary objection" but, in any event, vote against it. The Indians would be informed of our position on Monday.

RECOMMENDATION: That Ambassador Jha be informed that you have asked State to inform him shortly of the U. S. position.

Approve HK

Other _____

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Last month the Indians came to us with a similar complaint concerning a report of 6 U. S. -built, Iranian-supplied helicopters in Pakistan. We checked with the Iranians who said they were in West Pakistan on a temporary basis and have learned that they have since returned to Iran. State informed the Indians about this.

RECOMMENDATION: That Ambassador Jha be informed that we have no knowledge of the Iranians supplying any U. S. -origin military equipment to Pakistan in this situation but are looking into it further. We would, of course, be concerned if this were the case and would take the appropriate actions.

Tell him I made actual inquiry

Approve HK

Other _____

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