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PAKISTAN'S ROLE IN THE UNITED NATIONS

(A Study of Issues)

by

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A Thesis Presented for the Degree of
M.Litt. at the
University of Glasgow

1970

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ACKNOWLEDGMENTS

For the discerning advice of the many people who helped me in the preparation of this Thesis, I would like to express my grateful appreciation.

My warmest thanks, particularly, are extended to Professor W.J.M. Mackenzie who guided me throughout my graduate work. His instruction and counsel, always stimulating and enriching, have been invaluable to this study. I am deeply grateful, too, for his constant encouragement and interest.

My sincere thanks go furthermore to Dr. Edward Collins Jr. of the University of Maine, United States (presently Professor of International Relations at the University of Glasgow), whose able supervision and valued criticism enabled me to complete this work. His instruction has been a source of great stimulus. I am also thankful to Mr. Cris. M. Mason for useful discussion on some of the questions.

I am, moreover, indebted to Sir Mohammed Zafrulla Khan, now the President of The International Court of Justice who, in conversation, provided me with information and perspective by which I have benefited considerably.

And lastly, to Maqsooda, my wife, for her patience and encouragement throughout this Study, go my grateful thanks.

Glasgow,
July, 1970.

HAMEED ALI KHAN RAI.

INTRODUCTION:

The object of this thesis is to analyse and evaluate Pakistan's foreign policy on selected political questions that arose in the United Nations from 1947 to 1968.

Both in this International forum and outside it member states are constantly in the process of forming coalitions and blocs. Because there is no single Central power, there are competing power groups, shifting their composition constantly in an effort to maintain a balance that would prevent world control on the part of any group, somewhat analogous to the political situation in Pakistan before 1958.

The extent to which Pakistan has participated in such political alignments, and the nature of the alignments with which it has been associated, together with its influence in these alignments and their influence - if any - on Pakistan's foreign policy, constitute a measure of its political role in the world community.

This study is not intended as a complete survey or a textbook of Pakistan's activities in relation to the United Nations. This would be impossible within the scope of a thesis.

Instead, the principles and major developments of Pakistan's foreign policy are analysed and then examined in terms of 'selected political issues' of great importance dealt with by the United Nations and in which Pakistan actively participated. The issues are:

- (a) Pakistan's Membership in the United Nations. Immediately, after the partition of British India into the Dominions of India and Pakistan, there arose the general legal question of Pakistan's place as successor in part to the rights and duties, national and international of British India as a self-governing British Dominion and as a founder member of the United Nations.

It/

It is worthwhile to investigate the circumstances and events which were responsible for conferring the original United Nations Membership of British India on the new Indian Dominion. The study of this question - though not directly associated with other political issues - is useful from an academic point of view, but its practical values seem to lie in its influence - as a factor - in shaping Pakistan policy towards India.

- (b) Admission of new Members.
- (c) The Representation of China.
- (d) Colonial Questions, i.e. Self-determination, the case of Algeria.
- (e) Peace-keeping, the questions of Suez and Hungary.

These questions have been selected to present different types of issues, affecting different parts of the world and covering a sufficient period of time, to see the effect, if any, on Pakistan's foreign policy, of:

- (a) The Cold War, Alliance Politics, particularly United States Aid.
- (b) Pakistan's power relation with India.
- (c) Non-alignment tendencies in Pakistan's policy.
- (d) Afro-Asian bloc influences.
- (e) Muslim (Islam) influences.

This is done by a study of the Official Records of the United Nations, i.e. the position taken and the policy views expressed there by the representatives of Pakistan on these issues. Examples in the form of case studies have been used to show the different kinds of motivations which have influenced the voting attitude of Pakistan.

The factors that determine the nature of an International role are compounded of a nation's attitude towards itself as a member of the International Community and towards other nations and peoples. This requires a background knowledge: why Pakistan came to exist, what her character is, and why Pakistan maintains certain attitudes in foreign affairs./

affairs. The way a country won its independence can effect its whole ethos.

Pakistan came into being because 80 million Muslims found themselves in a minority in the Indo-Pak sub-continent. They were convinced that under the majority rule of the Hindus their culture was in danger of effacement and that their economic position, which was low, was not only unlikely to rise as rapidly as they desired, but more likely to sink still further. They could not accept the Hindu concept of secular equality, because Muslims believe sincerely, if somewhat vaguely, in the idea of an Islamic State. They demanded that in those parts of British India where they were in a majority, they should be allowed to set up their own State. This was opposed by the Indian National Congress as well as by the British Government.

The Congress Party's assertion that it was the only political party which represented the Indian masses was challenged by Mohammed Ali Jinnah, who claimed that the Muslim League was the watch dog of Muslim interests in the sub-continent. The plebiscitary election in 1946 proved Mr. Jinnah's claim; the Muslim League won 460 of the Muslim seats out of a total of 533 in central and provincial Assemblies.

The Congress opposed partition to the end, but finally accepted when it found that the alternative was a Civil War. Britain, on her part, had her own considerations for opposing the partition. The United States, which was taking over the leadership of the Western bloc from Britain, was also not in favour of the division of India. In the larger interests of its global strategy, the United States believed that a United India would be powerful as a defence against Communism in Asia. In opposition to these internal and external forces, Pakistan found its way to independence in 1947.

The politics of the sub-continent are, therefore, basically a continuation of/

of the old animosities built up during the independence struggle fought at cross-purposes by the Indian National Congress and the Muslim League. As a result, India and Pakistan have followed divergent foreign policies.

Pakistan's policy-makers have always laboured under the image of an India unreconciled to the creation of Pakistan and ready to do anything, if the opportunity presented itself, to undo the partition. As Sir Percival Griffiths has pointed out:

"Pakistan was very conscious of this feeling and regarded her powerful neighbour from the outset with fear and suspicion, which were strengthened by the belief that she had been unjustly treated by India in the division of the assets and particularly the military stores of undivided India."

"Any chance that this suspicion and bitterness might gradually fade away", wrote Sir Percival, "was destroyed by the Punjab Massacres in 1947. Every refugee fed the fire of hatred with his own tale of horror and brutality, and since India and Pakistan were now in the main the lands of the Hindus and Muslims respectively, the mounting communal antagonism naturally exacerbated the bad feeling between the two countries."¹

The final cord was cut by the Indian occupation of Kashmir in October 1947. Now Pakistan was fully convinced that India was bent upon its destruction. This added to Pakistan's feeling of insecurity and mistrust with respect to India.

Whatever might be the outward semblance, "a cardinal underlying purpose of Indian policy", said Michael Brecher, "was to keep her smaller neighbours weak and isolated, for eventual reabsorption."² "Pakistan does feel", says Professor Quincy Wright, "that India has its eye out for re-annexation of Pakistan."³/

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1. Sir Percival Griffiths, Modern India, (London: Ernest Benn Limited, 1962), p.163.
 2. Michael Brecher, in Selig S. Harrison (ed.), India and the United States, (New York: Macmillan, 1961), p.53.

Pakistan."³ "As late as 1963", stated Professor Frank N. Trager, "Nehru regarded Pakistan as an area which should be reincorporated into an Indian dominated confederation."⁴

As a small nation in comparison with India, Pakistanis always regard themselves vulnerable to their old Hindu foe. This fear of insecurity, the problem of survival, has been the focal point around which the foreign policy of Pakistan has revolved. This fear has dominated foreign, defence and economic policy. It has always been the major objective of Pakistan's foreign policy to search for friends who would be able to help Pakistan counterbalance India's power superiority on the sub-continent and support it in its various Indo-Pakistani disputes, the foremost of which being Kashmir.

It would, however, be an over simplification to say that there is no other consideration in Pakistan's foreign policy than the fear of India. There is, of course, the genuine desire to promote friendly relations with new nations of Asia and Africa and particularly with the Muslim countries. Like many other new nations of Asia and Africa, Pakistan feels a deep sense of sympathy towards the aspirations of the people under colonial rule. Thus, Pakistan has constantly and vigorously supported the causes of dependent people for self-determination.

Finally, it can be said that Pakistan's policy attitude in the United Nations can be viewed on the basis of her past Colonial existence and the treatment of Muslims by the British in British India, the tragedies attending partition, her youth as a nation, her geographic duality; the fact that she is a predominantly/

3. Quincy Wright, in Selig S. Harrison (ed.), Op.cit., p.55

4. Frank N. Trager, "The United States and Pakistan : a failure of Diplomacy", in Orbis, Vol.IX, No.3., 1965, p.626.

predominantly Muslim society and extremely aware of this, her membership in the "Asian" world, the nature of her neighbours and near neighbours and the low economic status of her people and her dependence, on other nations to improve their lot.

The first chapter to follow, which covers the partition of India, provides the background to Pakistan's policy in the United Nations. The following five chapters are analyses of Pakistan's position on selected issues that were considered by the United Nations from 1947 to 1968. Finally, a concluding chapter summarises the experiences and lessons of Pakistan's policies.

CHAPTER I

A. Origin of Pakistan

Pakistan came into being on 15 August, 1947, after the partition of the British Empire in India.

Muslim separatism was the result of the historical incidents that shaped the Muslim outlook with regard to their position in predominantly Hindu India after the establishment of British control.

One factor was the cultural and religious differences of Hindus and Muslims. In spite of living in close physical association for many centuries, a Hindu-Muslim cultural synthesis was not achieved. As a Pakistani author has stated:

" The encounter between Hindu and Muslim cultures that began over a thousand years ago has profoundly influenced both. They have met at a thousand points, on battlefields and festivals, around market places and in homes, on spiritual heights and in the lowlands of mundane affairs. They have learnt from each other, inter-acted with each other, and penetrated each other; In styles of dress and in ways of living they have left their mark on each other. And yet they have remained distinct with an emphasis on their separateness. They have mixed but never fused, they have co-existed but have never become one The clothes, the food, the household utensils, the layout of homes, the manner of speech, the words of salutation, the postures, the gestures, everything about them will be different and will immediately point to their origin. These outer differences are only the reflection of an inner divergence. "¹

In the West, religious differences had been submerged in the development of/

1. Ch. Mohammed Ali, The Emergence of Pakistan (New York: Colombia University Press, 1967), p.1.

of national cultures, but nothing of this kind happened in India.

Social and religious differences between the Hindus and the Muslims were so acute and fundamental that they raised a "chinese wall" between the two communities and even seven hundred years of close residence (including two hundred of common servitude) have failed to make the least crack in that solid and massive structure.

Another factor was the loss of Muslim political power with the complete take-over by the British in 1857. The Hindus easily adjusted to their new masters and adapted themselves to Western education. But the Muslims, who had lost political power, could not reconcile themselves to British rule, and this resulted in the stagnation of their community. The Muslims were lagging behind the Hindus in modern education and in adjusting to new professions. In view of this backwardness and the fact of Hindu numerical superiority, Muslims were convinced that the Hindus would dominate representative Institutions in British India and eventually in Free India.

The possibility of such a Hindu Raj frightened Muslims who had strong traditions of rule in the country, particularly rule over the Hindus.

Between 1857 and 1940 the Muslim Community reacted to these conditions to protect their interests.

Sir Syed Ahmed Khan started the Aligarh Movement, which sought to protect Muslim interests by initiating cultural reforms and by staying aloof from the Hindu dominated Congress Party and its politics.

Sir Syed Ahmed Khan asserted that there were "2 nations" in India; a Hindu Nation and a Muslim Nation and that the political ambitions of the two nations were different. He had speculated on a possible struggle for power in the event of a transfer of sovereignty to Indian hands.

As he mentioned, "it is possible that under these circumstances two nations - the/

the Mohammedan and Hindu - could sit on the same throne and remain equal in power? Most certainly not. It is necessary that one of them should conquer the other and thrust it down. To hope that both could remain equal is to desire the impossible and the inconceivable."²

The question was largely academic at that time, but it contained within it the seeds of Pakistan. As we shall see later, the struggle for Pakistan was based on the two-nation theory.

The second phase starts from the partition of Bengal in 1905. The partition was undertaken by Lord Curzon as a step towards administrative efficiency, yet it was branded by the Hindus as a British-Muslim conspiracy against their community. The reaction of the Hindu community towards this partition in miniature was a signal of alarm for the Muslims in India. It alerted the Muslims to protect their own rights. The success of the Muslim deputation at Simla in 1906, asking for a separate Electorate, encouraged the Muslims; with the following assurance by Lord Minto, "I am entirely in accord with you", he said, "I am as firmly convinced as I believe you to be, that any electoral representation in India would be doomed to mischievous failure which aimed at granting a personal enfranchisement, regardless of the beliefs and traditions of the communities composing the population of this continent."³

In their official communication to the Secretary of State in October 1908, the Government of India recommended that the Muslims should be granted separate electorate. "The Indian Muhammedans", they averred, "are much more than a religious body. They form in fact an absolutely separate community distinct by marriage, food and customs and claiming in many cases to belong to a different race from the Hindus."⁴

2. C.H. Philips, ed., The Evolution of India and Pakistan 1858-1947, Selected Documents (London: Oxford University Press, 1962), pp. 188-189.

3. Cited in Syed Razi Wasti, Lord Minto and the Indian Nationalist Movement 1905 to 1910 (Oxford: Clarendon Press, 1964), p.166.

4. Cited in V.P. Menon, The Transfer of Power in India (Calcutta: Orient Longman, 1957), p.10.

This resulted in the formation of the "All India Muslim League" to serve as the Chief Muslim political organ and a watch dog of Muslim interests.

The coming of political reforms -- the "Morley-Minto Reform" -- increased the Hindu-Muslim differences as the Muslims sought to protect their interest through such constitutional devices as a separate electorate.

" This concession to the Muslims of a separate electorate marks the beginning of the Hindu Muslim conflict in its twentieth century form of a struggle for political power. Some foreigners and even some Indians have taken it at its face value as a religious conflict, such as the world has hardly seen for over two centuries."⁵

But if religion and history were the only factors in the Hindu-Muslim conflict of the twentieth century, it would be hard to explain why, during the previous century, in spite of sporadic communal riots and a certain amount of bickering the two communities had on the whole lived fairly peacefully side by side.

' The reason is, of course, that the political element had not yet been injected into the conflict. The Government, neither Hindu nor Muslim, would arbitrate in the religious quarrels of the two communities. Its neutrality was the result of its being both alien and autocratic. Hence the communities had nothing political to quarrel about.'⁶

As soon as there was any prospect of even a limited transfer of power, there arose the question of who would inherit the power, which the British would relinquish.

The conclusion of the Lucknow Congress-League Pact of 1916 -- in which Congress conceded to the Muslims demand for communal representation -- proved only/

5. E.W.R. Lumby, The Transfer of Power in India 1945-47 (London: George Allen and Unwin Ltd., 1965), pp.12-13.

6. Ibid., p.14.

only a temporary relief in Hindu-Muslim relations. Moreover, the enthusiasm of the 1920-22 Khilafat - non-cooperation died shortly after the Turkish Government's declaration for the abolition of the Caliphate.

The Moplah rebellion in Malabar, though started against the Government, took a violently anti-Hindu turn and lighted a spark that set in motion a train of communal riots in different cities of India.

This broke the backbone of Hindu-Muslim co-operation and relations, thereafter, never regained the same friendliness. Many attempts were made for a rapprochement between the Congress and the Muslim League, through the Nehru Report, All Parties Conference, Simon Commission, The Round Tables, and the Communal Award, but all proved futile.

Even Clement Attlee - who later as British Prime Minister assented to the partition of India - as a member of the Simon Commission expressed doubts about Indian Unity. In the course of interview he said -

"You have to see the place and smell it and talk with people of every kind before you realise the strength the Indians have on the one hand and the extraordinary amount of minority opinion (the Muslims) that exists in that country on the other. On the Simon Commission everywhere we went the minority always claimed they would be oppressed unless they had special representation. By the time you had added up all the special representations they wanted, the majority ended up with about five per cent. As a matter of fact, the unity of India was really due to Britain. They talked of some semi-mythical King hundreds of years ago, but it was British rule that United India."⁷

Finally, the last instalment of political reforms - which provided separate representation/

7. Francis Williams, A Prime Minister Remembers (London: Heineman, 1961), pp.203-204.

representation to the minorities - was passed by the British Parliament, as the Government of India Act 1935.

After the election of early 1937 - on the basis of the Government of India Act 1935 - the Congress Party came to power in seven out of the eleven provinces.

The treatment meted out to the Muslim Community in the short rule of the Congress Ministries - 1937 - October 1939 - worked as a lighting flash on the Muslim mind throughout India. What had been a suspicion before, now became a certainty. The Congress as a Hindu-dominated body was bent upon the eventual absorption of Muslims.

"All sorts of petty pressures and harassment aimed against Muslims began to be alleged. School children were instructed to worship Mr. Gandhi's portrait with folded hands in the Hindu manner, and to sing "Bande Mataram" a Hindu national ditty. Beef eating was actively discouraged; also the Urdu language and script; the best appointments always went to the Hindus; the police sided with the Hindus during riots and so on."⁸

Jinnah - now the undisputed leader of the Muslim League - set out to preserve the culture of the Muslim Community against suffocation by militant Hinduism, which was using the ballot box as a tool and concealing itself behind Congress Party's secular cloak.⁹ Jinnah expressed his feeling in 1939, "In my judgment democracy can only mean Hindu Raj all over India: to this Muslims will never submit."¹⁰

When/

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8. Ian Stephens, Pakistan (London: Ernest Benn Ltd., 1963), p.77.
 9. Pandit Nehru himself admitted that many a Congressman was communalist under a national cloak. See Jawaharlal Nehru, An Autobiography (London: The Bodley Head, 1958), p.136.
 10. Cited in Keith B. Gallard, Pakistan, A Political Study, (London: George Allen and Unwin Limited, 1957), p.199.

When the Congress Ministries resigned in October 1939, Muslim League rejoiced and called on Muslims throughout India to observe December 22 as a 'day of thanks-giving and deliverance' from the tyranny, oppression and injustice of the Congress Governments. "This bitterness", writes Sir Percival Griffiths "had its inevitable reaction on Muslim constitutional thought. Up to now the Muslims had been prepared to depend for their protection on "weightage" or "safeguards". By 1939, they were convinced that, whatever safeguards might be designed, an Indian Federation in which the centre retained substantial power would in fact mean Hindu dominations."¹¹ This had considerable impact on their demand for a separate State.

These events resulted in the demand for a separate homeland for the Muslims of India. The Muslim League held its historic session in Lahore on 23rd March, 1940. In his Presidential Address, Jinnah said, "Islam and Hinduism are not religions, in the strict sense of the word, but are in fact different and distinct social orders, and it is only a dream that the Hindus and the Muslims can ever evolve a common nationality."¹²

He declared that democracy was unsuited to India; that the Muslims are a nation, according to any definition of a nation, and they must have their homelands, their territory and their State.

The following resolution, which came to be known as the "Pakistan Resolution" was passed:

Resolved that it is the considered view of this Session of the All India Muslim League that no constitutional plan would be workable in this country or be acceptable to the Muslims unless it is designed on the following basic principles, namely, that geographically contiguous units are demarcated into regions which should be so constituted with such territorial adjustments as may /

11. Sir Percival Griffiths, The British Impact on India (London, Macdonald, 1952), p.341.

12. Jamil-ud-Din Ahmed, Some Recent Speeches and Writings of Mr. Jinnah, (Lahore: Ashraf, 1952), p.138.

may be necessary, that the areas in which the Muslims are numerically in a majority as in the North-west and Eastern zones of India should be grouped to constitute 'Independent States', in which the constituent units shall be autonomous and sovereign.

Mr. Setalvad, who himself was a staunch opponent of Pakistan, sums up its origin as follows:

"The real parentage of the Pakistan Movement can be traced to the Congress leaders, who, by the wrong way in which they handled the Communal questions and by their behaviour when they were in power, created great distrust in the minds of the Muslim Community which has driven them to advocate Pakistan. In the beginning, Congress leaders said that there was no Communal problem in India and if there was, it could be settled after India got independence, forgetting that for the very purpose of getting independence, communal unity was essential. Then there is the tragic perversity which the congress displayed when they assumed office under the Act of 1935
..... They dealt unjustly with the Muslim Community and made them hostile."¹³

The rest of the tale may be quickly told. During 1940 to 1945 a series of negotiations and proposals were shipwrecked on the rock of Hindu-Muslim differences. The Cripps Mission of April, 1942, though it ended in failure, nevertheless advanced the cause of Pakistan. For the first time, the British Government recognised the right of individual provinces to stay out of the proposed Indian Union and form a separate federation.

The Gandhi-Jinnah talk of 1944 and the Simla Conference of 1945 were deadlocked on the communal problem.

In/

13. Chimanlal H. Setalvad, Recollections and Reflections, (Bombay: Padma Publications, 1947), p.414.

In the plebiscitary election which followed in 1946, the Muslim League emerged with resounding success. It won 460 out of the 533 Muslim seats in the Central and Provincial Assemblies. It proved the truth of its counterclaim against the Congress, that there were, in fact, two political parties in India.

A Cabinet Mission came to India in March 1946, and after its failure to reach an agreement with the Congress and the Muslim League, it announced its own plan on 16 May, 1946. The Cabinet Mission rejected the Muslim League's demand for a sovereign state of Pakistan as "impracticable and unworkable". The Muslim League called the Mission's arguments as "unwarranted, unjustified and unconvincing". Nevertheless, it accepted the plan with certain reservations. But it was asked to join the Interim Government, only when it demonstrated its effectiveness by 'Direct Action' to the British Government as well as to the Congress. In the words of H.V. Hodson,

" the Great Calcutta Killing (an experiment in direct action) set in train a sequence of catastrophes which did not end until many more thousands had died of communal violence and revenge throughout India and Pakistan, indeed which might be said even now to be continuing in the Indo-Pakistani confrontation. "14

The Interim Government was a strange combination of negative forces, because the Congress and the Muslim League were working for their own ends.

The Labour Government in Britain felt that in such circumstances, a bold policy was needed to save the situation. Prime Minister Attlee, announced on 20th February, in the House of Commons, the appointment of Lord Mountbatten as new Viceroy and set as June 1948 the time limit for the British withdrawal, following the transfer of power.

Although/

14. H.V. Hodson, The Great Divide, (London: Hutchison, 1969), pp.167-168.

Although the British Government was in favour of granting protection to the minorities, it was from the very beginning in favour of a United India. As a British writer remarked:

" What is strange in the whole Pakistan controversy, is not the support which it is slowly gaining among all realistic men, but the opposition which it still evokes from sincere well-wishers of India. This is, of course, due to the strength and persistence of Congress propaganda, backed by Hindu big business. The Hindus have almost a monopoly of propaganda. By subtle and persistent suggestions they have managed to persuade the world that they are "India" and that any attempt to divide "India" is a 'wicked plot on the part of British' acting on the well established principle of 'divide and rule'.

Most liberals of the West have fallen for this propaganda hook, line and sinker. Consequently, we have the extraordinary spectacle of 'advanced' British politicians rising to their feet in the House of Commons, and solemnly and sincerely pleading the cause of Indian 'Unity' in the joint cause of Indian freedom - sublimely ignorant of the fact that their insistence on this so-called 'Unity' is the one and only thing that keeps the British in the saddle; Unite and rule, Divide and quit. " 15

In the words of Z.A. Bhutto:

" The age of Colonialism with its prescription of 'divide and rule' was giving way to the era of neo-colonialism, which required the enforcement of the new formula of 'Unite and Rule'. The changed conditions and the corresponding demands of neo-colonialism required the Unity of the sub-continent for the maximum exploitation of larger markets and for defence against the incursions of Communism. It was feared that to divide the sub-continent would/

15. Beverley Nichols, Verdict on India (London: Jonathan Cape, 1944), p.195.

would be to 'divide and lose'; that access to the vast raw material markets would be impeded, and the defence of the region weakened against the age-old Russian ambition to control the sub-continent and the Indian Ocean. On the basis of this appreciation, the British resisted partition to the end. "16

When Lord Mountbatten arrived in India, he found the country faced with a desperate situation, in that government was paralysed by mounting lawlessness and communal warfare. In view of this grave situation, Mountbatten ultimately decided in favour of what Lord Wavell called a 'major surgical operation'.

On June 3rd was announced a plan for the partition of India. The Indian Independence Act, which was passed by the British Parliament on 18th July, 1947, brought into being the two new dominions, i.e. India and Pakistan, after the transfer of power on 15th August, 1947.

It should be noted that Congress leaders had always opposed the partition of 'Bharat Mata' - The Holy Motherland. They agreed to Pakistan only when it became clear to them that partition was inevitable, because the alternative was a civil war. They never really approved the two-nation theory. They accepted partition on the basis of some kind of territorial self-determination. "It was perfectly clear", said Nehru, "even as late as 1950, that it was quite impossible to divide it (India) on the basis of separating religious groups on one side or the other. They overlapped. So it was clearly understood that those communities which became the minority communities on this side or that must have the fullest protection and fullest security of their lives; otherwise the whole (secular) structure which we had built up collapsed." 17

16. Z.A. Bhutto, The Myth of Independence (London: Oxford University Press, 1969), p.32.

17. Nehru's speech in Indian Parliament, March 17, 1950, Parliamentary Debates, Part S.2. III. 3.50/821 (New Delhi: Government of India, 1950), p.1700.

The acceptance of partition was, thus, a matter of bitter expediency, in the hope and expectation that the new State would not be viable and would collapse under pressure from its large and more powerful neighbour.. Therefore, there had been grounds for mutual suspicion and distrust between the two new States.

Dr. Rajendra Prasad - who later became the President of India - wrote in 1946:

" whatever the position might be as far as the Muslims are concerned the Hindus and Sikhs have declared their unequivocal determination to resist partition
..... It is difficult to forecast what shape this conflict may take in the future. One thing is certain: partition is not likely to be attained with the goodwill of those most concerned, and this ill-will is bound to persist on both sides, even if the proposal succeeds, even after the separation is effected. Distrust which is the basis of the proposal is bound to grow and any hope that after separation things will settle down and the Independent States will become friendly will have been built on sand "18

The prophecy of Dr. Prasad has proved true, in that relations between India and Pakistan since partition have never become friendly.

18. Rajindra Prasad, India Divided (Bombay: Hind Kitabs, 1947), p.337.

B. The Basis of Pakistan's Foreign Policy:

The politics of the Indian sub-continent are basically a continuation of the old animosities built up during the independence struggle fought at cross-purposes by the Indian National Congress and the Muslim League. Congress sought a united, free and secular India. The Muslim League wanted to divide India on communal lines. This had demanded the development of opposite habits of thought and action among the leaders of the two parties. These contrasts of style and attitude have been translated into the national foreign policies of the two countries, after partition.

There were those in India and elsewhere who disbelieved the possibility of the survival of Pakistan, even under favourable conditions, and actual conditions were far from favourable, for Pakistan was born in chaos. As such, it (a) had to prove its viability, military and economic which was widely doubted in 1947, (b) had to find a place in the community of nations, (c) had to establish an identity and role in the International system different from that of India, and (d) had to secure (i.e. other States) from its environments, the essential means of sustenance.

Every state pursues its foreign policy in accordance with its national interests. Pakistan's national interests in relation to its foreign policy may be treated under three headings: Security, Ideology and Economic Development.

(1) Security, the problem of survival :

Obviously, the most vital consideration for any country is the maintenance of its security and freedom. For Pakistan, this objective was of paramount importance, because it was born in a gloomy and hostile environment. Moreover, some sections in the Congress resented partition and accepted Pakistan/

Pakistan with mental reservation; in the hope that ultimately, Pakistan will come back to 'Mother India'. As Keith Callard states, "Many Indians feel that the creation of Pakistan was a tragic mistake which might still be corrected, at least as far as East Bengal is concerned."¹⁹

Sardar V. Patel, Deputy-Prime Minister of India, in his message on India's First Independence Day, referred to "the bitterness and sorrow which partition has brought to those who cherished unity", and expressed "the full hope and confidence that sooner or later we shall again be united in common allegiance to our country."²⁰

The political leaders in Pakistan were very conscious of this fear. In the words of a Pakistani author, "the ruling passions in Pakistan's foreign policy, a passion which has influenced its behaviour towards all other countries, has always been the fear of India."²¹

Pakistan's foreign policy objectives have revolved round its power relationship with India and the Indo-Pakistani dispute over Kashmir. The primary objective of Pakistan's foreign policy can be termed the search for security against India, i.e. the search for moral and material support, from whichever quarter possible to counterpoise and neutralize the presumed Indian threat to its security.

Whether this presumption of a threat from India existed or not, it cannot be denied that the image of an aggressive India has always influenced the makers of Pakistan's foreign policy. It is the image that matters, rather than/

19. Keith Callard, Pakistan's Foreign Policy : an Interpretation, (New York, Institute of Pacific Relations, 1957), p.11.

20. Amrita Bazar Patrika (Calcutta), 15 August, 1947.

21. Khalid Bin. Sayeed, "Pakistan and China : the Scope and Limits of Convergent policies", in A.M. Halpern, ed., Policies towards China : views from six Continents (New York, N.Y., 1965), p.229.

than the reality which might or might not coincide with the image.

The history of Indo-Pakistan relations shows that the fear of the policy maker in Pakistan with respect to India was genuine. For, India had made every effort to make it difficult for Pakistan to exist. India first refused and then delayed the despatch of military assets and financial balances which had fallen to Pakistan's share. India diverted the water of the Ravi in 1948. She refused to accept Pakistan's decision of not devaluing her currency and suspended all trade in 1949. She announced her intention to control and utilize the waters of the three eastern rivers, thus turning West Pakistan into a desert. The conclusion is that India wants to see Pakistan weak economically as well as militarily, so that when the opportunity is present, it can annex Pakistan to the Indian Union through a so-called "police action". As Michael Brecher, while commenting on relations between Pakistan and India has observed,

" The relations between India and Pakistan since the partition of 1947 have been characterised by extreme tensions much of the time, tension almost all the time, economic blockade on one occasion periodic threats of war and continuous ideological and political warfare which have produced, to put it mildly, a shambles in the relationship between these two countries."²²

The Times remarked that Indian foreign policy "amounts to little more than the containment of Pakistan."²³

The major events in this chain, which helped to shape Pakistan's foreign policy orientation with respect to India were the massacres of the Punjab at the time of partition and the Indian occupation of Kashmir in October, 1947.

22. Michael Brecher, in Selig S. Harrison (ed.), India and the United States, (New York : Macmillan, 1961), p.53.

23. The Times, June 2, 1956.

This led Pakistan to spend a great deal from its budget for the consolidation of defence and thus sustaining national integrity and other international rights. The basic motivation of Pakistan's foreign policy has, therefore, always been to secure a position of strength vis-a-vis India. This was the rationale behind her alliance with the United States and her membership of Western sponsored military pacts.

Ideology:

The second vital factor in Pakistan's foreign policy is that of National Ideology. Pakistan's ideology is based upon the principles of Islam.

Islam demands submission to the will of God. The implication of this, if rightly grasped, will clearly show what characteristics mark out an Islamic state from other types of states. Allegiance to God and submission to his will means willingness to accept the moral principles and ethical values implicit in the idea of an omnipotent and omniscient God, and to operate them in every branch of life, irrespective of material considerations.

To be brief, Islamic principles encompass a sense of human unity stemming from the idea of the organic wholeness of life instead of its division into watertight compartments. Islam believes in freedom, equality, fraternity, tolerance and social justice. There is no room for theocracy, because Islam stands for freedom of conscience, condemns coercion, has no priesthood and abhors the caste system and racial discrimination. It believes in equality of opportunity and equality before law, with an independent judiciary and an unalloyed rule of law, prevention of concentration of wealth in a few hands, elimination of all forms of social stratification and tyranny so that status is determined by Character and not by birth or wealth; a greater sense of duty and responsibility than of rights, and a balance between the acquisitive urge of the individual and the collective good of the society; tolerance and goodwill towards people of other faiths, active sympathy for the weak and the needy, and respect for the individual coupled with readiness on the part of the individual to sacrifice himself when the integrity of the society is threatened; and a constant consciousness of the moral content of all actions, even the most mundane, and the need to subordinate all else to it. The Islamic State may, in modern terminology, be called a Welfare State, worked on ethical principles designed/

designed to ensure the balanced progress of the people.

This ideology was the bedrock on which the Muslim League built a separate homeland for the Muslims. It means that Pakistan is religiously, culturally and emotionally allied to other Muslim countries of the world. This feeling of special affinity with other Muslim States, was one of the directive principles of foreign policy laid down in the 1956 Constitution, that the "State should endeavour to strengthen the bonds of unity among Muslim countries". Moreover, public opinion in Pakistan has always goaded the government to support the Muslim nations in all their quarrels with other nations.

At Pakistan's initiative, an organisation, The Mu'tamar-i-Alam-i- Islami (World Muslim Conference) held two conferences in Karachi in 1949 and 1951. Pakistan also sponsored the International Islamic Economic Conference, which held its first session at Karachi in November 1949. It was attended by 18 Muslim countries. The conference set up the International Islamic Economic Organisation, which held a few more conferences and then disintegrated. But the recent conference at Rabat of Muslim Heads of States has again kindled the long cherished Pakistani hope for Muslim unity.

Pakistan has always supported every Muslim cause at the United Nations and elsewhere. Pakistan's vehement opposition to the partition of Palestine by the United Nations (Resolution) was the starting point of Pakistan's support for the Muslim cause. Sir Zafrulla Khan speaking in the General Assembly of the United Nations on the question of Palestine declared,

" The so-called State of Israel was the culmination of a course of the most insidious aggression carried on and persisted in during the course of a third of a century, contrary to all the principles of the Charter of the United Nations, including the principle/

principle of equal rights and self-determination of peoples. It was now proposed to stamp that culmination with the approval of the United Nations. The Pakistan representative wished to offer a solemn warning that setting up of the State of Israel in Palestine would mean the introduction of a canker into the body politics of the Middle East, which would eventually either have to be ejected through a surgical operation or else would poison the culture, economic security and policy, not only of the Middle East, but of vast areas beyond that region. Militant Zionism was the spear-head of a new aggression of the West against the East and it was idle to pretend or to hope that it would not sooner or later exact from both the West and the East the inevitable penalties that always followed upon aggression. He called upon the Assembly to pause and reflect while there was yet time.

He wondered what would be the attitude of the representatives of the Nations of the West both in Europe and in America if it were a case of the East seeking to set up in the heart of the West a sovereign Independent State for the benefit of the East, however much the establishment of such a State might be supported by the kind of consideration which had been advanced in the case of the so-called State of Israel. He wished in all humility, but in all earnestness to remind and warn the assembled nations that at no time and under no circumstances would the East ever assimilate or reconcile itself to a sovereign State of Israel. With Jewry as such the East had no quarrel; it had indeed deep sympathy with the sufferings of the Jewish race, but the proposed State of Israel offered no solution, either economic or political of the problems facing the Jewish people. The insistence upon the establishment of a sovereign State of Israel in Palestine which would help to solve more of the problems of the Jewish people, was bound to create and intensify many complicated problems and it might not be possible to solve them through peaceful means. He again urged/

urged the Assembly to pause and reflect while there was yet time. "24

Pakistan's support for Tunisia, Morocco, Algeria, Nigeria, Indonesia, Egypt in their hour of need, and at present in the Arab-Israeli war is an open secret. Pakistan has always sustained hopes for Islamic unity but the emergence of Gamal Nasser as an Arab Nationalist has hindered the promotion of this idea.

There is an important question; whether Pakistan's support for the Muslims is motivated by ideological considerations or by national interest. The answer is that both are important factors. The hard fact of Pakistan's birth induces it to support the Muslims in other parts of the world. But the second seems to be more pragmatic. For, Pakistan, being the biggest Muslim country, has been and still is, looking forward for the leadership of the Muslim bloc. This could give Pakistan ample scope for manoeuvring in its dealings with the two power blocs, because of the geo-political importance of the area covered by the Muslim world, especially the Middle East, where lie the greatest oil resources of the world.

Moreover, a solid Muslim bloc in the United Nations could be a major force and affect the bloc politics. But, as stated above, the only possible internal rival is Egypt, and, externally, the Christian world and the Soviet Union, alike, are quite sensitive to it and disapprove any such move.

24. United Nations General Assembly Official Records, 3rd Session, Part I, 145th Plenary Meeting, 27 September, 1948, p.212.
(Hereafter cited as G.A.O.R.).

Economic Development:

The third objective of Pakistan's foreign policy is rapid economic development. Pakistan is an underdeveloped country whose natural resources have yet to be exploited. Its severely limited finance and the low level of her income are serious curbs on her economic progress. Indigenous capital, public or private, is insufficient. Thus, the only alternative is to get foreign aid; therefore, the foreign policy is closely tied up with the urgency of economic development.

In 1947 Pakistan had some raw materials but practically no factories, because all of them were in the area now forming the Indian Union. Thus Pakistan started to supply raw materials, mainly jute and cotton, to India. In 1949 as a result of the devaluation of sterling by Britain, India also devalued its rupee and asked Pakistan to do so. But Pakistan did not follow. The immediate effect was that the Indo-Pakistan trade came to an abrupt end. Threatened with economic strangulation, Pakistan made industrialisation a "national interest". Muslims who were feudal in outlook and tradition and deficient in skills of commerce, trade, banking, insurance, and manufacture, suddenly found great hidden talents for just these activities under the impact of national interest. The Korean War boom in raw material prices made Pakistan a hard currency area and cushioned the blow of the 'rupee war'. The decision in 1949 not to devalue Pakistani rupee, economically right or not, paid handsome political dividends.

The policy of industrialisation was pursued with a vigour unmatched in Asia and Africa, outside China and Japan. The political effect by way of economic determinism was revolutionary. By winning the economic war against India, Pakistan demonstrated its ability to adjust to change.

Prime Minister Liaqat Ali Khan's speeches, during his visit to the United States/

States and Canada in 1950, made it clear that at least ideologically Pakistan was pro-West and stressed the need for economic assistance.²⁵ Later, Pakistan secured massive economic aid from the United States.,²⁶ which was needed to put Pakistan's industrial development on a par with India in the shortest possible time.

Keeping in view these national interests, Pakistan started its national existence^{with} an independent foreign policy. A fair statement of this was made by Mr. Liaqat Ali Khan in March 1951.

"Pakistan," he said, "was neither tied to the apron-strings of the Anglo-American bloc, nor was it a camp follower of the Communist bloc. It steered clear from the inter bloc rivalry, and had an absolutely independent foreign policy. Pakistan had all along been uninfluenced by the inter bloc struggle going on in the world and had supported the cause which it considered to be just. The records of the United Nations debates bear testimony to this fact. Sometimes we agreed with the Western bloc and sometimes with the Communist bloc, as the situation and matter under discussion demanded. Pakistan could pursue such an independent course because it was not under the obligation of any foreign power. We have not been assisted by any country in the world and whatever we have achieved has been through our own resources. Therefore, the question of subservience in foreign policy did not arise."²⁷

25. Liaqat Ali Khan, Pakistan: the Heart of Asia (Cambridge, Mass. : Harvard University Press, 1950), p.12.

26. The United States Economic Assistance between 1947 to 30 June, 1965, amounted to \$3 billion, and Military Aid from 1954 to 1965, \$1.5 or 2 billion. Quoted from Frank N. Trager, "The United States and Pakistan : A Failure of Diplomacy", Orbis, IX, No.3., 1965, p.623.

27. Dawn (Karachi), 9 March, 1951.

CHAPTER II

PAKISTAN'S MEMBERSHIP IN THE UNITED NATIONS

Under the circumstances narrated in the previous chapter, Pakistan came into being without any clear-cut legal International position.

The manner in which the transfer of power was effected by the Viceroy betrayed prejudice against Pakistan. No attempt was made to provide Pakistan with the minimum requirements for administration, defence and finance.

Referenda were held in the North West Frontier Province and in the districts of Sylhet in East Bengal. The result in both cases was overwhelmingly in favour of Pakistan. Kalat was advised to declare its independence along with the adjacent territories of Baluchistan. The Punjab was partitioned and in violation of the principle of partition according to the composition of population in contiguous regions, vast Muslim populated territories stretching up to the fringes of Amsitsar, Gurdaspur and Ferozpur were arbitrarily handed over to India. Assam was relinquished, Bengal partitioned, and India was granted corridors allowing access to Jammu and Kashmir in the North and to Assam and Tripura in the East. The British Indian Government took every possible opportunity to increase the imbalance against Pakistan. In no instance was the benefit of the doubt given to Pakistan in the division of territory or its other claims. The effect of British policy was to punish the Muslims for winning self-determination by giving them a weak and emasculated Pakistan.

This attitude of the Viceroy had been attributed partly to his personal contempt for Mr. Jinnah and partly to Mr. Jinnah's decision to become the first Governor-General of Pakistan, in place of Mountbatten.

In/

In the words of Ian Stephen,

" whatever the decision's causes, it did not smooth the path towards partition. Ismay describes it as 'a blow we had all felt', he goes on, 'that the best hope of an orderly transfer of power, an equitable division of assets, and the establishment of friendly relations between the two Dominions would be for them to start off with the same Governor-General.' And Lord Mountbatten himself seemed personally riled by it,. Those brought in touch with him would doubtless agree that his weakness - perhaps the only one - was a curiously sensitive kind of vanity. Murphy's biography confirms this. That someone of his superb gifts should have had such a characteristic is odd; but evidently it was so. And it seemed noticeable at an Editor's Conference arranged the afternoon before Mr. Jinnah's decision was announced. Several of us inferred that the decision had not merely caused him political worry, but had hurt him. Perhaps he had set his heart on becoming dual Governor-General. The rebuff knocked against his most vulnerable point, his pride. "¹

Moreover, Nehru's friendship with Lord Mountbatten and the appointment of V.P. Menon - a Hindu - as the constitutional Advisor, influenced the Viceroy's decision.

" And we are told that Lord Mountbatten - up in Simla for a few days - then suddenly got 'a hunch' that the whole thing simply would not do; that he thereupon - Mr. Nehru being his guest at the time - rather against his staff's advice 'gave (Mr.) Nehru the chance of reading' it (but not, we may note Mr. Jinnah); that Mr. Nehru's reaction was very adverse; and that a new draft was then rapidly evolved, largely based on ideas put forward earlier by Menon as Constitutional Advisor. "²

The/

1. Ian Stephens, Pakistan (London: Ernest Benn Ltd., 1963), p.176.

2. Ibid., p.161.

The Congress Party's long association with the British Labour Movement and Pandit Nehru and Dr. Rajindra Prasad's attachment to the Fabian Society, won the sympathy of the Labour Government, which tilted the balance of advantage in favour of congress.

This had been reflected in the Indian Independence Act and the Indian Independence (International Arrangements) Order.³ As one writer had remarked:

" When partition first became an immediate issue, the country to be formed from the mainly Hindu provinces had been commonly referred to as "Hindustan", the Congress leaders, however, insisted that it should be called "India"; in their eyes, the process was not the cleavage of India into two new entities, but merely the secession of certain provinces and parts of provinces; from an India which would otherwise retain its identity." ⁴

At the outset, there arose the general legal question of Pakistan's place as successor in part to the rights and duties, national and International, of India as self-governing British Dominion and as founder member of the United Nations. Before discussing this question, it seems to be necessary to know, what are the general rules of International Law with regard to State Succession.

3. The Indian Independence (International Arrangements) Order was promulgated by the Viceroy (Lord Mountbatten) on 6 August, 1947, See Government of India Gazette (New Delhi), 14 August, 1947.

4. E.W.R. Lumby, The Transfer of Power in India, 1945-47 (London: George Allen and Unwin Ltd., 1954), pp.174-175. For a similar evidence see also H.V. Hodson, The Great Divide (London: Hutchison, 1969), p.298.

State Succession:

Whenever there is a change of sovereignty it involves a disruption of legal continuity and rules of law are necessary to minimize the consequences of this disruption. These rules form a body of doctrine known as the law of State Succession.

There is no unanimity among the writers on International Law, with regard to the succession of states; nevertheless, the following principles are generally accepted:

" A succession of International persons occurs when one or more International persons take the place of another International person, in consequence of certain changes in the latter's condition.

Universal succession takes place when one International person is completely absorbed by another, either through subjugation or through voluntary merger. And Universal succession further takes place when a State breaks up into parts, which either become separate International persons of their own or are annexed by surrounding International persons.

Partial succession takes place, first, when a part of the territory of an International person breaks off in a revolt and by winning its independence becomes itself an International person; secondly, when one International person acquires a part of the territory of another through cession; thirdly, when a hitherto full sovereign state loses part of its independence through entering into a federal state, or coming under suzerainty or under a protectorate, or when a hitherto not-full sovereign state becomes full sovereign. "5

5. L. Oppenheim, International Law, 8th ed., H. Lauterpacht, (London: Longmans Green & Co., 1955), pp.157-158.

It is also necessary to know what an International person is and what the status of British India had been in International Law. This would help in working out the application of the doctrine of State Succession with respect to India.

" The concept of International person is derived from the concept of the law of nations. As this is the body of rules which the civilized states consider legally binding in their intercourse, every state which belongs to the civilized states, and is therefore a member of the Family of Nations is an International Person."⁶

" A State proper - in contradistinction to colonies - is in existence when the people are settled in a country under its sovereign government. The conditions which must obtain for the existence of a state are therefore four: people, country, government, and sovereignty. "⁷

In view of this, the constitutional position of India, as a State, can be determined by a brief study of the evolution of the British Commonwealth of Nations. By the middle of the nineteenth century certain of the older British Colonies attained responsible government. But this had no effect upon the ancient doctrine of the corporate personality of the Crown. The Crown acted upon the advice of the Imperial Ministers and thus in the large and important field of the royal prerogatives, it was Whitehall that determined policy.

The transitional period in the life of the commonwealth extends from 1887 to/

6. Oppenheim, Op.Cit., p.117.

7. Ibid.,

to 1939, i.e. from the first colonial conference to the outbreak of the Second World War. During this period, the representatives of the more advanced colonies - in the regular meetings in the Imperial Conference - laid the foundations of the conventions upon which the complex structure of the Commonwealth rests. The formation of the Imperial Defence Council on the basis of partnership during the First World War, was a step in the direction of recognising the semi-sovereign status of these dominions of the Crown. A decisive stage was reached when the Dominions signed the Treaty of Versailles, 1919., albeit, under the United Kingdom signature. Australia, New Zealand and South Africa were allotted Mandates, but the Mandate was "conferred upon His Britannic Majesty for and on behalf of" the Government of particular Dominion.

At the Imperial Conference in 1926, the famous Balfour Declaration, defined the principle governing the relations between the Dominion and the Mother Country.

" They are autonomous Communities within the British Empire, equal in status, in no way subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown, and freely associated as members of the British Commonwealth of Nations. "8

Finally, Dominion Status was defined by the Statute of Westminster in 1931. This did not touch the Royal prerogative, but merely removed - in respect of Canada, South Africa, Australia and New Zealand - the Constitutional inhibitions upon legislation that had remained from colonial days.

The Statute declared that no Act of the Imperial Parliament would henceforth extend to the Dominions without their own legislative consent. After this, these/

8. A.B. Keith, Speeches and Documents on the British Dominion, 1918-31, (London: Oxford University Press, 1932), p.14.

these Dominions became completely independent International persons, and they made separate declarations of war from Britain in 1939.

As regards India's constitutional position in the Commonwealth, with the exception of a limited amount of self-government through the Reforms of 1909, 1919 and 1935, it virtually remained a colony, under the actual control of Whitehall, until 1947, when it became a self-governing Dominion.

While other Dominions declared war separately in 1939, India followed Britain and on the same day Lord Linlithgow announced, in a message to Indian people, that India was at war with Germany.

The Congress Party in a resolution on 14 September, expressed its indignation at the Viceroy's unilateral declaration of war. The resolution declared :

" that India could not associate herself freely in a war said to be fought for democratic freedom so long as that very freedom was denied to her and such limited freedom as she possessed was taken away from her. The resolution stressed that the war measures had been taken without the consent and against the wishes of the Indian people. The Congress was prepared to co-operate in order to remove Fascism and Imperialism, but first of all they invited British Government to declare in unequivocal terms what their war aims were in regard to democracy and imperialism and the new order that was envisaged and how, in particular those aims were going to apply to India."⁹

It is noteworthy that India, like other Dominions became a member of the League of Nations and a party to various conventions. It also had diplomatic relations with foreign states. It signed the Charter of the United Nations, but without any constitutional authority, as a 'State'. It is, therefore/

9. V.P. Menon, The Transfer of Power in India, (Calcutta: Orient Longman, 1957), p.61.

therefore, difficult to recognise that India was clearly a legal International person before Independence.

India's position in International transactions has been explained by a writer, as under:

" The development of India's separate status in treaty-making is roughly coincidental with that of the Dominions. As early as 1883, India gained the right of separate accession to and withdrawal from Commercial Treaties, although, the officers who participated in their negotiation remained responsible to the British Cabinet through the Governon-General, unlike the representatives of the Dominions who were responsible to their own legislatures. This situation prevailed until 1947."¹⁰

10. D.P. O'Connell, State Succession in Municipal and International Law, Vol.I., (London: Cambridge University Press, 1967), p.50.

Pakistan's United Nations Membership:

In 1947 India became fully independent as a result of a somewhat special double dismemberment operation; its territory was split into two parts and a constitutional change involving transfer of sovereignty was effected, forming two independent Dominions of India and Pakistan.

"India" comprising the territory of both India and Pakistan, had been a member of the League and an original Member of the United Nations. This development raised the legal question, as to who should inherit the United Nations Membership; The Dominion of India or Pakistan, or both of them? Did the division of India result in the extinction of the existing Member State? Was it a dismemberment or merely a secession?

An assessment of this issue can be made from the events which followed in the United Nations, at the eve of the partition of British India.

On 11 August, 1947, Pakistan's Chargé d'affaires in Washington sent a telegram to the United Nations, claiming automatic Membership of the Organisation as legal inheritor of the previous British Indian Government. But he intimated in the same telegram that if the United Nations was not prepared to concede that right, Pakistan would submit an application for admission as a Member.

Pakistan's Minister for Foreign Affairs sent a similar telegram on 15th August, 1947, when it came to his knowledge that the Assistant Secretary-General in charge of the Legal Department had given a decision in favour of the Dominion of India, declaring that 'Pakistan becomes a new non-Member State'. ¹¹

The manner in which the legal issue of transferring the United Nations membership/

11. U.N. Press Release, PM/473, 12 August, 1947.

membership was decided by the Assistant Secretary-General, leads one to think that it was based upon discrimination and prejudice by the International Bureaucracy, can be judged from the following events.

Before self-government in India, the United Nations Assistant Secretary-General for Legal Affairs had enquired from the Government of British India regarding the future status of Pakistan, under the Indian Independence Act. It was as a result of that enquiry that on 12 August, the Secretariat had given its legal opinion that, as a result of the Indian Independence Act, it would be necessary for Pakistan to submit an application for membership.

On 13 August, the press had reported¹² that the Legal Department of the United Nations had decided that Pakistan constituted a new State, while India had been regarded as retaining the original Membership of British India. On 15th August, in a carefully prepared ceremony, the new flag of the Dominion of India was raised at the United Nations Headquarters.

The Assistant Secretary-General, making this decision quoted two cases in support:

" The situation," says Dr. Kervo (Assistant Secretary-General), "is that of a part of an existing State, breaking off to form a new State. On this analysis there is no change in the International Status of India; it continues as a State with all Treaty rights and obligations of membership in the United Nations. "

" In International law, the situation is analogous to the separation of the Irish Free State from Great Britain, and of Belgium from the Netherlands. In these cases, the portion/

12. New York Times, 13 August 1947, (under heading "Pakistan is ruled new State by U.N. ").

portion which separated was considered a new State; the remaining portion continued as an existing State with all the rights and duties which it had before.¹³

It is clear from this that Dr. Kerno based his decision on the 'continuing personality of States' in International Law. With respect to the constitutional transformation, Dr. Kerno noted that 'the State of India had become a Dominion and accordingly had acquired a new status in the British Commonwealth of Nations, independence in external affairs, and a new form of Government.'¹⁴

Three questions emerge from this statement of the Assistant Secretary-General:

- (1) Was the Assistant Secretary-General qualified to make a decision that Pakistan constituted a new State, thus conferring original membership upon the Dominion of India?
- (2) Was the Indian Independence Act - on which the Assistant Secretary-General based his decisions - binding upon the United Nations?
- (3) Was there a dismemberment i.e. extinction of British India, as a State or a secession?

Firstly, it can be said with confidence, that the Assistant Secretary-General was not qualified to make a decision about the status of Pakistan in relation to the United Nations. For the duties of the Secretariat under the Charter and other International Agreements, as mentioned by an International legal expert are:

" It/

13. U.N. Weekly Bulletin, August 19, 1947, p.261, See also U.N. Press Release, PM/473, 12 August, 1947.

14. Ibid.

" It is a channel of communications, a convenor of International Conferences, a register of International Agreements, a depository of major treaties and their instruments of ratification, and finally, an administrator of International funds, property and personnel. "15

These functions do not provide any authority to the Secretariat to make a decision on the admission of a State.

After the announcement of the decision, the representative of Argentina, in correspondence and in the general Assembly, questioned the right of the Secretariat to determine an issue of this character. This he said was a matter for the General Assembly and the Security Council to settle.

In his view, Pakistan was already a member of the United Nations, since, with the Dominion of India, it inherited the original Membership held by the previous Indian Government. As the division had been achieved, in a legal fashion without war or revolution,

" The decision regarding Pakistan", the representative of Argentina said, "had in fact been taken on the advice of the Secretariat, and he considered the decision as arbitrary and in violation of the International rights of States." 16

The Secretariat's decision constituted an unfounded discrimination, since both the Dominions should have been regarded as original members or alternatively, both should have been considered as new Members. Moreover, as the Secretary-General had stated, the opinion of the Legal Department could /

15. Oscar Schachter, 'The Development of International Law through the Legal Opinions of the United Nations Secretariat', in British Yearbook of International Law, Vol.XXV, 1948, p.94.

16. G.A.O.R., 2nd Session, First Committee, 59th Meeting, 24th September, 1947, pp. 3 - 4.

could be intended only for the internal guidance of the organisation; its use as an opinion of the United Nations was, therefore incorrect.

The representative of the Dominican Republic also agreed with the legal argument of the Argentinian representative that only the General Assembly was competent to decide the status of Pakistan in relation to United Nations membership.¹⁷

Secondly, the Assistant Secretary-General based his decision on the Indian Independence Act, on the advice of the British Indian Government. It should be noted that the Indian Independence Act did not bind the United Nations to decide the status of Pakistan in accordance with this Act, in that it was not a part of the law of the States concerned. The United Nations, being an independent International body has to take guidance from the Charter. Moreover, it was not a pre-condition for Independence, that the United Nations Membership should devolve on the Dominion of India. The Indian Independence Act - upon which the decision was made in favour of India - states:

" Subject to the provisions of the sub-section (3) and (4) of this Section, the territories of India shall be the territories under the sovereignty of His Majesty which, immediately before the appointed day, were included in British India except the territories which, under sub-section (2) of this Section, are to be the territories of Pakistan."¹⁸

These provisions were made to facilitate the clear demarcation of the boundaries of the New Dominions, and cannot properly be quoted as providing a continuous status for the Dominion of India.

17. Ibid., p.5.

18. Indian Independence Act, Article 2, Clause 1, 1947, 10 and 11 Geo. 6. Ch.30 (London: H.M. Stationery Office, 1947), p.1.

To overcome this weakness in the Indian Independence Act, the Viceroy (Lord Mountbatten) made another attempt to favour the Congress. The Government of British India promulgated on 6 August, 1947, "The Indian Independence (International Arrangements) Order"¹⁹ which provided, that membership of all International Organisations will devolve solely upon the Dominion of India; but the other Treaty rights will devolve upon both the Dominions. This was ambiguous and confusing, because it is contrary to the practice in International Law, regarding succession to International Treaties.

Thirdly, it was not a case of secession as interpreted by the Assistant Secretary-General, but the extinction or dismemberment of British Indian Empire, as has been explained below:

(1) The Indian case was rather a double dismemberment. India had been a colony of Great Britain: on 15th August 1947, it broke away from the British Empire and simultaneously split into parts. As in the Balkans, the principle of self-determination had been applied to States, Provinces, Districts and even to Tehsils in India. The two powerful units absorbed the different semi-independent States like Hyderabad, Junagardh, Bahawalpur, Khairpur, Kalat and soon the situation in India was that of anarchy, as described by Richard Symonds:

"The British are ^ajust people. They have left India in exactly the same state of chaos as they found it. "²⁰

(2) The Assistant Secretary-General applied the principle of the "continuing personality of States" to "India", but 'India' as a 'State' had/

19. The United Nations was informed about the promulgation of this Order on 27 August, 1947, when the questions with respect to India's International status were raised in the First Committee of the General Assembly.

20. Richard Symonds, The Making of Pakistan (London: Faber and Faber, 1950), p.74.

had never existed in the past. The term 'India' had been used by Western people for the 'Indian sub-continent', which contained so many states. It was only under British colonial rule that attempts were made to achieve the unity of the sub-continent, but even they could not create a unified India. Their administration was mainly confined to British India, and there were states which enjoyed autonomy under British Suzerainty.

In view of this, to consider 'India' as a 'State' in International Law, was a misnomer and the principle of the continuing personality of states was not applicable.

(3) The cases, which the Assistant Secretary-General quoted, i.e. the separation of the Irish Free State from Great Britain and of Belgium from the Netherlands, to support his decision did not fit the Indian situation as a writer has remarked:

" The proposition is founded upon two highly controversial instances, those of the Irish Free State and Belgium, and analysis of the practice upon independence discloses that it is by no means universally accepted or politically expedient. The real problem was functional, not logical, and the solution depended upon analysis of the Charter and the implication of membership and not upon deduction from a generalized and abstract principle, which was at best insecurely established. "21

If the British had retained control in India and only a few parts breaking away from British India had formed Pakistan, then Dr. Kerno's decision was applicable.

In the sub-continent, the original state (if any) was British India, with the/

21. O'Connell, Op.cit., Vol.II, p.185.

the British crown as the Sovereign. After the transfer of power in India by the British two new States came into being, with equal Sovereign rights, without the consideration that one had more area than the other. The new Dominions started with their new flags and governments as separate International Persons. One chose to call itself by the name of Pakistan, but the other retained the old name India and employed the outgoing British Governor General. By this the Congress leaders derived a political benefit in so far as they got the original membership in the United Nations. If they had adopted a different name, like the other Dominion, then it would have been necessary for them to put in a new application for United Nations membership. Through their skilful manipulations at the United Nations, under the guise of the word "India" and with the help of British Indian government they dodged the International Community.

The question of the admission of Pakistan to the United Nations, came before the Security Council on 18 August 1947. The representative of France in the Security Council supported Pakistan's argument for automatic membership. He said:

" The question of Pakistan seems to me to be a very special case, since this country was already in the United Nations. "22

But most members took the view that Pakistan should be admitted to membership. Therefore, the Council adopted the resolution that the General Assembly admit Pakistan to the United Nations.

In the First Committee of the General Assembly the Argentinian representative expressed the view that "India had ceased to exist as a State."²³ Therefore, both India and Pakistan should either become members by inheritance/

22. United Nations Security Council Official Records, 18th Meeting, 18 August 1947, p.310, (Hereafter cited as S.C.O.R.)

23. G.A.O.R., 2nd Session, First Committee, 59th Meeting, 24th September 1947, p.4.

inheritance or apply for membership. But later on he submitted a different draft resolution that Pakistan should be declared a member from the date of partition and the position occupied by the representative of India in different United Nations organ should be understood as being occupied by the representative of the Dominion of India.

The Australian representative admitted in the First Committee that, "it was true that British India had been an original member of the United Nations. For purposes of International rights and obligations, it was now, represented by the two new Dominions." But he accepted that, "since India retained the membership of Economic and Social Council it seemed to have been tacitly agreed that she had assumed the International rights and obligations of the former state."²⁴ He submitted a draft resolution by which the Assembly would decide to admit Pakistan as a new member.

The representative of Iraq expressed the most rational view. He said, "Both Pakistan and India should be recognised as original members and as having been voting members from 15 August, 1947."²⁵

In the debate, opinions were expressed favouring both the resolutions, but the Australian resolution was unanimously adopted. Pakistan was admitted to the United Nations by the General Assembly on 30 September 1947 by 53 votes to 1, with no abstention. The negative vote was that of Afghanistan; but in October in the plenary meeting the representative of Afghanistan declared that he had withdrawn his negative vote.

In depositing Pakistan's instrument of acceptance, the Pakistani representative Sir Zafrulla Khan made the following declaration which in substance reiterated/

24. Ibid., p.5.

25. Ibid.

reiterated Pakistan's view on the question of membership:

" In one sense the admission of Pakistan to the United Nations is not the admission of a new member. Until 15 August of this year, Pakistan and India constituted one State. On 15 August, they agreed to constitute themselves into two separate Sovereign states. One chose to continue to call itself by the old name of India, which had applied to the whole of the country, and the other elected to call itself by the name of Pakistan.

In as much as Pakistan had been a part of India, it was in effect under the latter name a signatory to the Treaty of Versailles and an original member of the League of Nations In the same sense, Pakistan as a part of India, participated in the San Francisco Conference in 1945 and became a signatory to the United Nations Charter. Therefore, Pakistan is not a new member of the United Nations, but a successor to a Member State which was one of the founders of the Organisation. "26

At this moment, a question can be asked, why Pakistan did not seek to pursue the case on legal grounds through the International Court of Justice, for inheriting the original membership as a co-successor to British India ? The answer is that from practical point of view, it was quite logical for Pakistan to submit an application for membership instead of pursuing the legal question of membership which surely would have prolonged the issue for quite some time, which was not in the interests of Pakistan. Because of the circumstances under which partition took place (as narrated earlier), expediency demanded that Pakistan should become/

26. G.A.O.R., 2nd Session, 92nd Plenary Meeting, 30 September, 1947, p.311.

become a member of the United Nations as early as possible, to safeguard its existence as well as other international rights and to participate in the deliberations of the International Organisation. For example, if Pakistan had not become a member of the United Nations quickly, it would have been difficult to pursue its case on Kashmir in the United Nations.

CHAPTER III

ADMISSION OF NEW MEMBERS

There are two main theories for the recruitment of Members for an International Organisation of sovereign states.

The first is known as the "principle of Universality" which advocates that the strength of any such Organisation depends on its including the greatest possible number of States; the fewer the States outside it, the greater will be the number of the Members pledged to carry out its discipline and to perform the duties which it imposes.

The second method is called the "principle of Selectivity". Its advocates maintain that as a rule, the strength of a public International Organisation depends not on its including the greatest possible number of States, but on its including the greatest possible number of "like-minded" States, such as can be entrusted to work together harmoniously and therefore efficiently.

It is clearly impossible to choose between the two rival principles on their theoretical merits alone. The choice must depend on the functions of the particular organisation for which the choice must be made in practice. If the function makes efficiency dependent on universal membership, selectivity has little to commend it. A via media between the two extremes has been suggested by an American writer in the following words:

" Controversy over Membership questions is endemic in International Organisations, and it is complicated by the fact that genuine differences concerning the constitutional merits of principles governing Membership policy are subtly mixed with competing claims based upon calculations of political advantage. From a purely constitutional point of view, no principle can be singled out as the "right one" but the theoretical ideal might be formulated/

formulated as the "rule of essentiality". According to this concept, membership policy should be rationally adopted to the functional purposes of each specific institution. States should be accepted or excluded, sought after as members or left alone, on the basis of judgment as to whether their participation is essential to or incompatible with the realization of the aims of the Organisation."¹

For example, the membership of Norway might be deemed essential in the IMCO, a maritime shipping organisation but might not be, at the same time, essential for the Chad to be a member of this Organisation.

Membership in the League:

The League of Nations never formally accepted the principle of indiscriminate universality, as expounded by some states like Argentina.

It did, sometimes, ignore dubiously qualified or politically unpopular states, but on the whole, it sought to encourage rather than to discourage the potential applicants. This attitude of receptivity was developed from "admission by invitation" as an alternative to application by would-be members.²

Membership in the United Nations:

In the case of the United Nations, the Moscow Declaration of 1943 stressed that for a general or quasi-universal international organisation, universality was recognised as "an ideal towards which it was proper to aim."

In the Charter of the United Nations, Article 4 which regulates the admission of new members, states:

" (1) Membership in the United Nations is open to all other peace-loving States, which accept the obligations contained in the present Charter and, in the judgment of the Organisation, are able and willing/

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1. Inis L. Claude, Swords Into Ploughshares, 2nd ed. (New York: Random House, 1959), p.96.
 2. Alexander Rudzinski, "Admission of new Members : The United Nations and the League of Nations", International Conciliation, No.480, April, 1952, p.164.

willing to carry out these obligations.

- (2) The admission of any such State to Membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council. "

Thus, there are five objective qualifications for membership: Statehood; "peace-lovingness"; acceptance of the obligations contained in the Charter; ability to carry out these obligations; and finally, willingness to carry them out.

In certain cases, some of these qualifications, i.e. Statehood and "peace-lovingness" may cause genuine difficulties of interpretation. If these are to be decided by an impartial Tribunal - in the case of an applicant State - there is no problem, but in the United Nations, these are adjudicated by the Security Council and the General Assembly which are, in composition and function, political organs. Both of these organs decide by majority vote, but in the Security Council the majority, however massive it may be, can always be stultified by a single negative vote of a permanent member.

In this situation, it is a matter of secondary importance whether a given application for membership does or does not satisfy the five substantive requirements laid down in the Charter. For practical purposes, the decisive test will be whether the candidate is or is not acceptable, to all the permanent members of the Security Council. It is, thus, the attitude of permanent members rather than the provisions of the Charter which has been the sole obstacle to the achievement of universality in the United Nations.

The positions of the United States and the Soviet Union:

The deadlock on the admission of new members, which lasted until 1955, was the result of the policy of "competitive exclusion", adopted by the United States and the Soviet Union. Each of them had at one time followed the notion that applicant states should be admitted en bloc, in order to achieve the ideal of Universality.

Within a few months after the establishment of the United Nations, applications for membership were received from 'eight countries'.³ The United States proposed in the Security Council the admission of all eight applicants, "to accelerate advancement of the Universality of Membership". This was, in effect, a "package proposal" that was rejected by the Soviet Union, which insisted upon a consideration of each application individually. The result was, the admission of Afghanistan, Iceland and Sweden; a Soviet veto against Ireland, Jordan and Portugal; and the failure of Albania and Mongolia to secure the required minimum of seven votes in the Security Council.

This precedent set the pattern for the future; henceforth, the Soviet Union proposed admission en bloc and the Western Powers demurred.

States which desired admission can be divided into two groups; potential members of the Soviet bloc in the United Nations, which were denied necessary support of seven members of the Security Council; and potential adherents to the Western bloc, which were consistently blocked by the Soviet veto.

Thus the membership problem had been subjected to the "policization" which has become a characteristic feature of the United Nations. The Soviet policy/

3. The States were Albania, the Mongolian People's Republic, Jordan, Afghanistan, Ireland, Portugal, Iceland and Sweden.

policy of preventing the admission of non-communist States unless Soviet proteges, was simultaneously accepted, and the American policy of denying seats to the Soviet Satellites even at the expense of States acceptable to the United States, acquired an importance for political prestige which exceeded their objective political significance.

From the legal point of view the United States position was sound. The Charter lays down the conditions that would-be members should be "peace-loving" and be deemed to be "able and willing" to abide by the obligations of membership. Thus, the United States, by influencing its friends to cast a negative vote on the application of new Members, did not pass the legal bounds. Moreover, the United States criticism of the Soviet position was supported by an advisory opinion of the International Court of Justice that no member can properly justify its vote to exclude applicants on grounds other than stated in Article 4 of the Charter; and that "every application for admission should be examined and voted on separately and on its merits."⁴

The Soviet position, on the other hand, though weak from the legal point of view, was clearly in accord with the constitutional ideal of Universality.

Professor Inis L. Claude has beautifully depicted the cold war picture on the Membership question, with regard to the positions of the United States and the U.S.S.R., as follows:

" The United States is to emphasize its political primacy in the United Nations by admitting only such states as are likely to follow American leadership; failing this, it is prepared to accept the exclusion of all candidates. The U.S.S.R., on the other hand, seems not to aim so much at excluding American/

4. Advisory Opinion of International Court of Justice, 28th May, 1948. Report of Judgments, Advisory Opinion and Orders, 1948, pp.57-66.

American-sponsored applicants as at making sure that they will not be admitted without its own proteges.

For the United States, it is one group or nothing; for the Soviet Union, it is both groups or nothing. The United States seeks a political victory; the U.S.S.R. seeks to avoid a political defeat. The membership struggle is a typical display of the political tactics of a self-confident majority and a defensive minority. "5

As Pakistan experienced a good deal of hardship for its membership in the United Nations it was well aware of the difficulties which other newly independent states had to face in the United Nations for their membership. Since becoming a member of the United Nations, Pakistan has taken a special interest in helping new States to gain admission.

The year 1947 - when Pakistan was admitted to the United Nations - was the beginning of the Cold War and there was a deadlock in the Security Council on the admission of new members. The first Soviet "package proposal" which came after the coming into force of the peace-treaties with Italy, Finland, Hungary, Romania and Bulgaria in September 1947, was blocked. The Soviet contention was that the United Nations must either admit all these ex-enemy states, or none of them. Thus, the applications of Italy and Finland received a Soviet veto and the three East European "People's Democracies" failed to secure the required minimum of votes.

In an attempt to resolve the deadlock, some of the members tried to make acceptable varying interpretations of Articles 3 to 6 and 27 of the United Nations Charter.

The representative of Australia, while interpreting Article 27, expressed the/

5. Claude, op.cit., p.101.

the view that since the Charter merely required a recommendation from the Security Council, the unanimity of five permanent members was not necessary. Therefore, the real decision has to be taken by the General Assembly and it was empowered to reverse a rejection by the Council.

The representative of Pakistan, declared that he could not agree with the views of the Australian representative.

" The question of membership in the United Nations", he said "was dealt with in Articles 3-6 of the Charter. Article 4 provided that the applicants should, in the judgment of the United Nations as a whole, be able and willing to carry out the obligations of the Charter. It did not say that that judgment should be made either by the Security Council or the Assembly alone. The wording of paragraph 2 clearly showed that the final decision should be taken by the Assembly, subject to a recommendation from the Council; the object of the Article was that States should be admitted only with the approval of both. "⁶

The representative of Pakistan stressed further the role of the Security Council, and said:

" If the Charter had considered that the function of the Council was in any way inferior or ancillary to a decision by the Assembly, it would have been worded differently. It would have stated that the Assembly should take a decision after considering the opinion of the Security Council. The object of the Charter was clearly that successful applicants should have the approval of both organs." ⁷

6. G.A.O.R., 2nd Session, First Committee, 100th Meeting, 8 November, 1947, p.360.

7. Ibid., p.361.

In the same meeting, disapproving the attitude adopted by the Soviet Union, the representative of Pakistan said:

" he did not believe that a member of the Security Council was justified in opposing the admission of a State which it agreed was fully qualified, on the grounds that other States were not also admitted. That was not a valid argument and was contrary to the Charter. No member was justified in taking an unreasonable attitude, simply because another delegation was being unreasonable. "8

The representative of Pakistan also appealed to the permanent members of the Council to observe a policy of "reasonableness"; and supported a Polish proposal that the five permanent Members of the Security Council which had primary responsibility in the matter, should consult together for resolving the differences and arrive at a solution on the issue of membership.

In 1948, in the Special Session of the General Assembly, Pakistan supported Burma's admission to the United Nations; Burma was admitted unanimously.

In the third session, of the General Assembly, in 1948, the Ad Hoc Political Committee considered the application of Eleven States, which had been rejected by the Security Council, and recommended to the General Assembly to send back these applications to the Security Council for reconsideration. It adopted ten draft resolutions. Pakistan submitted a proposal for the admission of Ceylon, which was adopted in the form of amendment to resolution 'J'. The General Assembly adopted all the resolutions forwarded by the Political Committee. Pakistan voted in favour of all the resolutions.

The/

8. Ibid., p.362.

The representative of Pakistan declared in the General Assembly that his delegation would always support an application for admission to the United Nations, provided that:

" The applicant was a sovereign state, that its statehood and sovereignty had been established and that its application was not a means of establishing legality of either of those factors. Moreover, the applicant must be a peace-loving state, able and willing to discharge the obligations placed upon member states by the Charter,. His delegation would support such an application, irrespective of the bloc to which the state would adhere after it had been admitted to membership. "9

The question of the admission of Israel was included in the Agenda of the General Assembly on 7 March 1949 and was referred to the Ad Hoc Political Committee by a vote of 31 to 18, with 17 abstentions. Pakistan voted against at both the occasions. Speaking in the Committee, the representative of Pakistan stated :

" that the recommendation of the Security Council did not comply with the terms of Article 27 of the Charter as it had not received the concurring votes of the five permanent members of the Council. Moreover, the United Kingdom had, both generally and specifically, made it clear that its abstention could not be construed as an affirmation. He contended that the Committee had before it no Security Council decision which had been taken in accordance with the terms laid down in the Charter and proposed either returning the recommendation to the Security Council or obtaining an advisory opinion from the International Court of Justice. "10

9. G.A.O.R., 3rd Session, 176th Plenary Meeting, 8 December, 1948, p.791.

10. G.A.O.R., 3rd Session, Part II, Ad Hoc Political Committee, 42nd Meeting, 3 May, 1949, pp.182-183.

The representative of Lebanon presented a draft resolution for postponing Israel's admission until it accepted the General Assembly Resolution of 11 December 1948 on Jerusalem and the refugee problem. Pakistan, with Brazil, Denmark, Syria, Turkey and the United Kingdom supported it, but the draft resolution was rejected by the Committee by a vote of 25 against to 19 in favour, with 12 abstentions.

A draft resolution, jointly sponsored by Australia, Canada, Guatemala, Haiti, Panama, The United States and Paraguay, recommending that the General Assembly admit Israel to the United Nations, was adopted by 33 votes to 11, with 13 abstentions.

The General Assembly, adopted the resolution recommended by the Committee by a vote of 37 to 12, with 9 abstentions.¹¹

Pakistan voted against, along with other Muslim States except Turkey, which abstained.

Israel's failure to implement the United Nations Resolution was the ostensible reason for Pakistan's opposition. This was supplemented by Pakistan's Ideological policy to support the Muslim cause.

The general question of admission of members was also discussed in 1949. The Soviet Union repeated its "package proposal" but now included eight other applicants, in addition to the five previous states. The deadlock in the Council continued. The general assembly again, by Resolution A to K 296 (1V), decided to recommend the applications of Austria, Ceylon, Finland, Ireland, Italy, Jordan, South Korea, Portugal and Nepal, to the Security Council for reconsideration. Pakistan voted in favour of all the resolutions.

11. The States which voted against Israel's admission to the United Nations were Afghanistan, Burma, Egypt, Ethiopia, India, Iran, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria and Yemen. Belgium, Brazil, Denmark, El Salvador, Greece, Sweden, Thailand, Turkey and the United Kingdom abstained.
G.A.O.R., 3rd Session, 207th Plenary Meeting, 11 May, 1949.

At the Fifth Session in 1950, the General Assembly had before it the Advisory Opinion of the International Court of Justice and three draft Resolutions.

The joint draft resolution sponsored by Brazil, Canada, the Philippines, Sweden and Syria, requested the Security Council to keep the applications under consideration in accordance with the terms of Resolution 296 (IV). It was supported by the representatives of France, Thailand, the United Kingdom and the United States.

A U.S.S.R. draft resolution recommended that the Security Council review the applications of Albania, Mongolia, Romania, Bulgaria, Hungary, Finland, Italy, Portugal, Ireland, Jordan, Austria, Ceylon, and Nepal for admission to the United Nations.

El Salvador, submitted a draft resolution calling upon the Security Council to reconsider the applications of Austria, Ceylon, Finland, Ireland, Italy, Jordan, the Republic of Korea, Portugal and Nepal for admission to membership in the United Nations and asked the Secretary-General to invite each of these Governments to send an observer to the Session of the General Assembly and its Committees.

A number of representatives including those of Argentina, Egypt and Pakistan who favoured all the three resolutions stressed the principle of the universality of the United Nations and expressed regret that so many countries which could make a substantial contribution to the work of the United Nations were excluded for reasons which had nothing to do with the Charter.

After the debate, the General Assembly adopted the joint draft resolution by/

by 46 votes to 65, with 2 abstentions.¹² The other two draft resolutions were rejected by the Assembly.

The International Court of Justice, in an advisory opinion on 8 March 1950, rejected the view of the Argentinian representative that the General Assembly can admit a new member after a rejection by the Council. This coincided with the view expressed earlier by the representative of Pakistan.

" However, the deadlock in the Security Council continued and the great Powers, notwithstanding the opinion of the Court, allowed themselves to be guided by political considerations rather than to consider all pending applications for membership on their merits. "¹³

Speaking in the Assembly on the question of admission of new members, the representative of Pakistan asked:

" is there not a single applicant from among those who have hitherto been blocked, or perhaps at least one from each side, which may be regarded as fulfilling the conditions laid down in Article 4, and whose admission may be recommended by the Security Council as a token of the fact that the permanent members of the Security Council are now prepared to move forward in respect of this question on some reasonable basis? "¹⁴

In the same Session, Indonesia was admitted unanimously to the United Nations.

In the Sixth Session of the General Assembly, the question of the admission of new members was discussed in the First Committee. The representatives of/

12. G.A.O.R., 5th Session, 318th Plenary Meeting, 4 December, 1950, Resolution 495 (V).

13. K. Sarwar Hasan, Pakistan and the United Nations (New York, Manhattan Publishing Company, 1960), p.247.

14. G.A.O.R., 5th Session, 283rd Plenary Meeting, 25th September, 1950, p.97.

of Australia, China, Colombia, the Dominican Republic, Egypt, Greece, India, Iran, Iraq, the Netherlands, Nicaragua, The Philippines, Pakistan, Saudi Arabia, Syria and The United States stated that in order to give the Organisation the universal character all the States which fulfilled the conditions of Article 4 of the Charter should be admitted.

The representatives of Pakistan, Iraq, Mexico and Norway, felt that the question of membership could not have a satisfactory solution unless the powers which had the right of veto feel the obligation to seek agreement.

A Peruvian draft resolution by which the Assembly would state that a State desirous for membership should be peace-loving and accept the obligations of the Charter; be willing to settle disputes by pacific means in International law; according to the advisory opinion of International Court of Justice, no United Nations member is entitled to lay conditions, which are outside the scope of Article 4 of the Charter, on the admission of a new State; invite all States which had applied or may apply for membership to present to the Security Council and the General Assembly, all appropriate evidence relating to their qualifications under Article 4 of the Charter, and recommend that the Security Council reconsiders all pending applications as well as the new applications in the light of such facts as applicant States may present and that it base its action exclusively on the conditions contained in the Charter and on facts establishing those conditions. The revised draft was adopted as a whole by 36 votes to 9, with 12 abstentions. Pakistan voted in favour of the resolution.

A U.S.S.R. draft resolution by which the Assembly would recommend that the Security Council consider the applications of Albania, the People's Republic of Mongolia, Bulgaria, Romania, Hungary, Finland, Italy, Portugal, Ireland, Jordan, Austria, Ceylon, Nepal and also Libya for membership in the United Nations was adopted as a whole by 21 votes to 12, with 25 abstentions.

India, Egypt, Afghanistan, Burma, Yugoslavia, Indonesia, Iraq and Syria from the non-aligned bloc voted for the resolution.

The representative of Pakistan abstained and while explaining his vote, said that he would have preferred that the Assembly's recommendations should cover all pending applications.

A joint draft resolution was submitted by Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua and was also adopted as a whole by the Committee by a vote of 41 to 6, with 11 abstentions.

The General Assembly considered the three resolutions forwarded by the Committee. The Peruvian draft resolution was adopted by 43 votes to 8, with 7 abstentions. A motion that the U.S.S.R. draft required two-thirds majority was adopted by 29 votes to 21, with 5 abstentions. The U.S.S.R. draft resolution was not adopted as it failed to obtain the required two-thirds majority. The third draft resolution was adopted by 36 votes to 5, with 14 abstentions. Pakistan voted in favour of both the resolutions.

In the meantime, Pakistan was elected a member of the Security Council on 13 December 1951, for a period of two years, to start its term from 1st January, 1952. On 6 February 1952, the question of the admission of members was discussed. Two draft resolutions, one by France for the admission of Italy and the other by the Soviet Union for the "simultaneous admission of fourteen States"¹⁵ were submitted.

The representatives of Brazil, Chile, France, and Greece opposed the U.S.S.R. draft resolution. The representative of the United Kingdom said that/

15. The fourteen States were 'Albania, Mongolia, Bulgaria, Romania, Hungary, Finland, Italy, Portugal, Ireland, Jordan, Austria, Ceylon, Nepal and Libya'.

that in the interests of the Organisation to broaden its basis, he would abstain on the U.S.S.R. draft resolution. In the voting, the French draft resolution recommending for the admission of Italy received 10 votes in favour and 1 against, but was not adopted because of the Soviet veto.

The U.S.S.R. draft resolution was rejected by 2 votes in favour (the USSR and Pakistan) to 6 against, with 3 abstentions (Chile, France and the U.K.).

It should be noted that the Pakistan delegate, for the first time, moved from its professed position of considering all the applications for membership, separately, and voted in favour of the Soviet draft resolution for "simultaneous" admission of 14 States. The reason for this was explained by the representative of Pakistan at a later meeting of the Security Council. Making a reference to the U.S.S.R. draft resolution, he said:

" The Security Council will recall that my delegation voted in favour of the draft resolution. We did so for the following reasons: First, voting for the U.S.S.R. draft resolution seemed to us to be easiest and quickest way out of the paralysis with which the Council is seized as regards the question of the admission of new members. Secondly, we believe that there are a large number of countries in the list contained in the U.S.S.R. draft resolution whose admission to the United Nations would be a source of great strength to the Organisation. Thirdly, we believe that to be useful and real the United Nations must reflect as faithfully as possible the political state of the world ...
..... If there are States which do command a position of authority over areas, territories and peoples, we say that whatever view may be held as regards the internal administration of those States, it is/

is better for them to be within the purview
and orbit of the United Nations than outside it.
That is why we voted in favour of the Soviet
Union draft resolution. "16

On 8 June, 1952, in the Security Council, the U.S.S.R. proposed an item
"simultaneous admission of 14 States" to be included in the provisional
agenda. The U.S.S.R. also submitted a draft resolution to that effect.

The U.S.S.R. proposal to include the item in the agenda was rejected by
the Security Council by a vote of 7 to 1, with 3 abstentions (China, Pakistan
and the United Kingdom). The Council then adopted unanimously a joint
proposal by Chile and the Netherlands which included the U.S.S.R. proposed
item - "The Admission of new Members: consideration of General Assembly
Resolution 506 (VI)."

A Greek proposal to postpone consideration of the question was adopted by
the Council by 8 votes to 1, with 2 abstentions (Chile and Pakistan).

A Pakistani-Chilean draft resolution urging the permanent members of the
Security Council to consult each other on the basis of General Assembly
request contained in Resolution 506 (VI), was considered unnecessary and was
not put to vote, for the permanent members showed their readiness to hold
consultations.

The U.S.S.R. draft resolution for "simultaneous" admission, submitted on 8
June, 1952, was discussed by the Council between 2 to 8 September 1952.
The representatives of Brazil, China, France, Greece, Turkey, the United
Kingdom and The United States opposed the word "simultaneous". The Council
then rejected the U.S.S.R. draft resolution by a vote of 2 in favour (U.S.S.R.
and Pakistan) to 5 against, with 4 abstentions (Chile, France, Turkey and
the United Kingdom).

16. S.C.O.R., 600th Meeting, 16 September, 1952, para. 14, 15.

Pakistan also submitted a draft resolution recommending the admission of Libya to the United Nations. Pleading the case of Libya, the representative of Pakistan appealed to the members of the Security Council :

" Our conduct with regard to the application of Libya at this occasion", said Professor Bokhari, "is a supreme test of whether we, as members of the United Nations consistently carry out our own moral obligations. Apart from that, I think it would be a wonderful spectacle for the world of today that in three years' time a subject people should be helped by the United Nations first to achieve independence and sovereignty, and then to achieve full membership status along with the rest of us in this Organisation. I do not think that anyone around this table should have the heart to mar that spectacle. Therefore, I strongly appeal to my colleagues to take an exceptional view of the application of Libya and unanimously to support its membership. "¹⁷

The representatives of Brazil, Chile, China, France, Greece, Turkey, the United Kingdom and the United States spoke in favour of the Pakistan draft resolution. They pointed out that the General Assembly had adopted a favourable decision, without a single opposing vote. Libya was fully qualified for membership and the United Nations had a heavy responsibility towards that country since it was responsible for Libya's independence.

The representative of the Soviet Union reiterated his delegation's view that :

" Libya's application could not be regarded as a new one and declared that the U.S.S.R. had never opposed in the past and did not then oppose the admission of Libya to membership in the United Nations on the same basis as other, equally eligible, States. "¹⁸

The/

17. S.C.O.R., 600th Meeting, 16 September, 1952, para.26.

18. Ibid.

The Pakistan draft resolution was not adopted because of the Soviet veto. The votes were 10 to 1, with no abstentions. The applications of Japan, South Vietnam, Cambodia and Laos were also not recommended for the same reason.

The Soviet Union also submitted a draft resolution recommending the admission of North Vietnam to the United Nations. This was rejected by the Council by a vote of 10 against to 1 in favour (the U.S.S.R.), with no abstention.

Here, for the first time, in the Security Council, Pakistan voted against the admission of a State to the United Nations. The representative of Pakistan while explaining his vote said that in his Government's view North Vietnam was not fulfilling the qualification for membership, under Article 4 of the United Nations Charter.

In the Seventh Session of the General Assembly, in 1952, the question of the admission of members was considered by the Ad Hoc Political Committee. A five-power draft resolution, recommending the establishment of a Special Committee to make a detailed study of the question of the admission of new members and report it to the 8th Session of the General Assembly, was adopted as a whole by a vote of 45 to 5, with 8 abstentions. The representative of India, speaking on this resolution, considered that it was difficult to see how a Special Committee such as proposed by the five-power resolution would yield better results than the Security Council. If an agreement was possible, he said, there was no reason why it could not be achieved in the Council rather than in such a Committee. If agreement was not likely, there was no reason to establish a Special Committee to ascertain the fact.

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The representative of Pakistan, Chile and Haiti also considered that the agreement by the Permanent Members of the Security Council was a pre-requisite of any solution.

Poland submitted a draft resolution by which the Assembly would request the Security Council to consider the applications of Albania, Mongolia, Bulgaria, Romania, Hungary, Finland, Italy, Portugal, Ireland, Jordan, Austria, Ceylon, Nepal and Libya, in order to submit a recommendation on the "simultaneous" admission of all these States to the United Nations.

The representative of Pakistan stated that the States listed in the Polish draft resolution, fulfilled the conditions laid down by the Charter and deserved to be admitted. He therefore supported the draft resolution.

The representative of India also supported the Polish draft resolution, making it clear that he interpreted "simultaneous admission" to mean a series of admissions that took place at the same time, none of which was dependent upon the admission of one or several of the others. Although it provided neither an absolute nor a complete remedy, the proposal had the advantage of increasing the membership of the Organisation, thereby enabling it to be more representative, of the world as it was. Similar views were also expressed by the representatives of Argentina, Burma, Egypt, Indonesia, Iraq, the Philippines and Syria. The Polish draft resolution was rejected by a vote of 28 against to 20 in favour, with 11 abstentions. Pakistan also supported resolutions for the reconsideration of the applications of Japan, South Vietnam, Cambodia, Laos, Libya and Jordan, which were adopted.

The General Assembly then considered the report of the Political Committee on 2 December, 1952. Resolution A (originally the five-power Central American draft resolution) for the establishment of a Special Committee was adopted by a roll-call vote of 48 to 5, with 6 abstentions. The representatives/

representatives of Burma, Afghanistan, India, Indonesia, Liberia and Pakistan abstained. Pakistan voted for the resolution's Part B to G which requested the Security Council to reconsider the applications of Japan, South Vietnam, Cambodia, Laos, Libya, and Jordan.

In the Eighth Session of the General Assembly, in 1953, the Ad Hoc Political Committee again discussed the question of the admission of members and passed a resolution for the establishment of a Committee of Good Offices. The representative of Pakistan, speaking about the deadlock on admission, stressed the importance of the principle of the universality of the Organisation:

" The United Nations", he said "could not be a monopoly of the privileged nations at the expense and detriment of other nations. The Charter was based upon the principle of the peaceful co-existence of all political, economic and social systems of the world. "¹⁹

The resolution recommended by the Committee was adopted by the General Assembly. The Committee of Good Offices, with Egypt, the Netherlands and Peru as members, was established. Pakistan voted in favour of the resolution.

In the Ninth Session of the General Assembly, in 1954, Australia introduced a draft resolution in the First Committee, jointly sponsored by Australia, Pakistan and Thailand, which was designed to break the "log jam" in the admission of new members and to which the Secretary-General had referred in his annual report with the suggestion that a beginning in breaking the deadlock might be made with some of those cases which did not directly enter into the balance between conflicting camps.

The joint draft resolution also provided that the General Assembly would
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19. G.A.O.R., 8th Session, Ad Hoc Political Committee, 11th Meeting, 14 October, 1953, p.55.

note that the signatories of the Geneva Agreement had expressed their conviction that Laos and Cambodia were peace-loving states within the meaning of Article 4, able and willing to carry out the obligations of the Charter, and should, therefore, be admitted to the United Nations. It would request the Security Council to take note of that declaration. The Soviet bloc opposed the draft resolution.

Another joint draft resolution submitted by Argentina, Cuba and El Salvador asked again, recommending the applications of Austria, Ceylon, Finland, Ireland, Italy, Japan, Jordan, Libya, Nepal and Portugal. By a United States amendment the name of the Republic of Korea and Vietnam were added to the list of applicants.

The U.S.S.R. repeated its draft resolution, by which the Assembly would recommend to the Security Council to reconsider the "simultaneous" admission of 14 States. This draft was also supported by Indonesia, Lebanon, Saudi Arabia, Sweden and Syria. But some representatives, including those of Argentina, Brazil, Chile, Iran and Pakistan, stated that they would have voted for the U.S.S.R. draft resolution if it did not provide for "simultaneous" admission of a number of States.

A joint draft resolution submitted by Argentina, Cuba, El Salvador and India, provided that the General Assembly, noting the growing general feeling in favour of the universality of the United Nations and the views of the Committee of Good Offices, would: (1) express appreciation of the work and efforts of that Committee; (2) send back the pending applications to the security Council, together with a full record of the discussions, for further consideration and positive recommendation; (3) suggest that the Council consider the desirability of invoking the provisions of paragraph 2 of Article 28 of the Charter²⁰ to help resolve the problem; (4) request/

20. Article 28, para 2 of the U.N. Charter provides that the Security Council shall hold periodic meetings at which each of its members may, if it wishes, be represented by a member of the Government or other specially designated representative.

request the Committee to continue its efforts; (5) and request the Council and the Committee of Good offices to report to the Assembly during the current session, if possible, and in any event, during the Tenth regular Session. This draft resolution, generally supported by the members was adopted unanimously by the Committee. An Indian and Indonesian motion not to vote on the other draft resolution was also adopted by a vote of 25 to 24, with 6 abstentions. In consequence, no vote was taken on the other three draft resolutions. The General Assembly unanimously adopted the resolution recommended by the Committee.

In the Tenth Session, in 1955, the question was again discussed in the First Committee. A 29-power draft resolution, introduced by Canada, and co-sponsored by Pakistan, which sought to break the deadlock and to refer the question back to the Security Council, was adopted as a whole by a roll-call vote of 52 to 2, with 5 abstentions. This was adopted by the General Assembly, in the same form, by 52 votes to 2, with 5 abstentions.²¹

In the meantime, the Soviet Union announced in the Security Council that it would withdraw its veto from the applications of sixteen states.²² The U.S.S.R. then introduced a draft resolution to that effect, which was approved by the Security Council, by 8 votes to 0, with 3 abstentions (Belgium, China and the United States).

In the General Assembly, a 41-power draft resolution, with Pakistan as co-sponsor was submitted for the admission of those sixteen states, whose admission had been recommended earlier, the same day, by the Security Council. The Assembly adopted it without any vote, since there was no objection.

21. G.A.O.R., 9th Session, 552nd Plenary Meeting, 8 December, 1955 Resolution 918 (X). China and Cuba voted against, but Belgium, France, Greece, Israel and the United States abstained.

22. The Sixteen States were Albania, Jordan, Ireland, Portugal, Italy, Austria, Hungary, Romania, Bulgaria, Finland, Ceylon, Cambodia, Laos, Libya and Spain.

The American abandonment of opposition in principle to "package deals" and both Soviet and American concessions regarding the content of the package, marked the end of the "Membership problem" which had existed for several years. Once the "log jam" had been broken in 1955, the new States, which emerged from the ashes of European Colonialism were henceforth admitted to the United Nations without any significant hinderance, with the exception of divided States which remained as an issue of the Cold War.

In 1956 and 1957, Sudan, Morocco, Tunisia, Japan, Ghana and Malaya were admitted to the Organisation. Pakistan co-sponsored resolutions for their admission. In 1957, the applications of South Korea, South Vietnam, North Korea and North Vietnam were discussed in the Political Committee. Pakistan supported recommending the applications of South Korea and South Vietnam, but abstained on those of North Korea and North Vietnam. The reason for abstention was explained by the representative of Pakistan in the following words:

" If however, a draft resolution was presented that the Democratic People's Republic of Korea and the Democratic Republic of Vietnam accepted the obligation set forth in the Charter, particularly those of Article 1 and 4, the Pakistan delegation would examine those applications and vote in accordance with the principles he had just outlined. "²³

It should also be remembered that Pakistan voted in favour of the Resolution in 1950 which branded North Korea as an aggressor. Thus, on principle, Pakistan's abstention did not seem to be a deviation from its stand on admission of new members.

In 1958 and 1960, Guinea, Cameroun, Togo, Madagascar, Somalia, Congo, Dahomy, /

23. G.A.O.R., 12th Session, Special Political Committee, 20th Meeting, 28th January, 1957, p.9.

Dahomy, Niger, Upper Volta, Ivory Coast, Chad, Congo (Leopoldville), Gabon, Central African Republic, Cyprus, Mali, Senegal and Nigeria were admitted as new members to the United Nations; Pakistan was a co-sponsor to the resolutions of fifteen of them. Welcoming the new States, the Pakistani representative said:

" on behalf of the Government and people of Pakistan, I warmly welcome the admission of the States of Africa and of Cyprus to the United Nations. Belonging to a country which became free only a few years ago, we still retain the memory of the first ecstasy of becoming free. The tremendous upsurge of freedom which we have witnessed in the African Continent during the last year or two now reaches culmination in the admission of all these States to the United Nations. "24

In 1961, in the 16th Session, the General Assembly admitted Sierra Leone, Mongolian People's Republic, Mauritania and Tanganyika to the United Nations. Pakistan voted for the admission of these states, except Mauritania on which it abstained: The reason being the claim by Morocco that Mauritania had been a part of it, even before the French gained control of the area. Now, Morocco has become independent; therefore, Mauritania should be restored back to it. But French Colonial power was willing to give independence to Mauritania. It is necessary to mention that the population of Mauritania is also Muslim. Thus, Pakistan did not like to displease Morocco by voting in favour of Mauritania's admission, but at the same time, was happy that another Muslim State had come into being. The only course left for Pakistan was to abstain. The representative of Pakistan, explaining his abstention said that "future developments would be only in the interests of the people of Mauritania."

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24. G.A.O.R., 15th Session, 865th Plenary Meeting, 20 September, 1960, para.62.

In 1962, Rwanda, Burundi, Jamaica, Trinidad and Tobago, Uganda and Algeria, were admitted to the United Nations. Pakistan had been actively pleading the cause of Algerian Muslims in their struggle for independence. Thus, welcoming Algeria to the United Nations, the representative of Pakistan expressed his jubilation. He said:

" It is difficult for me to give adequate expression to the emotions of joy and happiness we feel today as we see the delegation of Algeria led by Prime Minister Ben Bella, take its rightful place in our midst. For seven long years the people of Pakistan watched - often with anguish, on occasions with anger, but always with admiration and hope - the unflinching struggle of their brothers across the ocean to break the shackles of foreign bondage, become a free people and thus be enabled truly to mould and shape their course of destiny. Their sorrows were our sorrows; their sufferings found an echo in our hearts. Today, as that long struggle reaches culmination, with hearts elated with joy, we welcome the representatives of Free Algeria here and acclaim and salute the leaders of a people that fought bravely, triumphed honourably and remained true to their cherished goal. "25

In 1963 and 1964, Kuwait, Zanzibar, Kenya, Malawi, Malta and Zambia were admitted. Then from 1965 to 1968, Gambia, Maldives Islands, Singapore, Guyana, Botswana, Lesotho, Barbados, Republic of Southern Yemen, Mauritius, Swaziland and Equatorial Guinea were admitted as new Members to the United Nations. Pakistan supported their admission. After the resolution of deadlock on the issue of membership, the newcomer states had been generally admitted by acclamation with^{out} any significant hinderance.

Pakistan's position on the admission of new members had been almost completely consistent with the provisions of the United Nations Charter. It had supported the admission of all new states except Israel to the United Nations.

25. G.A.O.R., 17th Session, 1146th Plenary Meeting, 8 October, 1962, para.168-170.

Pakistan's policy on the Membership question had been mainly guided by its neutralistic attitude as it weighed each case on its merits. This seems to be in accordance with Pakistan's non-aligned policy which it followed from 1947 to 1952.

The Afro-Asian influence had been prominent because Pakistan fully identified itself with them by supporting the admission of all the new emerging States to the United Nations.

The Muslim influence had also been dominant on Pakistan's policy as Pakistan pleaded strongly the admission of all Muslim States to the United Nations by sponsoring and supporting resolutions. It has shown a special fervour for the Muslim cause as it, first, vehemently opposed the creation of Israel and later opposed its admission to the United Nations.

The Cold War and alliance politics had not shown any effect on Pakistan's policy. This might have been, because of the reason that when Pakistan joined the Western Military Pacts in 1954 and 1955, the deadlock on the membership issue was on the verge of resolution. It had not sided with either of the blocs and had supported every measure which was taken to widen the representation of the Organisation towards its goal of universality. This neutral attitude and respect for the United Nations Charter has been expressed by the Pakistani representative in the following words:

" It is regrettable that the efforts made during the last seven years had not culminated in a compromise. The only visible change in the situation was that, instead of going to the root of the problem and diagnosing the real cause of the dilemma, an effort was now being made to violate the provisions of the Charter by twisting them right and left to serve the purposes of one party or the other. Such an attitude was hysterical rather than practical. The peoples of the/

the United Nations which had promised to respect the letter and spirit of the Charter, seemed determined to drift further and further apart. Instead of practising tolerance and striving towards unity they seemed to have agreed to accomplish nothing. Such a deplorable state of affairs should be brought to an end if civilized and peace-loving nations were to survive. If an atmosphere of mutual understanding and reciprocal concession could not be created it was preferable to admit failure and to face its consequences rather than attempt flagrantly to violate the provisions of the Charter which should be preserved for posterity.

For the Pakistan delegation the provisions of the Charter stood inexorably in cold print and the ingenious submission of certain members were unacceptable. Any attempt to short-circuit the provisions of the Charter or to make them serve partisan political ends would jeopardize the very foundations of the United Nations. There were no grounds for reading between the lines, however great the desire to attribute to certain articles more meaning than they actually contain. "26

Pakistan's position on this question had not been influenced by its power relation with India; As the question had been mainly a colonial one except for the admission of few European states. Therefore, there had not been any clash of interests between India and Pakistan. Their stand on this question had been almost similar.

Pakistan had also emphasised the importance of small states with respect to their role in the United Nations. It had attempted to make it clear that the United Nations, as an Organisation, should not be considered as a mistress of the Great Powers, but rather a Universal Organisation designed to promote the well-being of the human race through beneficent co-operation.

26. G.A.O.R., 8th Session, Ad. Hoc Political Committee, 4th Meeting, 5 October, 1953, p.13.

CHAPTER IV

REPRESENTATION OF CHINA IN THE UNITED NATIONS

A specific phenomena relating to the problem of the representation of China has been the principle of "Moralization".

The United States, because of her International political interests, had become the main exponent of this view. It had repeatedly emphasised the importance of this principle for preserving the moral integrity of the United Nations and had firmly opposed 'the attempts of Governments to "shoot their way into the U.N." or to gain admission by "blackmail".' ¹

The United States policy of non-recognition and non-admission vis-a-vis Communist China constitutes a 'classic example of the "moralistic approach" to International politics.' ²

The U.S. Government, which has successfully prevented the Communist Government of China from occupying its place in the United Nations on moral and political grounds, has been accused of following a 'policy of contradiction' and applying double standards of morality. Secretary of State, John Foster Dulles, who mainly defined the United States position on the representation of China in moralistic terminology, wrote in 1950, before becoming Secretary of State:

" If the Communist Government of China in fact proves its ability to govern China without serious domestic resistance, then it, too, should be admitted to the United Nations. However, a regime that claims to have become the government of a country through civil war should not be recognised until it has been tested over a reasonable period of time. " ³

1. Inis L. Claude, Swords Into Plowshares, (2nd ed.), New York: Random House, 1959), p.102.

2. Hans J. Morgenthau, Politics among Nations, 3rd ed., (New York: Knopf, 1963,), p.13.

3. John Foster Dulles, War or Peace, (London: Harrap & Co. Ltd., 1950), p.190.

But in January, 1954, as Secretary of State, he expressed the opinion that the Nationalist's Government "represented the true aspirations and hopes of the Chinese people."⁴

The basic dilemma in American thinking concerning this question is well illustrated by the fact that the United States Government had insistently demanded that the Communist Chinese be branded unworthy to come to the United Nations as the real representatives of China, but, at the same time, it had supported the United Nations decision in 1955 that the Secretary-General may go to Peking for the release of imprisoned U.N. military personnel.

In the words of Professor Inis L. Claude :

" The fundamental tragedy of the moralization of membership issue is that it has been related consistently to a definite conception of what function the United Nations should perform in international relations. It has been a moralization in support of narrow and short-range political positions, (and in deference to popular opinion in the United States, rather than in alignment with a position concerning the possible and desirable constitutional development of the United Nations. "⁵

Pakistan's view:

Pakistan came into being in 1947 and the People's Republic of China was established in October, 1949. In the two years that intervened between the establishment of the two states, the Pakistani attitude towards the Chinese/

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4. Hearing before the U.S. Senate, 83rd Congress, 2nd Session, Hearing Pt. I, at 20, cited in Quincy Wright, 'The Chinese Recognition Problem', in American Journal of International Law, Vol.49, 1955,p.331.
 5. Claude, Op.cit., p.94.

Chinese Civil War was somewhat ambiguous. The Pakistani leadership, though groomed in the traditions of parliamentary democracy and, therefore, apprehensive of the communist victory in China, was not very enthusiastic in its support for the existing Kuomintang regime. The reason for the lack of any warmth on the part of Pakistan for Chaing Kai-Shek was that in 1942, during his visit to India, he had supported the Congress viewpoint of a United India. This provoked immediate reaction among the Muslims. Mohammed Ali Jinnah, in a statement regretted that "the Marshal (Chaing Kai-Shek) should have indulged in generalities without understanding the political situation in India and the constitutional adjustments which are necessary" and that he should have expressed views "which may be exploited to the detriment of Muslim India."⁶ Moreover, Pakistan, like most other Asian countries, regarded the Chinese Revolution as the opening of a "new chapter in Asian history. Its profound significance for the rest of Asia arises from the fact that it is an indigenous revolution, bred essentially in an Asian environment. Whatever the sources of its emotional aspiration, it does not owe its birth and fruition to foreign influence."⁷

Pakistan recognised the communist government in Peking on 4 January 1950, within a few days of India's decision to do so. The press communique, announcing the recognition expressed that the Government of Pakistan "trusts that friendly and cordial relations between China and Pakistan will be cemented in all spheres to their mutual advantage."⁸

The defeat of the Nationalist Government and the establishment of a Communist/

6. Jamil-ud-Din Ahmed, ed., Some Recent Speeches and Writings of Mr. Jinnah (Lahore: Ashraf, 1943), 3rd ed., pp.337-338.

7. Mushtaq Ahmed, 'Pakistan's Policies in Southeast and East Asia', in Pakistan Horizon (Karachi), Vol.4., 1951, p.88.

8. Dawn (Karachi), 5 January, 1950.

Communist Chinese Government on the Mainland of China, raised a delicate question, that of who should represent China in the United Nations. The question was of great significance, since China was a permanent member of the Security Council.

The United States view was that, since the Communists had gained control over the country by force, their government could not be recognised as a legitimate government. Moreover, the Western bloc was pessimistic about the future behaviour of the communist government with respect to its obligation as a member of the United Nations.

The question of Chinese representation came before the United Nations at the end of 1949. The Foreign Minister of the People's Government of China in a cablegram to the President of the General Assembly, repudiated the legal status of the Nationalist delegate to represent China in the United Nations. In the Security Council, on 29 December, 1949, the representative of the Soviet Union endorsed the position taken up by the People's Government of China, but the matter was not included in the agenda. In the meantime, the communist government was recognised by many states, communist as well as non-communist, as the general de facto government of China.

Professor Lauterpacht, in a letter to the London Times, published on 6th January, 1950, suggested by setting forth principles of International Law, that it was an obligation to recognise the new People's Government of China. The United Kingdom Government officially circulated this statement and recognised the People's Government of China on 10 January 1950.

At the 459th Meeting of the Security Council, on 10 January 1950, the representative of the U.S.S.R. submitted a draft resolution for not recognising the credentials of the representatives of the Republic of China, and for seating/

seating the People's Government in its place. The representative of the Soviet Union warned that if the Council did not take appropriate measures for seating the communist delegate and excluding the Nationalist Delegate the U.S.S.R. delegation would not take part in the work of the Council. The U.S.S.R. draft resolution was rejected by the Council by a vote of 3 in favour (India, U.S.S.R. and Yugoslavia) to 6 against, with 2 abstentions (Norway and the United Kingdom).

On 9 March 1950, the United Nations Secretary-General circulated a Memorandum on the legal aspect of the representation of States in the United Nations. The Memorandum stated that the primary difficulty in the current question of the representation of Member States in the United Nations was that the question of representation had been linked up with the question of recognition by Governments of member states. After arguing that the linkage was unfortunate from the practical standpoint of legal theory, the memorandum concluded that the proper principle could be derived by analogy from Article 4 of the Charter. Article 4 required that an applicant for membership must be able and willing to carry out the obligations of membership. The obligations of membership could be carried out only by governments which, in fact, possessed the power to do so. Where a revolutionary government presented itself as representing a State, in rivalry to an existing government, the question at issue should be which of these two governments, in fact, was in a position to employ the resources and direct the people of the state in the fulfillment of the obligations of membership. This, in essence, meant an enquiry as to whether the new government exercised effective authority within the territory of the state and was habitually obeyed by the bulk of the population; if so, the memorandum stated, it would seem to be appropriate for the United Nations Organs, through their collective action, to accord the new government the right to represent the state in the/

the Organisation, even though individual members of the Organisation refused, and continue to refuse, to accord that Government recognition as the lawful government for reasons which were valid under their national policies.⁹

After the rejection of the Soviet draft resolution, in the Security Council, the scene shifted to the General Assembly. At the opening meeting (277th Plenary Meeting) of its fifth Session on 19 September 1950, the General Assembly was confronted with four draft resolutions on Chinese representation even before the Assembly had elected its president or organised for the work of the Session.

An Indian draft resolution noted that China was a member of the United Nations and that "the obligation of a member can not be carried out except by a government which, with a reasonable expectancy of permanence actually exercises control over the territory of that Member and commands the obedience of its people", and called upon the General Assembly to recognise that the Chinese Communist Government was the only such government functioning in "the Republic of China as now constituted" and to decide that it was entitled to representation in the General Assembly; it was rejected by a vote of 16 in favour to 33 against, with 10 abstentions.¹⁰

The representative of Pakistan supported the Indian draft Resolution, and it was as enthusiastic as the representative of India in advocating the cause of the communist government of China.

The representative of Sweden stated that he would support the Indian draft resolution/

9. United Nations Memorandum, Security Council Document, No: S/1466, 9 March, 1950, text from International Organisation, May 1950, p.356.

10. Votes in favour were of Afghanistan, Burma, Bylo-Russian SSR, Czechoslovakia, Denmark, India, Israel the Netherlands, Norway, Pakistan, Poland, Sweden, Ukraine SSR, United Kingdom, U.S.S.R. and Yugoslavia. The abstaining states were Equador, Egypt, France, Guatemala, Lebanon, Suadi Arabia, Syria, Yemen, Argentina and Canada.

resolution on the grounds that the People's Republic had control over nearly all the territory of China and therefore was the only de facto Government of the country. No government was obliged to recognise the situation de jure but it was an unequivocal fact that the Chinese were no longer represented by the Nationalistic Government, now residing in Formosa.¹¹

The Assembly then adopted in two parts an amended Canadian draft resolution 'referring the question of Chinese representation to a special committee which should defer its report until the Assembly had considered the general question of "Recognition by the United Nations of the representation of a Member State", and resolving that pending the report by the Special Committee "the representatives of the National Government of China shall be seated in the General Assembly with the same rights as other representatives." The vote on the first part, that is to refer the question to a Special Committee was 38 to 6, with 11 abstentions, and on seating the Nationalist's representatives, the vote was 42 to 8, with 6 abstentions. Pakistan abstained on the first part but voted against on the second.

Two Soviet draft resolutions calling for the exclusion of the Chinese Nationalist delegation "because they are not the representatives of China " (A/1369) and seating the Chinese communist representatives were defeated in the Assembly, by a vote of 38 against to 10 in favour, with 8 abstentions and by 38 against to 11 in favour, with 8 abstentions respectively. Pakistan voted in favour of the draft resolutions.

The representative of Pakistan, while speaking in the General Debate on the question of the representation of China, disagreed with the view expressed/

11. G.A.O.R., 5th Session, 277th Plenary Meeting, 19 September 1950, p.13.

expressed by the United States and declared that :

" The Western considerations are irrelevant to the issue. It was also irrelevant to consider whether the new Government was peace-loving or not and whether it is able and willing to discharge its obligations under the Charter as required by Article 4. These provisions related to the admission of new members and not to the validity of representation with which alone the Assembly was concerned at the moment."¹²

"The sole question", said Sir Zafrulla Khan is, "who is entitled to represent China?"

" The Government, from which the delegation present here purports to draw its authority has for months ceased to exercise jurisdiction over any portion of the Chinese mainland.....
..... the truth of the matter is that the General Assembly is unwilling to concede the existence of a fact, not because the fact has not been established, but the majority regard it as unpleasant,. It is easy to conceive what the verdict would have been, had the position reversed, and it is this reflection that is so disquieting. "¹³

A similar opinion was expressed by Professor Quincy Wright, an American authority on International Law. Supporting the claim of the Communist Government of China to membership, in the United Nations, he declared :

" While the United States may not be under a positive obligation to recognise the communist government as the government of China, that government appears to be the general de facto government of China and as such is alone capable of committing China under International/

12. G.A.O.R., 5th Session, 283 Plenary Meeting, 25 September 1950, p.96.

13. Ibid., p.97.

International Law and alone entitled to represent China in International transactions; it would, therefore, appear that the United States should no longer support the representation of China by the Nationalist Government or oppose its representation by the Communist Government in the United Nations and the Specialised Agencies. "14

He further emphasised that this was only a question of 'Credentials' for the United Nations,

" while the communist government can be admitted to represent China through the normal process of accepting the credentials of its delegation in the various organs of the United Nations. It would appear that after such recognition, the Government of Formosa can only be represented in the United Nations, if it is admitted as the government of a new state by the normal process. "15

Professor Inis L. Claude, an authority on International Organisations, has also supported the view expressed by the representative of Pakistan on the question of China's representation.

" The Chinese problem", he said, "which has been a cause celebre in the United Nations since 1950, is technically a matter of credentials, closely tied to the problem of recognition. "16

The Special Committee created on the basis of the Canadian resolution consisted of the representatives of Canada, Ecuador, India, Iraq, Mexico, the Philippines and Poland. It held meetings but failed to arrive at any solution and expressed its inability to make any recommendations to the Assembly on the representation of China.

14. Quincy Wright, 'The Chinese Recognition Problem', in the American Journal of International Law, Vol.49, (1955), p.336.

15. Ibid, p.337.

16. Claude, Op,cit., p.104.

In the meantime, the Korean War - which started in June 1950 - had great affect on the issue of the representation of China in the United Nations. Many of the Western States which in 1950 had voted in favour of admitting Communist China to the United Nations as the real representative government of the Chinese people, changed their opinion, because of China's participation in the Korean War. The United States resolution which branded the People's Republic of China, as aggressor, had been adopted by the Assembly by a vote of 44 to 7, with 9 abstentions.¹⁷

The United Kingdom representative who earlier was in favour of Communist China's admission to the United Nations supported the United States draft resolution which branded Communist China aggressor in Korea. He said that the fact that Peking Government had participated in the aggression in Korea was clear. To reject that paragraph, he stated, would be to undermine the whole moral basis of the United Nations.

Pakistan, on the other hand, voted in favour of that resolution which branded North Korea as an aggressor in the war but abstained on the resolution which sought to brand China as an aggressor. Pakistan also abstained on the resolution which sought to impose an embargo on North Korea and China.

As a Pakistani writer has remarked, "This independent approach to cold war issues paved the way for mutual friendship between Pakistan and China. The foundation of that friendship was so firmly laid that the latter developments in/

17. The votes in favour were of Argentina, Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, Iran, Iraq, Israel, Lebanon, Liberia, Luxemburg, Mexico, The Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Philippines, Thailand, Turkey, Union of South Africa, The United Kingdom, The United States, Venezuela and Uruguay. Against were Burma, Bylorussian SSR, Czechoslovakia, India, Poland, Ukraine SSR, and the U.S.S.R. Abstaining States were Afghanistan, Egypt, Indonesia, Pakistan, Saudi Arabia, Sweden, Syria Yemen and Yugoslavia. This Resolution 498 (V) was adopted at 327th Plenary Meeting on 1 February, 1951.

in Pakistan's foreign policy did not destroy it."¹⁸

In April 1951, Pakistan also exchanged diplomatic representatives with the Peking Government.

In the Sixth Session of the General Assembly in 1951, the question of China's representation was discussed in the General Committee. Thailand proposed an oral draft resolution for postponing the consideration of the question and against its inclusion in the agenda; it was adopted by 11 votes to 2, with one abstention. The recommendations of the General Committee were considered by the General Assembly at its 342nd Plenary Meeting on 13 November 1951. The representatives of Burma and the U.S.S.R. strongly pressed for the inclusion of the item in the agenda. The representatives of Australia, the Philippines, Thailand, the United Kingdom and the United States spoke in support of the recommendation of the General Committee. These representatives recalled that by Resolution 498 (V) of 1st February 1951, the General Assembly had condemned the Central People's Government for committing an act of aggression in Korea. That government could hardly be held to qualify for admission into the very Organisation against which it was engaged in aggression. After the discussion, the recommendations of the General Committee were adopted by the Assembly by 37 votes to 11, with 4 abstentions.¹⁹ Pakistan voted against the resolution.

The question of the representation of China was not discussed by the General Assembly at the 7th Session in 1952.

At the Eighth Session of the General Assembly, in 1953, the representative of/

18. A Staff Study, 'Pakistan's Relation with the people's Republic of China', in Pakistan Horizon, Vol.14, (1961), p.217.

19. The States which voted against were Afghanistan, Burma, Bylorussian SSR, Czechoslovakia, India, Indonesia, Pakistan, Poland, Ukraine SSR, U.S.S.R. and Yugoslavia. The abstaining States were Egypt, Sweden, Syria and Yemen.

of the Soviet Union submitted a draft resolution at the Plenary Meeting, for seating the representative of the People's Republic of China.

At the same time, the representative of the United States moved a draft resolution for the postponing of a discussion on the admission of the People's Republic of China, for not removing the representative of the Republic of China from the United Nations; and for voting first on the United States draft resolution.

The proposal to vote first on the United States draft resolution was adopted by 40 votes to 8, with 8 abstentions and the United States draft resolution was then adopted by a vote of 44 to 10 with 2 abstentions. A proposal, not to vote on the Soviet draft resolution was adopted by a vote of 35 to 11, with 11 abstentions. Pakistan voted in favour of the United States resolution. India, Burma, Yugoslavia and the Soviet bloc voted against the United States resolution.

The change in Pakistan's position in 1953, with respect to the representation of China in the United Nations had been the result of a change in Pakistan's foreign policy. The change in Pakistan's foreign policy was the need of the hour, as Professor G.W. Choudhury has explained:

" In the Years 1947-1952, when Pakistan tried to maintain non-involvement in the East-West Cold War, it felt isolated and friendless. This increased her sense of insecurity, and she felt the need of the support of some bigger power. The link with the Commonwealth and friendly relations with the Muslim countries could not solve the problem of security and they failed to give Pakistan the freedom from fear which is needed for a country's progress and stability. This led to the abandonment of the policy of non-alignment, and in 1953 there opened the second phase of Pakistan's foreign policy. 'India and Pakistan as factors in each other's foreign/

foreign policy and relations' became more prominent and the shadow of the East-West Cold War was cast over the disputes of the two countries. "The quest for security, the search for friends and allies, and the anxiety to maintain territorial integrity, led Pakistan to pursue a policy of alliance with the West, particularly with the United States." In the early part of 1954, Pakistan accepted new International commitments which drastically redefined her position in world affairs. "20

Pakistan signed the Mutual Defence Assistance Agreement with the United States in May 1954 and joined the South East Asia Treaty Organisation (SEATO) in September, 1954. In February 1955, Pakistan also joined the Baghdad Pact.

In the following years, at the 9th, 10th and 11th Sessions of the General Assembly, in 1954, 1955 and 1956 respectively, the U.S.S.R. and the United States presented draft resolutions similar to those of the 8th Session of 1953. Each time, the United States draft resolution was adopted for postponing discussion on the question of China's representation to the United Nations. Pakistan consistently voted for the United States resolutions. Many delegates, like those of India, the United Kingdom and Yugoslavia, maintained their respective positions.

The formation of SEATO was a direct provocation to China. Peking Radio described it as "an aggressive military alliance hostile to the people of China and various Asian countries."21

Pandit Nehru, the Indian Prime Minister, who was an advocate of non-alignment, used/

20. G.W. Choudhury, Pakistan's Relation with India (1947-1966), (London: Pall Mall Press, 1968), p.233.

21. The Statesman (New Delhi), 5 September, 1954.

used Pakistan's participation in these Pacts as a propaganda tool to discredit her among the Afro-Asians.

It is interesting to note that whereas India and the Soviet Union lodged strong protest notes with the Pakistan Government against its membership in the Pacts, China did not bother to send even a formal note of disapproval to Pakistan's new policy. The reason for this was that China had foreseen the convergence of interest with Pakistan and had felt that friendly relations with Pakistan would be useful in a possible clash with India in the future, which was trying to pose as a rival for Asian leadership.

Moreover, Pakistan's Ambassador in Peking, Major-General Raza, explained to the Chinese leaders, the reasons which had prompted Pakistan to join the SEATO and other Western sponsored military Pacts. Pakistan's Prime Minister, Mohammed Ali Bogra further assured Mr. Chou En-lai, in the Bandung Conference in April 1955, that SEATO was a defensive alliance as far as Pakistan was concerned and that Pakistan had entered into the Pacts to defend itself from aggression and not because of any hostility towards China. Thus, Mr. Chou En-lai announced at a meeting of the political committee of the Bandung Conference that the Pakistani Prime Minister has assured him that although

"..... Pakistan was a party to a military treaty, Pakistan was not against China. Pakistan had no fear that China would permit aggression against her. As a result of that we achieved a mutual understanding although we are still against military treaties. The Prime Minister of Pakistan further assured that if the United States launched a global war, Pakistan would not be involved in it I am grateful to him for this explanation because through these explanations we achieved mutual understanding. "22

An understanding between China and Pakistan of the convergence of interests vis-a-vis/

22. New York Times, 25 April, 1955.

vis-a-vis India has been further confirmed by a revealing note of Professor Rushbrook Williams. He States:

" Following on the Bandung Conference Karachi received - as I have been assured on unimpeachable authority - a private message from Peking. The Chinese People's Government assured the Government of Pakistan that there was no conceivable clash of interests between the two countries which could imperil their friendly relations but that this position did not apply to Indo-Chinese relations, in which a definite conflict of interests could be expected in the near future. "23

This understanding in Sino-Pakistani relations was maintained in the following years, for, in October 1956, Pakistan's Prime Minister, H.S. Suhrawardy visited China and in December 1956, Mr. Chou En-lai visited Pakistan. By the communique which was issued in Karachi, the two Prime Ministers declared that "there is no real conflict of interests between the two countries." They added that the "difference between the political systems of Pakistan and the divergence of views on many problems should not prevent the strengthening of friendship between their two countries. "24

In July, 1957, Mao Tse-tung made a statement that

" The Government of China was going to be neutral on its attitude to the rival claims to the States of Jammu and Kashmir and that in his view it would be wise for other communist countries also to maintain strict neutrality on the issue. "25

To Pakistan, the attitude of a nation on Kashmir is "the touchstone by which friendship and animosity are tested."26 Pakistan, therefore, abstained on/

23. L.F. Rushbrook Williams, The State of Pakistan (London: Faber and Faber, 1962), p.120.

24. K.S. Hasan, Documents on the Foreign Policy of Pakistan: China, India and Pakistan, (Karachi: Pakistan Institute of International Affairs, 1966), p.363. See also Dawn 25th December, 1956

25. Dawn, (Karachi), 21 July, 1957.

26. Werner Levi's 'Pakistan, The Soviet Union and China', Pacific Affairs, Vol.35 (1962), p.222.

on the United States resolution on the question of Chinese representation in the General Assembly in 1957. It appears from this voting behaviour in 1957, that the Government of Pakistan adopted a neutral policy on the Chinese issue, similar to that which Chairman Mao announced on Kashmir. Thus, it is clear that Pakistan was following a policy of 'give and take' in the pursuit of its national interests.

In 1958, at the 13th Session of the General Assembly, the Chinese question was considered by the General Committee, at the request of India. The representative of the United States proposed a draft resolution whereby the Assembly would: (a) decide to reject the request of India for inclusion of the item in the agenda, and (b) decide further not to consider at its 13th Session, any proposal to exclude the representatives of the People's Republic of China. The United States draft resolution was approved by the General Committee by 12 votes to 7, with 2 abstentions.

The General Assembly discussed the Committee's report on 22nd and 23rd November 1958. Two amendments to the Committee's United States sponsored resolution were submitted jointly by Afghanistan, Burma, Ceylon, India, Indonesia, Nepal and the United Arab Republic. By these amendments the Assembly would (1) accede to, rather than reject, the request that the item on the representation of China be put on its agenda, and (2) delete the provision not to consider any proposal to exclude the representatives of China or seat the representative of the communist government at the 13th Session. These amendments were rejected by the Assembly by a vote of 40 against to 29 in favour, with 12 abstentions and 41 to 29, with 11 abstentions. The Assembly then adopted the Committee's recommendations by 44 votes to 28, with 9 abstentions. Pakistan voted for the resolution.

The change in the voting attitude of Pakistan in 1958, again in support of the United States resolution is not clear from the speech, of Pakistan's delegate/

delegate in the United Nations. The possible assumption is : that because of instability of the coalition government at Karachi, the new government of Malik Firoz Khan Noon was too concerned with internal problems of party politics to pay attention to foreign policy. Therefore, the decision to vote for the United States resolution might have been based on the personal view of the Pakistani delegate at the United Nations.

At the 14th Session of the General Assembly, in 1959, the United States proposed a draft resolution similar to that of the 13th Session. Nepal introduced two amendments by which the General Assembly would (1) accede to rather than reject the request that the item on the representation of China be put on the Assembly's agenda, and (2) delete the provisions not to consider any proposal to exclude the representatives of the Republic of China or to seat the representatives of the People's Republic of China at the 14th Session. These amendments were rejected by the Assembly by a vote of 41 against to 30 in favour, with 11 abstentions. The voting was identical to that of the 13th session. Pakistan voted for the United States resolution.

It is necessary to mention that in October 1958, General Mohammed Ayub Khan came to power by a military coup d'etat. He was the main supporter for the policy of alignment with the United States in 1954. The Military Government, therefore, reverted to the old policy of supporting the United States resolution, i.e. that discussion on the question of representation of the People's Republic of China be postponed. In the same year, the political events in the Indo-Pak sub-continent took a dramatic turn because of the revolt in Tibet and because of the first major clashes on the Sino-Indian border.²⁷

27. After the revolt in Tibet, the Dalai Lama fled and took political asylum in India. This put serious strain on Indo-Chinese relations.

President Ayub Khan made an offer to India for joint-defence of the sub-continent; a step which seemed to run counter to the policy followed consistently by the previous governments of doing nothing to provoke the ire of the government of China. But the offer was made with the rider that outstanding disputes between the two countries, especially the dispute over Kashmir, should be satisfactorily settled.

Prime Minister Nehru of India rejected the offer out of hand with the remark "joint-defence against whom?" He asserted that "the real motive behind Pakistan's offer was not joint-defence but Kashmir."²⁸

In spite of this offer, no criticism came from Peking. It seems evident that China's silence was the result of Sino-Pakistan understanding and that China deliberately gave Pakistan this opportunity for maximum political manoeuvrability on the Kashmir question.²⁹ After the rejection of the joint-defence offer by India, within a few months Pakistan and China agreed in principle for the demarcation of Azad Kashmir - Sinkiang border.

In the 15th Session of the General Assembly in 1960, the United States proposed a draft resolution similar to that of 1959 and Nepal also sponsored similar amendments. After the rejection of the Nepalese amendments, the General Assembly adopted the United States draft resolutions as a whole, by 42 votes to 34, with 22 abstentions. Pakistan voted for the resolution.

The/

28. Times of India (New Delhi), 2 May, 1960.

29. China must have felt that if Pakistan got Kashmir as a gift, there would be no problem to secure the strategic areas in Ladakh from Pakistan. Moreover, China had made long term calculations for rapprochement with Pakistan. The two nations had co-operated before and even during the American alliance. China had earmarked India as a major enemy on the Western flank for both ideological and strategic reasons. To weaken India at the proper time, the co-operation of Pakistan had long been contemplated. For details, see Russell Brines, The Indo-Pakistani Conflict, (London: Pall Mall, 1960), p.183.

The support for the representation of the People's Government of China in the United Nations gradually increased after the resolution of deadlock on the admission of members. This was because of the admission of new Afro-Asian States. The support was more than double in 1960, as it has increased from 16 in 1950 to 34 in 1960. On 15th July 1961, Manzur Qadir then Pakistan's Foreign Minister, announced that "the Government of China had agreed in principle to the demarcation of its border with Pakistan."³⁰ This was a diplomatic offensive against India, its rejection for co-operation and settlement of the Kashmir problem.

In the 16th Session of the General Assembly, in 1961, there were two draft resolutions on the issue of Chinese representation submitted by the U.S.S.R and the United States.

By the operative part of the U.S.S.R. draft resolution the Assembly would: (a) resolve, 'to remove immediately from all United Nations organs the representatives of the Chiang Kai-Shek clique who are unlawfully occupying the place of China in the United Nations'; and (b) invite the government of the People's Republic of China to send its representatives to participate in the work of the United Nations.

The second, a five-power draft resolution, was submitted by Australia, Colombia, Italy, Japan and the United States. By the preamble to this text, the Assembly would: (a) note that a serious divergence of views existed among members concerning the representation of a founder member named in the United Nations Charter; (b) recall that the matter had been repeatedly described in the Assembly by all segments of opinion as vital and crucial and that its inclusion in the agenda had on many occasions been requested/

30. Dawn (Karachi), 16 July, 1961.

requested under the Assembly's rules of procedure as an item of an important and urgent character; and (c) further recall the recommendation made in Assembly resolution 396(V) of 14 December 1950, that 'whenever more than one authority claims to be the government entitled to represent a member state in the United Nations, and this question becomes the subject of controversy in the United Nations, the question should be considered in the light of the purposes and principles of the Charter and circumstances of each case.'

By the operative part of the five-power draft resolution, the Assembly would decide, in accordance with Article 18 of the Charter, that any proposal to change the representation of China was an 'important question' and, therefore required two-thirds majority.³¹

It is interesting to note that the United States draft resolution to declare the representation of China as an 'important question' was a departure from her previous policy to postpone the discussion of the question. The reason for this was that after the resolution of the membership deadlock, a good number of Afro-Asian States were admitted to the United Nations. The emergence of Afro-Asians as an important new bloc in the United Nations changed the balance of voting in the General Assembly. This required that the United States should adopt such measures which could withhold in future the admission of communist China to the United Nations.

On 12 December 1961, Colombia, Ceylon and Indonesia submitted an amendment to the U.S.S.R. draft resolution, by which they sought to replace the operative paragraph of the U.S.S.R. text by this new paragraph: that "the representatives of the Government of the People's Republic of China be seated/

31. Article 18, para.2., of the U.N. Charter, states: "Decision of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting."

seated in the United Nations and all its organs." After a lengthy debate the Assembly voted on the two draft resolutions and amendments on 15 December 1961. It decided by a vote of 61 to 21 with 20 abstentions to vote first on the five-power draft resolution. The five-power draft resolution was adopted by a roll-call vote of 61 to 34, with 7 abstentions. Pakistan voted against the resolution.

The assembly then rejected the three-power amendment to the U.S.S.R. draft resolution by a vote of 45 against to 30 in favour, with 29 abstentions. The U.S.S.R. draft resolution was rejected by the Assembly by a vote of 48 against to 36 in favour, with 20 abstentions.³² Pakistan voted in favour of the draft resolution. This change in Pakistan's attitude was in accordance with her foreign policy because the official reason given for Pakistan's vote for the United States sponsored resolutions in the past was "that the Government wanted to defer a decision on the representation of Communist China until this change was more nearly unanimously favoured."³³

Since the United States, recognising this favourable change in voting for Communist China, embarked upon a more secure path by sponsoring resolution requiring a two-thirds majority, Pakistan's change of vote was not surprising because it was waiting for a similar voting situation.

It is worth noting that India, which was very active and vocal for the representation of communists in the United Nations from 1950 to 1959, adopted/

32. The States which voted for the U.S.S.R. draft resolution were Afghanistan, Albania, Bulgaria, Burma, Bylo-Russian SSR, Cambodia, Ceylon, Cuba, Czechoslovakia, Denmark, Ethiopia, Finland, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Mali, Mongolian People's Republic, Morocco, Nepal, Pakistan, Poland, Romania, Sierra Leone, Somalia, Sudan, Sweden, Syria, Ukraine, SSR, The U.S.S.R., the United Kingdom, U.A.R., Yemen and Yugoslavia

33. Werner Levi, 'Pakistan, the Soviet Union and China', Pacific Affairs, Vol.35., 1962, p.219.

adopted an attitude of silence from 1960, although it voted against the United States resolutions. This seems to be due to the deterioration of Indo-Chinese relations. On the other hand, Pakistan was becoming more active in support of the Chinese cause in and outside the United Nations. For ex-President Mohammed Ayub Khan, on his visit to the United States, openly declared for China's representation in the United Nations, when he said:

" We had, of course, all along been of the view that China had a right to be in the United Nations. I had made my position clear during my visit to the United States. I had publicly stated it was only fair to allow the People's Republic of China to occupy her legitimate position in the United Nations. And for this I was criticised in the American press which felt that as a guest in their country I should not go openly against the American position on the question. "34

As mentioned earlier, the agreement was reached in principle between Pakistan and China for the demarcation of their common border in Azad Kashmir. India protested to China that Pakistan was not legally authorised to reach an agreement with China since Kashmir was a part of India. The Chinese government, in reply to an Indian protest note on Sino-Pakistani border talks, rejected the Indian contention that the Government of China have ever accepted India 's sovereignty over Kashmir. It stated :

" this allegation is totally untenable; when did the Chinese government accept without any reservation the position that Kashmir is under Indian sovereignty? The Indian government could not cite any official Chinese document to prove this arbitrary contention. But, basing itself solely on the guess and impression of Indian diplomatic officials who have been to China, insisted that Chinese government authorities had made statements to that effect. This is not only a unilateral misrepresentation of the fact but a conclusion imposed on others, to which the/

34. Mohammed Ayub Khan, Friends not Masters, (London: Oxford University Press, 1967), p.162.

the Chinese government categorically object."³⁵

The talk on border demarcation between Pakistan and China opened in Peking on 12 October 1962, a few days before the outbreak of war on the Sino-Indian border. The Indo-Chinese war of October-November 1962 brought about a drastic change in the situation. Massive military aid from the United States to India changed the balance of power in the sub-continent.

Pakistan regarded Western military aid to India as a direct threat to its security. Pakistan thus protested to the United States and refused to recognise the American justification for the supply of arms to India. A pakistani writer has summed up well the situation in the following words:

" In 1962 it looked as if American policy in South Asia had turned a full circle. When the United States signed the Mutual Defence assistance Agreement in May 1954, it was followed by deterioration in Indian-American relations and an improvement in India's relations with China. When the United States decided to extend military aid to India in the wake of the Sino-Indian border war in October, 1962, relations between the United States and Pakistan took a sharp turn for the worse, and relations between Pakistan and China were lifted to a higher level of cordiality. But a reappraisal of American policy towards India and Pakistan, was going on ever since President Kennedy came to power in 1961. Even before, some of the liberal intellectuals in the Democratic Party had put forward the view that India, being the most influential and powerful democracy in Asia, should be supported by the West in the ideological and power struggle that was taking place in Asia between the Free World and the Communist Power like China. "³⁶

An/

35. Peking Review, 8 June, 1962, pp.12-13.

36. Khalid B. Sayeed, The Political System of Pakistan (Boston: Houghton Mifflin Company, 1967), pp.271-272.

An emergency session of the National Assembly of Pakistan was called to discuss the "emergency situation arising out of large scale supply of arms to India." In the course of debate, Mohammed Ali Bogra, the then Foreign Minister - who, as Prime Minister in 1953, was the Chief Architect of Alliance policy with the United States - stated:

" The present augmentation in India's military strength and warlike stores and the assistance now being extended by our friends to India is going to seriously aggravate the situation against us and to our great disadvantage. This is a matter of grave concern to us and we cannot afford to accept this position complacently. "37

The Pakistani Foreign Minister further declared:

" In International relations there can be no eternal friends, nor can there be eternal enemies. The only thing eternal is the national interest
If friends let us down, we shall not consider them as friends. Friends that stand by us we shall stand by them. "38

In the United Nations, the General Assembly, discussed the representation of China between 22nd and 30th October 1962. The Soviet Union submitted a draft resolution by which the General Assembly would consider it necessary to restore the lawful rights of the People's Republic of China in the United Nations and bear in mind that only the representatives of the government of the People's Republic were competent to occupy China's place in the United Nations and all its organs. The Assembly would also resolve "to remove the Chiang Kai-Shek representatives from all United Nations Organs" and to invite representatives of the government of the People's Republic/

37. Pakistan National Assembly, Debates, 1962, Vol.2., (Karachi: Government of Pakistan, 1962,) p.4.

38. Ibid., p.10.

Republic of China to occupy China's place in the United Nations and all its organs.

The representatives of the Republic of China, Australia, the Central African Republic, Colombia, the Congo (Brazzaville), Costa Rica, El Salvador, Gabon, Guatemala, Japan, Jordan, New Zealand, Paraguay, Peru, the Philippines, Rwanda, Senegal, Spain, Thailand, and the United States expressed opposition to the U.S.S.R. draft resolution.

The U.S.S.R. draft resolution was supported by the Soviet bloc and the Afro-Asian non-aligned States.

In the debate the representative of India observed that the People's Republic of China had committed "flagrant, massive and premeditated aggression" on the Eastern and Western sectors of India's territory, while glibly talking of peaceful negotiations. His delegation believed that the only effective way to check "Chinese military adventurism" was to make it accept its responsibilities as a member of the Organisation and thereby be subject to the views and disciplines of the United Nations.

In the voting the U.S.S.R. Draft was rejected by the Assembly by 42 votes in favour to 56 against, with 12 abstentions. Pakistan actively supported the U.S.S.R. draft resolution for the representation of People's China to the United Nations.

On the other side, Pak-American relations reached their lowest ebb. In spite of vehement protests from Pakistan, the American Military aid to India continued. This American attitude of 'wholesale indifference' led to a full reappraisal of Pakistan's foreign policy. The result was that Pakistan turned to China for military assistance and support. The Border Agreement between Pakistan and China was signed on 2 March 1963. This smoothed/

smoothed the path for further collaboration and proved Schelling's dictum that:

" in bargains of mutual convenience, especially where there is not even a pretence at the sharing of fundamental values between the parties, it was the letter rather than the spirit of the bargain that counts, and loyalty to partners is involved only slightly, if at all. "³⁹

Pakistan thus, became an active supporter of the Chinese cause in the United Nations and since then the relations between Pakistan and China became closer than ever before.

On 17 July, 1963, Pakistan's Foreign Minister, Mr. Z.A.Bhutto, declared in the National Assembly in the course of a debate on foreign policy, that an attack on Pakistan by India would involve the "largest state in Asia".⁴⁰ These remarks were interpreted in the press as referring to China.

In October 1963, Bhutto, when asked about China's assurance of support to Pakistan in case of a war with India, replied: "There is no assurance, there is no agreement between China and Pakistan on this matter but there is a strong assumption."⁴¹

Further collaboration between the two countries took place by signing an Air Transit Agreement and a Barter Trade Agreement. The United States before the signing of the Agreement announced that it was "an unfortunate breach of Free World solidarity."⁴² The instant American reaction was that/

39. Thomas C. Schelling, American Aid and Economic Development : Some Critical Issues, in International Stability and Progress : U.S. Interests and Instruments (New York: The Assembly, 1956), p.140.

40. Pakistan National Assembly, Debates 1963, Vol.2 (Karachi: Government of Pakistan), p.1666.

41. Morning News (Karachi), 9 October, 1963.

42. Dawn, (Karachi), 7 July, 1963.

that the United States government immediately decided to defer a \$4.3 million loan which it had promised to Pakistan to build a new airport at Dacca.⁴³

At the 18th session of the General Assembly, in 1963, a joint Albanian and Nepalese draft resolution - similar to that which the U.S.S.R. submitted at the 17th Session in 1962 - for the representation of People's Republic of China was rejected by the Assembly by a vote of 41 in favour to 57 against, with 12 abstentions. Pakistan voted for the resolution.

The question of the representation of China was not discussed at the 19th Session of the General Assembly in 1964.

In 1964, Chou-En-lai, visited Pakistan. At a dinner in honour of the visiting Prime Minister, President Ayub Khan indirectly criticised the United States for its military aid to India when he said "massive military preparations have never been the answer to international differences" and expressed that "we believe that the Sino-Indian boundary disputes can also be resolved through peaceful negotiations."⁴⁴ Both the leaders expressed the hope that the Kashmir dispute would be resolved in accordance with the wishes of the people of Kashmir as pledged by the United Nations resolutions.

President Ayub Khan returned the visit in March 1965. During his visit the Pakistani President declared "friendship with China is for us a long term policy and not a matter of expediency."⁴⁵ The joint communiqué once again mentioned that the Kashmir issue should be resolved by the exercise of the right of self-determination by the Kashmiri people, under the United Nations/

43. New York Times, 31 August, 1963.

44. New York Times, 21 February, 1964.

45. Dawn, 6 March, 1965.

Nations supervision as pledged by India and Pakistan. The President of Pakistan also "reiterated the firm belief of the Government and People of Pakistan that the People's Republic of China should be restored its lawful rights in the United Nations and any scheme to create "Two Chinas" is bound to fail."⁴⁶

This again brought forth bitter reaction from the United States, as a result of which President Ayub Khan cancelled his visit to the United States in April, 1965. The proposed meeting of the Aid to Pakistan Consortium scheduled for July 1965 was postponed at the request of the United States. Pakistan did not succumb to American pressure; she rather realised that under the circumstances, Pakistan's interests converged more with China than with the United States, since both Pakistan and China considered India their common enemy. Pakistan felt that China was the only major power on whom Pakistan could rely for assistance in case of an outbreak of war with India. This assumption that China alone might be a reliable friend in any confrontation with India proved correct during the Indo-Pakistani war of 1965. During the war, while the United States looked on as a neutral - an unsympathetic neutral in the eyes of Pakistanis - China declared its open support for Pakistan and branded India as an aggressor.

The United States, on the other hand, instead of coming to the assistance of Pakistan under the 1959 Mutual Security Agreement, decided to stop all military aid following the 1965 war. Although the American decision was directed against both India and Pakistan under the policy of "even-handed treatment", this in reality was harmful only to Pakistan, which for over a decade had received military equipment solely from the United States. All of a sudden, when Pakistan's main source of military supplies dried up, it turned to China for some of its military requirements and got from China MIG fighters and tanks.

In/

46. Peking Review, 12 March, 1965, pp.9-10.

In the Twentieth Session of the General Assembly in 1965, the question of the representation of China was again discussed. Two draft resolutions were presented on 15th November 1965. A procedural text was submitted by eleven States, including the United States. By this, the Assembly reaffirmed the validity of the decision it took on 15th December 1961, in adopting resolution 1688 (XVI), to the effect that in accordance with Article 18 of the Charter of the United Nations "any proposal to change the representation of China is an important question."⁴⁷

The eleven-power draft resolution was adopted by the General Assembly by a roll-call vote of 56 to 49, with 11 abstentions. Pakistan voted against. The President of the General Assembly announced that after the adoption of this resolution, any resolution for restoring People's Republic of China her rights in the United Nations would require a two-thirds majority.

A substantive draft resolution submitted by twelve powers, including Pakistan, for restoring all the lawful rights to the People's Republic of China in the United Nations and for expelling the representatives of Chiang Kai-shek from the United Nations was rejected by the Assembly by a vote of 47 against to 47 in favour, with 20 abstentions.⁴⁸

An important development in this Session was that France, which continuously voted with the United States on this issue, openly advocated that the People's Republic of China should be given her rightful place. The representative of France said that the problems of Asia and disarmament could not be solved without the participation of communist China.

The/

47. Article 18, para.2., of the U.N. Charter states "Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting."

48. The States which voted in favour were Afghanistan, Algeria, Bulgaria, Burma, Bylorussian SSR, Cambodia, Central African Republic, Ceylon, Congo (Brazzaville), Cuba, Czechoslovakia, Denmark, Ethiopia, Finland, France, Ghana, Guinea, Hungary, India, Iraq, Kenya, Mali, Mauritania, Mongolia, Morocco, Nepal, Nigeria, Norway, Pakistan, Poland, Romania, Sierra Leone, Singapore, Somalia, Sudan, Sweden, Syria, Uganda, Ukraine SSR., U.S.S.R., U.A.R., United Kingdom, Tanzania, Yemen, Yugoslavia, and Zambia.

The representatives of Pakistan, Burma and Nepal stated reasons for seating the representatives of the People's Republic of China and also stated that they shared the view that the whole question was simply one of credentials to be decided by a simple majority. There was only one China, they said, and that was the People's Republic of China.

The voting record of the Twentieth Session shows that the support for the representatives of Communist China in the United Nations increased enormously; the votes cast in favour and against the draft resolution were equal, i.e. 47 to 47, with 20 States abstaining. This was the optimum or the high water mark of Chinese support in the United Nations, but it left unchanged the representation of China. As regards the Sino-Pak relations, they were excellent. Chairman Liu Shao-chi of the government of China visited Pakistan in the Spring of 1966 and was received with great mass jubilation.

The joint communiqué declared:

" the Kashmiri people's right of self-determination must be respected and that the problem of Kashmir should be settled in accordance with the wishes of the Kashmiri people as pledged to them by both Pakistan and India
..... The Chairman reaffirmed the firm support of the Chinese government and people to the righteous stand of the Pakistan government on this dispute and the just struggle of the Kashmiri people for their right of self-determination."⁴⁹

During the same visit, Foreign Minister Ch'en Yi declared that :

" If the aggressor dared to attack Pakistan again, China will stand resolutely by her side and give all assistance to the people of Pakistan in order to defeat the aggressor."⁵⁰

49. Peking Review, 8 April, 1966, p.6.

50. Dawn, 31 March, 1966.

On their part, the Pakistani leaders also reaffirmed their support for the representation of China in the United Nations.

In the Twenty-first Session of the General Assembly, in 1966, three draft resolutions were submitted :

- (1) A 15-power draft resolution by which the Assembly would again affirm the validity of its decision in Resolution 1668 (XVI) of 15 December 1961, that in accordance with Article 18 of the United Nations Charter "any proposal to change the representation of China is an important question."
- (2) An 11-power Afro-Asian draft resolution with Pakistan as a co-sponsor, was for restoring the lawful rights of the People's Republic of China in the United Nations and for expelling the representatives of the Chiang Kai-shek government from the United Nations.
- (3) Third was a 7-power draft, submitted by Italy, suggesting a 'study Committee' of the member states (number unspecified) for knowing the intentions of the Peking government with respect to the United Nations and for resolving the deadlock on the issue.

The representative of France, supporting the 11-power draft resolutions expressed the view that the lawful rights of the People's Republic of China must be restored to it in the United Nations. The restoration of the rights of China, he said, was not an important question in the meaning of Article 18 of the Charter. The proposal of an Ad Hoc Committee to study the question was not realistic, since the results of similar procedures in the past was well-known.⁵¹

The/

51. G.A.O.R., 21st Session, 1473rd Plenary Meeting, 22nd November, 1966, p.4.

The representative of Canada advocated that while the People's Republic of China be given her permanent seat in the Security Council, Chiang Kai-shek's regime should be allowed to represent a second China in the General Assembly.

In urging the 11-power draft resolution the representative of Pakistan whose delegation had co-sponsored the resolution, stressed that it was in the interest of the United Nations to seat the People's Republic of China because without its participation in the work of the Organisation, it would not be possible to solve such important problems, as that of disarmament. He emphasised that there was only one China - the People's Republic of China. The theory of "two Chinas" was untenable as China was one and indivisible.⁵²

Similar views were expressed by the representatives of Algeria, Congo, Cuba, Guinea, Mali, Mauritania, Romania, and Syria.

After the debate the 15-power draft resolution was adopted by 66 votes to 48, with 7 abstentions. Pakistan voted against.

The 11-power draft resolution, which now required two-thirds majority, was rejected by the Assembly by roll-call vote of 46 in favour to 57 against, with 17 abstentions,. Pakistan supported the resolution.

The 7-power draft was also rejected by a vote of 34 in favour to 62 against with 25 abstentions. Pakistan voted against.

In the 22nd and 23rd Sessions of the General Assembly, in 1967 and 1968 respectively, similar (three) draft resolutions were presented. Only the resolution asking for a two-thirds majority was adopted. The other two/

52. Ibid.,

two draft resolutions were rejected. The only development was that the support for the representatives of communist China in the United Nations gradually decreased. Pakistan consistently voted for the representation of communist China. Speaking on the question, the representative of Pakistan again expressed the view that the issue was not an "important question" under the terms of the Charter, but one of "credentials" to be solved by a simple majority vote. In stressing the importance of the principle of Universality, he pointed out that without the participation of the People's Republic of China in the work of the United Nations, such important questions as disarmament and those relating to the maintenance of peace and security could not be solved. He also expressed the view that, as a member of the Organisation, the People's Republic of China could contribute a great deal to the economic and social development of the world.⁵³ At the 23rd Session of the General Assembly in 1968, 125 votes were cast on the question of the representation of China, but support for the representation of communist China was only 44; As compared to 1950 at the 5th Session, when the question came before the General Assembly for the first time, the total votes cast were 59 and only 16 states voted for the People's Republic of China's representation in the United Nations. The high water mark of support for the representation of China was reached in 1965, when 47 votes were cast in favour and 47 against. In spite of the big increase in the number of members of the Organisation the status of the representation of China remained unchanged.

Pakistan's position on the question of the representation of China in the United Nations presents an interesting picture of Pakistan's voting attitude. It provides a good example of the different kinds of motivations and considerations which influence the policy of a small state in its interaction with big powers.

53. United Nations Monthly Chronicle, Vol.IV, Number 11, Dec. 1967, p.30.

Pakistan's policy on this question between 1950 and 1952 had been influenced by its non-aligned approach; she supported resolutions which recommended the representation of China in the United Nations by the communist government in place of the Nationalist Government of China. This was due to the fact that Pakistan followed a non-aligned policy from 1947 to 1952.

Pakistan's policy on this question from 1953 to 1968, has been mainly influenced by its power relations with India. From 1953 to 1956 and from 1958 to 1960, Pakistan voted for the United States resolutions for postponing discussion on the question,. This period coincides with Pakistan's alliance with the United States and her close relations with the United States; at this time Pakistan received massive United States aid. Pakistan's position on the question of Chinese representation might seem to have been influenced by alliance politics and United States aid. But the reality of the situation is that Pakistan has not followed the United States line. Two things prove this contention. Firstly, Pakistan voted for those United States resolutions which asked for postponing discussion of the question. She never voted against resolutions admitting communist China to the United Nations. If Pakistan was influenced by the United States then it should also have voted against resolutions which asked for the admission of communist China.

Secondly, the relations between Pakistan and China - as explained in the previous pages - has continuously developed year by year, without any protest from China against Pakistan's participation in the Western Alliances and even to President Ayub Khan's joint-defence offer to India in 1959. Occasionally the leaders in both countries have expressed full accord and solidarity with each other on different important issues. This gives the impression that Pakistan's voting for the United States resolutions has been/

been with an understanding with the Chinese government. China allowed Pakistan to exploit the United States by voting for its resolutions and to procure more and more aid which was in Pakistan's national interest. But when Pakistan found that the United States policy was going against her national interest she started upon open co-operation with China. This belief is confirmed by Werner Levi, who says:

" Pakistan voted until 1960, for the Western sponsored resolutions postponing consideration of the representation of China. The official reason given was that the (Pakistan) government wanted to defer a decision on the representation of communist China until this change was more nearly unanimously favoured. Actually, the period during which Pakistan voted with the West coincided with the period of closest relations with the United States, when these relations were subject to some critical evaluation, but also again coinciding with a more favourable voting situation for the communist government, Pakistan in December 1961, voted in favour of considering seating the communist government in the United Nations. "54

The Afro-Asian and Muslim influences have not affected Pakistan's policy on the question of the representation of China. This was because Pakistan's most vital national interests were directly involved; the fear of India dominated Pakistan's policy with respect to this issue.

In essence, it can be said that Pakistan's China policy has been dictated by the state of Sino-Indian and Indo-American relations.

54. Werner Levi 'Pakistan, the Soviet Union and China', Pacific Affairs, Vol.35, 1962, p.219.

CHAPTER V

SELF-DETERMINATION

The concept of self-determination has been defined at various times, as the right of self-government, the right of minority groups to determine their own fate. In the United Nations, however, it has been associated with the right of colonial people to independence.

One of the earliest expressions of this concept is found in the opening sentence of the American Declaration of Independence:

" When in the course of human events it becomes necessary for one people to dissolve the political bonds which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them "

A few years later, in France, the principle appeared in even clearer terms in the early democratic phases of the Revolution. The Declaration of the Rights of Man and the Citizen proclaimed, "Men are born and remain free and equal in rights the aim of all political association is the preservation of the natural and imprescriptible rights of man."

Just as modern democracy became a vital political force in the last half of the eighteenth century as a consequence of the American and French Revolutions, similarly, self-determination emerged as an ideal having great influence in guiding the destinies of men in the beginning of the Twentieth century. In fact the very idea is an outgrowth of the democratic theory of consent of the governed, and of popular sovereignty.

Even after World War I, when the growing acceptance of International responsibility/

responsibility for dependent peoples resulted in the first effort, under the Mandate System of the League of Nations, to institutionalise this responsibility, the principle of self-determination for colonial peoples was still slow to gain acceptance. Article 22 of the Covenant stressed not the principle of self-determination but the principle that :

" The well-being and development of such peoples
form a sacred trust of civilisation."

This gentle and evolutionary approach was suddenly shaken by World War II. In 1942, at the insistence of President Franklin D. Roosevelt, the Atlantic Charter proclaimed,

" The right of all people to choose the form of
Government under which they live."

The proclamation of this right in such sweeping terms quickly brought the colonial powers face to face with the practical problems involved in implementation.

Thus, despite acceptance of the principle of self-determination the Big Powers, while drafting the Dumbarton Oak Proposals, made no mention of it. However, when it came to writing the Charter at San Francisco, a different situation prevailed. Many of the fifty participating nations were either newly independent states or small ones which had frequently been subjected to the power and influence of stronger nations. For them the Atlantic Charter constituted the promise of a new era and they were determined that it should dawn without delay. National independence, then was the watchword for the Asian and Arab delegations. Thus, the phrase 'self-determination' was incorporated in the Charter, in connection with dependent people.

Self-determination is mentioned specifically - in Chapter I, which asserts as one of the purposes of the United Nations: " To develop friendly relations/

relations among nations based on respect for the principle of equal rights and self-determination of peoples."

Chapter IX, Article 55, also emphasises the importance of this right as follows:

" with a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

- (a) higher standard of living, full employment, and conditions of economic and social progress and development.
- (b) solutions of international economic, social, health and related problems; and international cultural and educational co-operation; and
- (c) Universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion. "

The Charter put a moral obligation on all United Nations Members for the achievement of this right in Article 56, which states:

" Allmembers pledge themselves to take joint and separate action in co-operation with the Organisation for the achievement of the purposes set forth in Article 55. "

The principle of self-determination as enunciated in the Charter has been supported by every member nation. This unanimity, however, is like a declaration from all political candidates to oppose sin. But endorsing a principle and agreeing on the manner of its implementation, especially with respect to dependent territories, are two different things, as has been/

been frequently demonstrated in the United Nations.

From the beginning two schools of thought have developed. One consisting of the view of the Asian-Arab States, together with most of the Latin Americans, strongly supported by the Soviet bloc, which have been committed to the eradication of the last vestiges of colonialism. They have conceived self-determination as an instrument which would enable all colonial peoples to attain political independence. They have, therefore, maintained that self-determination is a right which cannot be denied, that this right is embodied in the Charter, and that the signatories are committed to its fulfilment. Their arguments run as follows: The administering powers have assumed the obligation of promoting self-government in dependent territories. The United Nations itself must ensure that this obligation is carried out. Furthermore, the right of self-determination is basic to a peaceful and orderly world and to friendly relations among nations; denial of this right is likely to endanger international peace.

The view of the opposing camp, consisting mainly of the colonial powers, has vigorously protested this whole thesis. They have asserted that it was an attempt to discriminate against colonial powers. It represented an indirect effort to revise the provisions of Chapters XI, XII and XIII of the Charter.

The assumption of more extensive responsibility by the United Nations, they said, constituted intervention in the domestic affairs of an administering power in violation of Article 2(7). Moreover, self-determination is a political principle and its application must be subordinated to other principles, particularly to the principle for the maintenance of peace. The exercise of self-determination without limitation or safeguards would be a source of friction and might disturb the friendly relations among States.

To/

To brake the drive for self-determination, some of the colonial powers tried to give it a wide and diffuse interpretation to make its implementation more difficult.

Belgium introduced its celebrated thesis, according to which "self-determination cannot be restricted to colonial people; it refers to all individuals, including ethnic, racial or cultural minorities incorporated within the existing State."¹

Another colonial power, the United States sought to "Universalize" the principle to include restoration of sovereignty to formerly independent states, particularly those people whose right to govern themselves has been taken away from them by the Soviet Communism."² But, as mentioned earlier, to endorse a principle and to agree on its implementation are two different things; the United States has been caught in a similar paradox. Secretary of State, John Foster Dulles, while emphasising the dignity of human persons and the respect for the right of self-determination said at San Francisco :

" Dignity cannot be developed by those subject to alien control, however benign. Self-respect is not fully felt by those who have no right of their own in the world, who live on charity and who trade on sufferance. Regard for justice rarely emanates from those who are subject to such grave injustice as the denial of freedom. Fellowship is not the custom of people who are denied fellowship. "³

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1. "The Sacred Mission of Civilization: To Which People should the Benefits be Extended? The Belgian Thesis". (Published by The Belgian Government Information Centre, New York, 1953).
 2. The U.S. Participation in the U.N., Report by the President to the Congress, 1952, Department of State Publication 5034 (Washington, U.S. Government Printing Office, 1953), p.158.
 3. Cited by Sir Zafrulla Khan in the course of a debate. G.A.O.R., 6th Session, 343rd Plenary Meeting, 14 November, 1951, p.115.

The United States has paid much lip service by making lofty slogans for the freedom of people. But the real position of the United States on colonialism, has been described by Professor Leland M. Goodrich, in the following words:

" Instead of appearing as the uninhibited leader of the attack on old style colonialism, the United States found itself in the unfortunate position of having to defend one of the traditional interests of colonial powers, the interest in national security, against proposals to give greater recognition and protection to the special interests of native peoples. "4

In the United Kingdom, the Labour Party Government which was responsible for the freedom of India and Pakistan in 1947, was in favour of granting this right. As early as 1943, the Party's colonial platform had called for the development of political self-government "and the attainment of political rights not less than those enjoyed or claimed by those of British democracy."

In 1944, the Annual Conference of the Party declared:

" In all colonial territories the first aims of the administration must be the well-being and education of the native inhabitants; Their standards of life and health; their preparation for self-government without delay there must be a sincere determination on the part of those responsible for colonial administration to put native interests first in the priorities they organise In regions such as Africa, South-East Asia, and the South West Pacific, where neighbouring colonies are administered by different governments, we /

4. Leland M. Goodrich, The United Nations (London: Stevens and Sons Limited, 1960), p.298.

we strongly recommend the early creation of Regional Councils to co-ordinate economic policy - trade, transport, etc. - with a view to making the interests of the Colonial peoples primary beyond all doubts. "5

The Conservative Party, on the other hand, held the opposite view on colonial questions. But over-all British Policy was against granting self-government rapidly to colonial territories.

To give practical effect to the principle of self-determination as a legally binding doctrine, attempts were made to incorporate it into the draft Covenant on Civil and Political Rights. The General Assembly, by its resolution of 4 December, 1950, called upon the Economic and Social Council "to request the Commission on Human Rights to study ways and means which would ensure the right of peoples and nations to self-determination and to prepare recommendations for consideration by the General Assembly at its Sixth Session." Pakistan actively supported the resolution with other Asian and Arab States.

In the 1951 Session of the General Assembly, Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, The Philippines, Saudi Arabia, Syria and Yemen proposed a draft resolution that the General Assembly itself should draw up an article on the right of self-determination and insert it into the draft Covenant. By the provisions of the draft resolution the Assembly would decide that the Covenant on Human Rights should include the statement "all peoples shall have the right of self-determination". Moreover, the Assembly would direct the Commission on Human Rights to assert that "all states including those having responsibility for the administration of non-self-governing territories, should promote the realisation of that right/

5. Labour Party, Report of the 43rd Annual Conference (London: Labour Party, 1944), p.9.

right in relation to the peoples of such territories." The Assembly requests further that the Commission on Human Rights "prepare recommendation concerning international respect for the self-determination of peoples and to submit these recommendations to the General Assembly at its Seventh Session."

The inclusion of an Article on the right of self-determination they felt, was a logical fulfilment of the objectives of the United Nations Charter, because it was a pre-requisite to the enjoyment of all other human rights and, therefore, must be included in the Covenants on Human Rights.

They argued that the right was being violated principally in the case of non- self-governing peoples, many of whom live in ignorance of the very existence of the right, while others, who are politically more conscious, were being deluded by promises of independence or self-government to be achieved under the guidance of the colonial powers at some indeterminate future date. The incorporation in the Covenant of the right of self-determination in the Covenant would thus help in the fulfilment of the objectives of Chapter XI, XII and XIII of the Charter.

The leading opponents of this move were Australia, Belgium, Canada, France, Greece, The Netherlands, New Zealand, Sweden, Turkey and the United Kingdom. Self-determination, it was said, was a collective right, and as such had no place in Covenants devoted to the rights of individuals. The United States representative, Eleanor Roosevelt, despite a previous statement that the United States was anxious that the principle of self-determination of peoples and nations stated in the Charter be reaffirmed in the Covenant, felt that this task should be left to the Commission on Human Rights.

The first operative paragraph in the Afro-Asian draft resolution was voted on in parts. The clause containing the terms under which the article should be/

be drafted was passed by a vote of 36 to 11, with 12 abstentions. The States which voted against were Australia, Belgium, Brazil, Canada, Denmark, France, Luxemburg, The Netherlands, New Zealand, The United Kingdom and the United States.

Argentina, China, Colombia, Costa Rica, Honduras, Iceland, Israel, Norway, Sweden, Turkey, Uruguay, Venezuela, abstained.

The resolution as a whole, was adopted by a vote of 42 to 7, with 5 abstentions.⁶

In the 7th Session, the General Assembly passed Resolution 637(VII) by a vote of 40 to 14, with 6 abstentions. This resolution stressed that the United Nations should "uphold the principle of self-determination of peoples and nations;" should "recognise and promote the realisation of the right of self-determination of the people of non- self-governing and Trust Territories who are under their administration"; and should grant this right on a demand for self-government on the part of these people, the popular wish being ascertained in particular through plebiscites or other recognised democratic means, preferably under the auspices of the United Nations."

A separate proposal calling on the Human Rights Commission through the Economic and Social Council, to study additional ways and means of ensuring International respect for the right of people to self-determination, was adopted by a vote of 42 to 7, with 8 abstentions.

The Commission on Human Rights, adopted two resolutions, jointly sponsored by Chile, China, Egypt, India, Pakistan and the Philippines. The first resolution recommended for a Commission to be established by the General Assembly, to conduct a full survey of the status of the right of peoples and nations to self-determination "including permanent sovereignty over their natural/
natural/

6. G.A.O.R., 6th Session, 375th Plenary Meeting, 5 February, 1952, Resolution 545,(VI).

natural wealth and resources", and to make recommendations where necessary for strengthening that right.

The second resolution proposed that the General Assembly establish another Commission for the realisation of the right of self-determination falling within the scope of Article 14 of the Charter.⁷

But when these resolutions came before the Economic and Social Council, for approval, it refused to pass them on the contention that it is not within its jurisdiction.

This attitude of the Council, was criticised by some of the States at the 1954 Session of the General Assembly. A new resolution was thus introduced by Afghanistan, Bolivia, Chile, Costa Rica, Egypt, Greece, Haiti, Indonesia, Iraq, Liberia, Mexico, Pakistan, The Philippines, Saudi Arabia, Syria and Yemen. This reaffirmed the first resolution passed by the Human Rights Commission, that the Assembly established a Commission to conduct a full survey of the status of the right of peoples and nations to self-determination "including permanent sovereignty over their natural wealth and resources." An amendment submitted jointly by Peru, Brazil and the United States to the last paragraph, by which the Assembly should give due regard to "the rights and duties of states under International Law" was adopted by a vote of 23 to 14, with 19 abstentions. The resolution as amended, was adopted by the Assembly, by a vote of 41 to 11, with 3 abstentions.⁸

The General Assembly, by another resolution, requested the Commission on Human/

7. Article 14 states "subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the Present Charter, setting forth the purposes and principles of the United Nations."

8. G.A.O.R., 9th Session, 512nd Plenary Meeting, December 14, 1954, Resolution 837(IX).

Human Rights to complete its recommendation and also requested the Economic and Social Council to transmit these recommendations to the General Assembly at its next regular Session.

In the Commission and the Ecosoc, three specific proposals were eventually evolved, which were transmitted by the Ecosoc to the General Assembly by its resolution (586 D XX) 29 July, 1955.

Two of these proposals were made by the Human Rights Commission in 1954 and reaffirmed in 1955. The first recommended that the Assembly set up a Commission to conduct a survey of the right of peoples and nations to "permanent sovereignty over their natural wealth and resources" and to make recommendation thereon.

The second suggested that the Assembly establish a Commission to examine alleged denials or inadequate realisation of the right of self-determination, to provide its good offices in such situations and to report the facts, if necessary, to the Assembly.

The Third proposal originated in the Council itself and called for the establishment of an Ad Hoc Commission to "conduct a thorough survey of the concept of self-determination".

Consideration of these recommendations were postponed at the Assembly's tenth, eleventh, and twelfth sessions, in 1955, 1956 and 1957 respectively.

At the Thirteenth Session, in 1958, the matter was referred to the Assembly's Third (Social, Humanitarian and Cultural) Committee.

In support of the Council's proposal for a survey of the concept of self-determination, the representatives of Denmark, France, Italy and the United Kingdom/

United Kingdom felt it necessary to make a study of the concept of self-determination. Such a study, they said, would help remove existing differences of opinion about the applicability of the principle of self-determination and define the scope of that principle.

The United States put forward an amendment to the Council's proposal so that the contemplated Ad Hoc Commission should not engage in academic discussions of such terms as "peoples" and "nations" but rather in an examination of the concept of self-determination and the means, within the framework of the United Nations Charter, for promoting conditions favourable to the attainment of self-determination by peoples desiring it." But this amendment was later withdrawn.

The majority of the Committee's members, however, opposed the Council's proposal and the United States amendment thereto. Among them were Afghanistan, Bulgaria, Ceylon, Chile, Ghana, Iran, Iraq, Pakistan, Romania, the U.A.R., the U.S.S.R. and Yugoslavia.

They argued that reference in these two texts to self-determination as a "principle" ignored previous resolutions of the General Assembly and Article 1 of the draft International Covenants on Human Rights, which clearly recognised self-determination as a fundamental right.

After a long debate, the voting on all three proposals took place on 23rd November, 1958.

The Committee rejected the proposal of the Economic and Social Council by a roll-call of 48 against to 16 in favour, with 8 abstentions.

The first proposal of the Human Rights Commission was adopted by a roll-call vote of 52 to 15, with 4 abstentions. The Committee agreed that it should be left to the Plenary Meeting of the General Assembly to determine the composition of the proposed Commission.

A Yugoslav proposal to postpone action on the second proposal of the Human Rights Commission until the 14th Session of the General Assembly was adopted by 39 votes to 7, with 24 abstentions.

At the Plenary Meeting the General Assembly decided that the Commission contemplated in the first proposal of the Human Rights Commission, as approved by the Third Committee, would be composed of representatives of nine member states to be chosen by the President on the basis of geographical distribution, and that the Commission would report to the 29th Session of the Ecosoc in 1960. The President thereupon appointed Afghanistan, Chile, Guatemala, The Netherlands, the Philippines, Sweden, the U.S.S.R., the U.A.R. and the United States. This was adopted by the Assembly by 52 votes to 15 with 8 abstentions.⁹

These efforts of many years ultimately bore fruit. The right of 'self-determination' was incorporated in the Covenants on Human Rights. The right of self-determination was made specifically applicable to non - self-governing and Trust territories as well as to the metropolitan states. The means of determining the will of the populations were also spelled out and a system of international accountability and supervision was also provided for, through annual reports and the operations of the Human Rights Committee.

But the real landmark in the mounting pressure against colonialism occurred in 1960, when the General Assembly passed the "Declaration on the Granting of Independence to Colonial Countries and Peoples."

Fortythree African and Asian States introduced a draft resolution, which the General Assembly adopted without a dissenting vote and with only 9 abstentions.

9. G.A.O.R., 13th Session, 788th Plenary Meeting, 12 December, 1958, Resolution 1314 (XIII).

The States which abstained were Australia, Belgium, Dominican Republic, France, Portugal, Spain, South Africa, the United Kingdom and the United States.

What was established was a Common Judgment of colonialism and those who abstained in the voting were, for the most part, the "diehard colonialists."¹⁰

After proclaiming the need of bringing a "speedy and unconditional end to colonialism in all its forms and manifestations", the resolution declared that:

" The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation.

All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

The inadequacy of political, economic, social or educational preparedness, should never serve as a pretext for delaying independence.

All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to complete independence, and the integrity of their national territory shall be respected.

Immediate steps shall be taken, in trust and non-self-governing territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed/

10. The United States apparently was in favour of the Declaration but abstained in response to British pressure. See The United States in the U.N. 1960 : A Turning Point, Supplementary Report, Committee on Foreign Relations, U.S. Senate, 87th Congress, 1st Session, Washington, 1961, pp.20-21. Quoted in Goodspeed, S.S., The Nature and function of International Organisation, 2nd ed., (Oxford Univ.Press, New York, 1961) p.556.

expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom.

Any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations.

All states shall observe faithfully and strictly the provisions of the Charter of the United Nations, The Universal Declaration of Human Rights and the Present Declaration on the basis of equality, non-interference in the internal affairs of all States and respect for the sovereign rights of all people and their territorial integrity. "

Position of Pakistan:

Pakistan being in the vanguard of the era of decolonization has been particularly concerned in the United Nations with questions involving the right of self-determination or self-government. It has been anxious that the countries still under colonial rule should also become independent. Until that happens, said Sir Zafrulla Khan, in the General Assembly of the United Nations, "the people of Pakistan would not be able either to enjoy or to appreciate to the fullest extent their own recently achieved freedom and sovereignty."¹¹

Pakistan's active interest in pleading the cause of the dependent people can be ascribed to the following reasons:

Firstly, being a newly independent state, it had experienced the sufferings of colonial rule, that it was her desire to contribute to the United Nations efforts for eliminating this major cause of conflict from the world.

Secondly, the question of Kashmir, to which Pakistan is a party, had been recognised by the United Nations, as a clear case for self-determination of the Kashmiri people. Thus, Pakistan's support for the right of self-determination of non-self-governing people, indirectly gives much support to Pakistan's stand on Kashmir. It was out of respect for that right that Pakistan bitterly opposed the partition of Palestine.

Pakistan had also supported the right of self-determination of the people of Indonesia, and wholeheartedly advocated the case of Tunisia, and Morocco to self-government. It had also advocated, with other Afro-Asian states, speeding up the pace of granting self-government to other dependent peoples/

11. G.A.O.R., 4th Session, 227th Plenary Meeting, 24 September, 1949, p.59.

peoples in Africa and Asia.

Pakistan had played an important role in the emancipation of colonial people. She had been a member of the Special Committee on non- self-governing territories established at the 5th Session. Pakistan's representative, Sir Zafrulla Khan worked as the Chairman of Committee No.II, which made recommendations for a solution of the Palestine problem. Pakistan had also been a member of the Commissions for the preparation of Libya's independence and to ascertain the will of the people of Eritrea.

After making this general survey of Pakistan's participation on colonial questions, i.e. self-determination, the question of Algeria is now undertaken for a case study.

The Question of Algeria

On 5 January, 1955, the representative of Saudi Arabia in a letter to the President of the Security Council, brought to the Council's attention, under Article 35(I), the grave situation in Algeria, which, he said, was likely to endanger the maintenance of international peace and security. In an attached memorandum, he charged that the French Government was employing military operations in Algeria to liquidate the national uprising against colonial rule and oppression.

On 29th July, 1955, Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, Saudi Arabia, Syria, Thailand, and Yemen requested that "the question of Algeria" be included in the agenda of the 10th Session of the General Assembly.

The General Committee examined on 22nd September, the request for inclusion on the agenda. The representatives of Pakistan, Iraq and India at their request, were invited to take seats at the Committee's table.

The representative of France, while opposing inclusion of the item on the agenda stated:

" Algerian affairs were essentially within his government's domestic jurisdiction. Algeria was an integral part of Metropolitan France, and had been so since 1834. Any Algerian, whether a Moslem or a Christian, was a French citizen and from the age of 21, an elector. It was, therefore, clear that Article 2(7) of the Charter applied to Algeria. The fact that Algeria had been conquered was immaterial since that had been true also of other provinces of France. The right of self-determination of peoples was referred to in Article I of the Charter/

Charter only as a purpose; no special method for attaining it was laid down. The omission of any specific provision in the Charter granting the Assembly's competence in that respect was significant, for it would be impossible, in the language of Article I(2), to "develop friendly relations among nations" by means of controversial resolutions arising out of stormy debates. ¹³

The representatives of Egypt, Iraq, Pakistan, Thailand, India, and the U.S.S.R. pleaded for inclusion of the item in the agenda. In support of their claim, they cited the following arguments.

The situation in Algeria had worsened and severe repressive measures had aggravated the difficulties between France and the Algerian Nationalists. Since 1st November, 1954, war had, in fact, broken out in Algeria. The situation had deteriorated further since the Afro-Asian group had requested inclusion of the item. International concern regarding the situation in Algeria had been demonstrated by the fact that it had been brought to the notice of the Security Council by the Saudi Arabian delegation and by the stand taken by the Bandung Conference urging the French Government to seek a peaceful solution. Article I(2) and (4), Article 10, II(2) and 14 of the Charter were cited to justify inclusion of the item in the agenda and to establish the competence of the General Assembly to deal with the question. Regarding the contention that Article 2(7)¹⁴ precluded intervention, it was noted that until 1830 Algeria had been independent, maintaining diplomatic and treaty relations with numerous states. Only 30 years later had Algeria been completely conquered. Its current status was defined in 1870 by the French/

13. United Nations Yearbook, 1955, p.65.

14. Article 2(7) of the U.N. Charter states: "Nothing contained in the present Charter shall authorise the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any such State or shall require the members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII".

French Government, without, however, the Algerian people being consulted. Despite theoretical equality, in practice the Algerians did not enjoy the same rights as Frenchmen. Moreover, the General Assembly had always claimed competence in questions involving human rights, among which the right of self-determination was fundamental. Finally, inclusion of the question could not in any way constitute intervention within the meaning of Article 2(7), and did not prejudge the question of competence.

The representatives of the United Kingdom, the United States and New Zealand stated that, under Article 2(7), the United Nations was precluded from intervening in the Algerian question. The case of Algeria, an integral part of France, was different from that of Morocco or Tunisia, which were French Protectorates. It was clear that the sponsors of the item sought Assembly sanctions for a course of action intended to bring about fundamental changes in the composition of the French Republic that obviously constituted intervention in the internal affairs of France.

The representatives of Haiti and Ethiopia doubted whether the question of Algeria was similar to the questions of Tunisia and Morocco from the standpoint of international law and expressed fears lest discussion of the matter should jeopardize the progress already made in the negotiations on North African problems.

The General Committee then decided by 8 votes to 5, with 2 abstentions not to recommend the item for inclusion in the agenda. This decision of the General Committee was over-ruled by the General Assembly. The report of the General Committee was examined by the General Assembly and the different representatives expressed views similar to those they expressed in the Committee.

The representatives supporting inclusion of the item in the agenda held that discussion of the question did not amount to intervention within the meaning of Article 2(7). The position would be different if France were required to submit the matter to settlement. But such was not the case; what the record of the General Assembly showed in comparable instances concerning the Union of South Africa, Tunisia, Morocco, or West Irian was that the Assembly had invited the parties to get together in order to resolve their problems.

The argument that Algeria was a part of "Metropolitan France" was not valid in terms of political thinking or even of Jurisprudence. If such an argument were sustained, the very basis of the existence of more than one-third of the Members of the United Nations would stand challenged, since at one time or another they had been dependent territories of "metropolitan" Powers. Algerian sovereignty had resided in the rulers of Algeria and their subjects before their subjugation, and their rights should be considered inalienable. The issue, therefore, was not one of intervention in the domestic affairs of a sovereign state, but of the discussion of plain, straightforward colonial problem.

As regards the expediency of discussing the question in the United Nations, it was a matter of political judgement, and the influence of the debate on a possible settlement depended upon the way the matter was handled. Meanwhile, the discussion would assist in allowing some of the pent-up steam to be released without explosion. Algeria was not really an integral part of France and the Algerian Arabs did not enjoy all the rights of French citizenship. More than nine million Algerian Arabs were represented in the French National Assembly by only 15 Arab deputies, and in the Council of the Republic by only 7 Arab Senators. If the Algerian "departments"/

"departments" were dealt with as French metropolitan "departments" they should be allowed to send 125 or 130 deputies to the Council of Assembly and a proportionate number of senators to the Council of the Republic. The facts were that Algeria was not represented "on the same basis" as were the various parts of Metropolitan France and it was governed as a colony.

Article 2(7), it was argued, was never intended to be an over-riding provision of the Charter and a stumbling block against which the aspiration of people striving for freedom were to be shattered. Even within the framework of Article 2(7), the principle of domestic jurisdiction was not supposed to "prejudice the application of enforcement measures under Chapter VII". In this connection, it was questioned whether the General Assembly would not consider the continuous strife and bloodshed in Algeria as being a real threat to international peace and security.

The recommendations of the General Committee not to include the Algerian question in the agenda was voted upon at the 530 Plenary Meeting and was rejected by a vote of 28 to 27, with 5 abstentions.¹⁵

After the vote, the representative of France declared that this was against Article 2(7) and that his government would not consider legal any recommendation which the General Assembly might make. He then left with his delegation and ceased to attend the meetings of the General Assembly and all its standing committees. On 25 November 1955, the First Committee adopted an Indian Procedural motion, by which the Assembly decided not to consider/

15. The States which voted against were Afghanistan, Argentina, Bolivia, Burma, Bylo-russia, Costa Rica, Czechoslovakia, Egypt, Greece, Guatemala, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukraine SSR, U.S.S.R., Uruguay, Yemen and Yugoslavia. G.A.O.R., 10th Session, 530th Plenary Meeting, 30 September, 1955.

consider further "the question of Algeria", in the 10th Session of the General Assembly,. This was adopted by the General Assembly without objection on the same day.

Meanwhile, the war in Algeria was going on furiously. The representatives of thirteen Asian and African States including Pakistan drew the attention of the Security Council to the grave situation in Algeria as a violation of fundamental human rights and asked for an early meeting of the Security Council, under Article 35(I) of the United Nations Charter to consider the situation arising out of military action taken by France. The Security Council, in its meeting on 26 June, decided by 7 votes to 2 (U.S.S.R. and Iran), with 2 abstentions (China and Yugoslavia) not to include the item in the agenda.

The question of Algeria was then included in the agenda of the General Assembly's 11th Session at the request of 15 Afro-Asian States, including Pakistan.

The representative of Pakistan, speaking in the General Debate, expressed his serious concern at the sad happenings in Algeria when he said:

" We are deeply concerned about the tragic happenings, in Algeria, of whose claim to freedom Pakistan is a staunch supporter. If wiser counsels do not prevail and the forces of repression that have been let loose in North Africa are not checked, the whole of that area will be submerged under chaos and anarchy. In respect of several of these grave situations, this Organisation has stood aside helplessly and watched the situation grow worse. My delegation feels that in such situations, the United Nations should bring in to play its resources of reconciliation, clearly enunciated in its Charter. "16

16. G.A.O.R., 11th Session, 601st Plenary Meeting, 29 November, 1956, p.415.

The question was discussed in detail in the First Committee. Three draft resolutions were introduced; one was sponsored jointly by 18 Afro-Asian States, including Pakistan, by which the General Assembly, having regard to "the situation of unrest and strife in Algeria" which was "causing much human sufferings and disturbing the harmony between nations" and recognising "the right of the People of Algeria to self-determination according to the principles of Charter" would: request France to respond to the desire of the people of Algeria to exercise their fundamental right of self-determination; invite France and the people of Algeria to enter into immediate negotiations with a view to the cessation of hostilities and the peaceful settlement of their differences in accordance with the Charter; and ask the Secretary-General to assist the parties in conducting such negotiations and to report the Assembly's 12th Session.

The second draft resolution was sponsored by Japan, the Philippines and Thailand. By this, the Assembly would express the hope that the Algerian people would endeavour through appropriate negotiations, to bring about the end of bloodshed and the peaceful settlement of the present difficulties. It would do so having regard to "the situation of unrest in Algeria" which was causing "much human suffering and loss of lives" and believing that "the unsatisfactory situation now prevailing in Algeria" might be "normalized by the joint efforts of France and the Algerian people to find an equitable solution in conformity with the principles of the Charter of the United Nations."

A six-power draft resolution was submitted by Argentina, Brazil, Cuba, the Dominican Republic, Italy and Peru. By this draft resolution, the Assembly having heard the statements of French and other delegations and having discussed the question of Algeria, would express the hope that a peaceful and democratic solution of this question would be found.

Supporting the 18-power draft resolution the representative of Pakistan said:

" Pakistan's attitude is not anti-Western, but her country stood for the right of peoples to self-determination. Moreover, the Pakistan delegation understood perfectly that the national aspirations of a non- self-governing people could be fulfilled by the free association of the territory with the metropolitan country, but no such association would be fully valid without the consent of the population, concerned. "17

When the three draft resolutions were put to vote, the representative of France declared that he would not participate in the voting. The 18-power draft resolution was voted on paragraph-by-paragraph by a roll-call vote. The first operative paragraph was rejected by 34 votes against to 33 in favour, with 10 abstentions and the second paragraph was rejected by 34 votes against to 33 in favour, with 9 abstentions. In view of this, the draft resolution as a whole was not voted by the Committee.

The six-power draft resolution was then adopted by a vote of 41 to 33, with 3 abstentions. A motion by New Zealand not to vote on the 3-power draft resolution was rejected by the Committee by a vote of 43 against to 24 in favour, with 10 abstentions. The three-power draft resolution was subsequently adopted as a whole by a roll-call vote of 37 to 27, with 13 abstentions. Pakistan voted in favour of the resolution.

The General Assembly discussed the report of the First Committee on 15th February, 1957. A new 9-power draft resolution with a conciliatory text, submitted by the sponsors of the 6-power and the 3-power draft resolutions was/

17. G.A.O.R., 11th Session, First Committee, 830th Plenary Meeting, 4 February, 1957, p.173.

was adopted by the Assembly by a vote of 70 to 0, with no abstention, as resolution 1012 (XI), urging for a peaceful, just and democratic solution, in conformity with the principles of the Charter of the United Nations.

In the 12th Session of the General Assembly, in 1957, the question of Algeria was included in the agenda at the request of 21 Afro-Asian States, including Pakistan. In the First Committee, the representative of France, stated that the fact that France has not objected to placing the Algerian question on the agenda should not be taken that it had changed its position about United Nations intervention in the matter. The French delegation was participating, he said, in order to make known the efforts that were being made to bring about a peaceful settlement and to refute the calumnies directed against France. The representative of France further stated that the moral and material support to the Algerian rebels came from Egypt, the Arab League, Morocco and Tunisia. He asserted that the countries furnishing assistance were violating the United Nations Charter, the provisions of the Assembly's "Essential for Peace" resolution, and the principles of peaceful co-existence adopted at the Bandung Conference.

The offer of good offices from Morocco and Tunisia could not be accepted, he said, for both the countries were under pressure of the Algerian rebels.

The representatives of Argentina, Australia, Cuba, Israel, the Netherlands, Peru, Portugal, Spain and the United Kingdom expressed the view that the United Nations had no right to intervene in the matter, since the matter fell under Article 2(7) of the Charter.

The representatives of Albania, Byelorussia, Ceylon, Egypt, Guatemala, Haiti, Indonesia, Jordan, Lebanon, Morocco, Nepal, Romania, Saudi Arabia, Sudan, Syria, Tunisia, Ukraine SSR, Uruguay, U.S.S.R. and Yemen, maintained that the United/

United Nations was competent to deal with the Algerian problem. The question of competence, they said, could not be decided by the unilateral declaration of a Member State. As French rule in Algeria had originally been installed by military intervention, its present character could be regarded only as colonial occupation maintained without regard for the wishes of the Algerian people. Furthermore, the struggle in Algeria had developed into a war and had endangered peace and security in the area, it was both the right and the duty of the United Nations to continue its quest for an equitable solution.

The representative of Pakistan in supporting the cause of the Algerian people said, "As regards the interest of the Colons, they could be durably guaranteed only through a generous understanding with the majority of the Algerian people."¹⁸

Two draft resolutions were submitted in the First Committee; one was sponsored by seventeen Afro-Asian States. By this draft resolution, the General Assembly would regret that the hope for a solution, as expressed in its resolution 1012 (XI) of 15 February 1957, had not yet been realised. Recognising that the principle of self-determination was applicable to the Algerian people and noting that the situation in Algeria continued to cause much suffering and loss of human life, the Assembly would call for negotiations in order to arrive at a solution in accordance with the principles and purposes of the United Nations Charter.

The second draft resolution was sponsored by Argentina, Brazil, Cuba, the Dominican Republic, Italy, Peru and Spain. Under the term of this draft resolution, the General Assembly, bearing in mind the situation in Algeria which/

18. Colons means French Settlers in Algeria. G.A.O.R., 12th Session, First Committee, 920th Meeting, 4 December, 1957, p.301.

which continued to cause much suffering and loss of life, would: take note of the attempts which had been reported to the Assembly to settle the problem both through the good offices of Heads of States and by French legislative measures; and express the hope once again that, in a spirit of co-operation, a peaceful, democratic and just solution would be found, through appropriate means, in conformity with the principles of the Charter of the United Nations.

Two amendments were submitted jointly by Canada, Ireland and Norway, to the 17-power draft resolution. By the first amendment, the Assembly recognised that the Algerian people were entitled to work out their own future in a democratic way (rather than recognise that the principle of self-determination was applicable to the Algerian people). By the second amendment, the Assembly, instead of calling for negotiations for a solution in accordance with the purposes and principles of the Charter, would propose effective discussion in order to resolve the troubled situation and in order to reach a solution in accordance with the purposes and principles of the charter.

The sponsors of the 17-power draft resolution did not accept these amendments. Thus, the 17-power draft resolution and the three-power amendments were put to vote. The amendments were voted first and were adopted as a whole by a vote of 37 to 36, with 7 abstentions. The draft resolution as amended was then put to vote. It was not adopted, the votes being 37 to 37 with 6 abstentions. Pakistan voted against the amendments and later against the resolution.

On behalf of the sponsors of the 7-power draft resolution, the representative of Argentina stated that the draft resolution would not be pressed to a vote, but the sponsors reserved the right to introduce it at the plenary meeting.

The/

The First Committee was therefore unable to recommend to the General Assembly the adoption of any resolution on the question of Algeria.

In the General Assembly, when the report of the First Committee was presented a joint draft resolution was submitted by Argentina, Brazil, Canada, the Dominican Republic, India, Iran, Ireland, Italy, Japan, Mexico, Norway, Peru, Spain and Thailand. By this draft resolution, the Assembly again expressed its concern over the situation in Algeria. It took note of the good offices offer made by the King of Morocco and the President of Tunisia, and it expressed the wish that, in a spirit of effective co-operation, pourparlers would be entered into, and other appropriate means used, with a view to a solution of the Algerian question, in conformity with the purposes and principles of the United Nations Charter. This was adopted by the Assembly by a vote of 80 to 0. France did not participate in the voting.¹⁹

On 15th July, 1958, twenty-five Afro-Asian States, including Pakistan, asked that the question of Algeria be put on the agenda of the 13th Session of the General Assembly. The item was included in the agenda of the General Assembly on 22nd September 1958 and was considered by the First Committee between 8 and 13 December, 1958.

In the debate in the First Committee, the representatives of Afghanistan, Albania, Bulgaria, Burma, Bylo-russia, Ceylon, Czechoslovakia, Ethiopia, Ghana, Malaya, Hungary, India, Indonesia, Iran, Iraq, Jordan, Lebanon, Liberia, Libya, Morocco, Pakistan, Poland, Romania, Saudi Arabia, Sudan, Turkey, Ukraine SSR, U.S.S.R., U.A.R., and Yugoslavia expressed regret at France's decision not to participate, in the debate, on the question of Algeria and its refusal to accept the offer of mediation made by Tunisia and Morocco. They urged for the immediate cessation of hostilities in Algeria, and for negotiations between the two parties.

19. G.A.O.R., 12th Session, 726th Plenary Meeting, 10 December, 1957, as Resolution 1184(XII).

Belgium, Cuba, the Dominican Republic, Portugal, Spain and the Union of South Africa argued that Article 2(7) of the Charter, debarred the United Nations from dealing with the Algerian question. They further emphasised that United Nations intervention will make the solution of the problem difficult, for General de Gaulle had declared to solve it in an honourable manner.

On 12 December, 17 Afro-Asian States submitted a draft resolution by which the General Assembly, recalling two previous resolutions 1012 (XI) and 1104(XII), recognising the right of the Algerian people to independence, and taking note of the willingness of Provisional Government of the Algerian Republic to enter into negotiations with France, would urge that the two parties concerned negotiate with a view to reaching a solution in conformity with the Charter of the United Nations.

On 13 December, Haiti submitted two amendments to the 17-power draft resolution. By the first amendment, the Assembly, instead of "recognising the right of the Algerian people to independence", would recognise "by virtue of Article I(2) of the Charter, the right of the Algerian people to decide for themselves their own destiny". By the second Haitian amendment, the Assembly, instead of taking note of the willingness of the Provisional Government of the Algerian Republic to negotiate, would take note, "that both the French Government and the Algerian leaders have affirmed their wish to enter into negotiations".

When the 17-power draft resolution and the Haitian amendments were put to vote, the first Haitian amendment was rejected by a vote of 48 against to 13 in favour, with 19 abstentions. Haiti did not press its second amendment to a vote. The 17-power draft resolution was then adopted by a roll-call vote of 32 to 18, with 30 abstentions.

In/

In the Plenary Meeting of the Assembly, Ceylon proposed to delete the paragraph in the First Committee's resolution "taking note of the willingness of the Provisional Government of the Algerian Republic to enter into negotiation with France". This was adopted by the Assembly, by a vote of 38 to 0, with 43 abstentions. The draft resolution as amended was then put to a roll-call vote. It received 35 votes in favour to 19 against, with 28 abstentions. It was not adopted having failed to obtain the required two-thirds majority. Pakistan, with other Afro-Asians, voted in favour of the resolution.

On 10 July, 1959, twenty-two Afro-Asian States, including Pakistan, brought to the attention of the Security Council, the situation in Algeria, as a threat to international peace and security and an infringement of the basic right of self-determination and constituted a flagrant violation of other fundamental human rights.

On 14 July, the same twenty-two Afro-Asian States joined by India, Japan and The Philippines requested the inclusion of the Algerian question on the agenda of the 14th Session of the General Assembly. The General Assembly included the question in the agenda on 22 September and referred it to the First Committee which considered it between 30 September and 7 December, 1959.

On 2 December, a draft resolution was submitted by Afghanistan, Burma, Ceylon, Ethiopia, Ghana, Guinea, India, Indonesia, Iraq, Jordan, Lebanon, Liberia, Libya, Morocco, Nepal, Pakistan, Saudi Arabia, Sudan, Tunisia, U.A.R., Yemen and Malaya.

By the operative paragraph of this 22-power proposal, the General Assembly would "urge the two parties concerned to enter into pourparlers to determine the/
the/

the conditions necessary for the implementation as early as possible of the right of self-determination of the Algerian people, including conditions for a ceasefire".

By the preamble of this text, the Assembly would, among other things, having discussed the question of Algeria, recall previous resolutions on the question, recall Article I(2) of the United Nations Charter; recognise the right of Algerian people to self-determination; express deep concern with the continuance of hostilities in Algeria; state that the present situation in Algeria constituted a threat to international peace and security; and note with satisfaction that the two parties concerned had accepted the right of self-determination as the basis for the solution of the problem.

In addition to the sponsors, the draft resolution was supported by the U.S.S.R., Czechoslovakia, Cuba and Venezuela.

The representatives of Australia, Belgium, Canada, the Dominican Republic, Italy, the Netherlands, Nicaragua, Spain, the United Kingdom and the United States considered that the adoption of a resolution by the Assembly would hinder the progress of a solution rather than help it.

On 7 December, the draft resolution was voted on by parts. The first three paragraphs of the preamble were adopted by a vote of 59 to 4, with 18 abstentions. The fourth paragraph recalling Article I(2) of the Charter was adopted by 59 votes to 3, with 19 abstentions. The sixth paragraph was adopted by 61 votes to 1, with 19 abstentions. The draft resolution as a whole, was adopted by a vote of 38 to 26, with 17 abstentions.

The General Assembly considered the report of the First Committee on 12 December. The representative of Pakistan stated that, in order to achieve as much harmony as possible, the Afro-Asian group had substantially modified the/

the text of the resolution adopted by the First Committee, to meet the various objections expressed in the Committee. He then submitted a new draft resolution whereby the General Assembly, having discussed the question of Algeria, would recall its two previous resolutions on Algeria; recall Article I(2) of the Charter; express deep concern with the continuance of hostilities in Algeria. By the operative part of this new text, the Assembly would: recognise the right of the Algerian people to self-determination; and would urge the holding of pourparlers with a view to arriving at a peaceful solution on the basis of the right of self-determination, in accordance with the principles of the Charter.

This new text, said the representative of Pakistan, represented an effort on the part of the Afro-Asian nations to go as far as possible towards respecting the views of those opposed to certain parts of the First Committee's draft resolution, particularly those referring to the scope of the pourparlers and to the number of parties which were to take part in them.

The representatives of Australia, Belgium, Ecuador, Italy, Peru, Spain and the United Kingdom, however, differed and stressed that, in the present circumstances, any resolution on the substance of the matter would be likely to make an early solution of the problem more difficult.

At the request of the representative of Pakistan, the Assembly decided to give priority to the new draft resolution, which was voted on in parts. All the paragraphs were adopted, but when the resolution as a whole was put to vote, it received 39 votes in favour, 22 against, with 20 abstentions. It was not adopted, having failed to obtain the required two-thirds majority.

On/

On 20 July, 1960, twenty-five African and Asian States, including Pakistan, requested the inclusion of the Algerian question in the agenda of the 15th Session of the General Assembly.

At the unanimous recommendation of the General Committee, the General Assembly referred the item to the First Committee; the First Committee considered it between 5 and 15 December, 1960.

On 9 December, a draft resolution was submitted by Afghanistan, Burma, Ethiopia, Ghana, Guinea, Indonesia, Iraq, Jordan, Lebanon, Liberia, Libya, Mali, Morocco, Nigeria, Pakistan, Saudi Arabia, Somalia, Sudan, Tunisia, U.A.R., and Yemen. Ceylon, Nepal and India also joined later. By this 24-power proposal, the General Assembly, among other things, would:

(1) recognise the right of the Algerian people to self-determination and independence; (2) recognise the imperative need for adequate and effective guarantees to ensure the successful and just implementation of the right of self-determination on the basis of respect for the unity and territorial integrity of Algeria; (3) recognise further that the United Nations had a responsibility to contribute towards its successful and just implementation; and (4) decide that a referendum should be conducted in Algeria, organised, controlled and supervised by the United Nations, whereby the Algerian people would freely determine the destiny of their entire country.

Canada, Gabon, New Zealand, Peru, Turkey and the United Kingdom objected to the draft resolution on the grounds that it attempted improperly, to impose a referendum on a sovereign state and would encourage extremists both in France and Algeria, to persist in their present course, making a solution more difficult.

The representatives of Argentina, Colombia, Ecuador, and Uruguay felt that operative paragraph four went beyond the powers of the General Assembly.

The representatives of Finland, Ireland, Norway and Sweden emphasised that the popular referendum should be held under the auspices of the United Nations.

On 15 December, 1960, the First Committee adopted the 24-power draft resolution as a whole by a roll-call vote of 47 to 20, with 28 abstentions.

When the Committee's resolution was considered in the Plenary Meeting, on 19 December, two amendments were submitted by Cyprus and Cameroun, the Congo (Brazzaville), Ivory Coast, Dahomy, Gabon, Upper Volta, Madagascar, Niger, the Central African Republic, Senegal and Chad respectively.

According to the first amendment, instead of "deciding" that a referendum "shall be held" in Algeria, the Assembly should "recommend" that it be held; it also should be "under the auspices of the United Nations", rather than "organised, controlled and supervised by the United Nations".

The second amendment was in two parts. The first part of the amendment proposed to replace operative paragraph four by a new paragraph, by which the Assembly would invite the parties involved in the conflict to enter immediately into negotiations, without preliminary conditions, on a cease-fire and the circumstances for the organisation of the referendum on self-determination, including mutual guarantees for the parties concerned and international guarantees.

second
The/part of the 11-power amendment was intended to add a new operative paragraph by which the Assembly, with a view to facilitating contacts and the progress of the negotiations, would recommend the establishment of a special International Commission, the composition and members of which would be determined in agreement with the parties involved in the conflict.

The/

The first paragraph of the 11-power amendment was rejected by the Assembly by 31 votes in favour to 39 against, with 25 abstentions. The Second paragraph was also rejected by a vote of 22 in favour to 39 against, with 35 abstentions. Cyprus's amendment received 53 votes in favour, 27 against, with 17 abstentions. It was not adopted as it did not receive the necessary two-thirds majority.

The Assembly then voted on the draft resolution recommended by the Committee. Operative paragraph 4 was voted on separately and received 40 votes in favour and 40 against, with 16 abstentions. It was not adopted having failed to receive the necessary two-thirds majority. The resolution as a whole, and as amended by the rejection of operative paragraph four, was then adopted by a roll-call vote of 63 to 8, with 27 abstentions.²⁰

On 11 August, 1961, 31 Asian and African States including Pakistan again requested that the question of Algeria be placed on the agenda of the 16th session of the General Assembly.

On 25 September, 1961, the Assembly included the item in the agenda and referred it to the First Committee which, on 30 November 1961, deferred discussion to 14 December in order not to disturb the ceasefire talks which were then being held in regard to Algeria. This item, thus, was considered by the First Committee between 14 and 19 December 1961.

In the Committee, opening the debate, the representative of Pakistan expressed admiration for those who were engaged in the struggle waged by, and/

20. G.A.O.R., 15th Session, 956th Plenary Meeting, 19 December 1960, as Resolution 1573 (XV).

and on behalf of, the Algerian people. He also expressed his government's appreciation for the skill, perseverance and steadfastness with which President de Gaulle was seeking to solve the problem. Noting that important results had already been achieved - such as the recognition of the right to independence for Algeria and the preservation of its territorial integrity, including the Sahara - he observed that the only real obstacle standing in the way of the solution of the problem appeared to be the protection of the right of the European minority. He hoped that the present occasion would be the last on which the United Nations would be called upon to deal with the question of Algeria and that negotiations between the parties directly concerned would be resumed as soon as possible.

A draft resolution, sponsored by thirty-four Asian and African States, including Pakistan, was submitted. By this draft resolution, the General Assembly would call upon the two parties to resume negotiations with a view to implementing the right of the Algerian people to self-determination and independence respecting the unity and territorial integrity of Algeria.

Cuba, the U.S.S.R. and other East European States supported the cause of the Algerian people.

The representatives of various French speaking African States, Latin American Members, and some Western European Members pointed out the special character of the Algerian problem and welcomed the efforts made by President de Gaulle for a just and lasting solution. They regretted that the draft resolution had not indicated the need for appropriate guarantees for the European minority in Algeria.

The United States representative objected to the reference to an "Algerian Government", which he said, was not recognised by the majority of Member States; /

States; such a reference, he felt, might infringe on the prerogatives and responsibilities of the negotiators on both sides.

The 34-power draft resolution was put to vote on 19 December 1961 and was adopted by the Committee by a vote of 61 to 0, with 38 abstentions. The General Assembly approved the First Committee's recommendations by a vote of 62 to 0, with 38 abstentions.²¹

On 15 November 1961, the representative of Pakistan submitted another draft resolution, on the status of Algerians imprisoned in France, as a matter of great urgency and importance. He pointed out that several thousand Algerian prisoners in France were on a hunger strike and the matter which was essentially a humanitarian question, should be dealt with urgently.

The draft resolution was co-sponsored by thirty-six Afro-Asian States. The representative of France said that the question had been presented only for propaganda purposes to discredit France.

The representative of Morocco emphasised that the present resolution only meant that the General Assembly should add its voice to the appeals already made to France by several Heads of States, including the King of Morocco and the President of Pakistan as well as various International Organisations, on the question of Algerian prisoners.

A motion by the representative of Pakistan to suspend debate on the question under discussion and for the immediate consideration of the newly submitted draft resolution, was accepted without objection.

The representative of Pakistan, speaking in support of the draft resolution, stated/

21. G.A.O.R., 16th Session, 1085th Plenary Meeting, 20 December, 1961, as Resolution 1724 (XVI).

stated that the steps taken by the sponsors of the draft resolution were essentially prompted by humanitarian considerations and had no propaganda purpose. He paid tributes to the liberal policies of President de Gaulle expressed his conviction that an appeal addressed to his government would not be in vain.

Reservations regarding the draft resolution were expressed by representative of the United States, who said that his delegation, although it was most concerned to see the Algerian prisoners treated according to the highest humanitarian standards, had doubts about the possible results of the proposed action and about the procedure followed. The draft resolution was adopted by a roll-call vote of 62 to 0, with 31 abstentions. Almost all the Western powers abstained.²²

Although the United Nations could not directly solve the Algerian problem, the discussions in the different United Nations organs were an important factor that paved the way for the solution of the problem. After a ceasefire agreement between the French government and the Algerian Nationalists, the problem was finally solved at Evian on 18 March 1962, after a long negotiation. Algeria, thus, became independent and was consequently admitted to the United Nations on 8 th October, 1962.

On the question of Algeria, the feeling for Afro-Asian identification and for the Muslim brotherhood had been mainly effective in shaping Pakistan's policy in the United Nations.

From 1955 up to 1961, Pakistan, with other Afro-Asian States, asked for the consideration of the Algerian question by the United Nations and sponsored resolutions recommending solution of the Algerian question on the basis of the right of self-determination.

22. G.A.O.R., 16th Session, 1055th Plenary Meeting, 15 November 1961, as Resolution 1650(XVI).

support
 This outright/ to the Algerian people had been in conformity with Pakistan's stated policy on human rights and self-determination, namely that all colonial people struggling to be free should be helped. This position was also in consonance with Pakistan's ideological policy to champion the cause of the Muslim people.

Pakistan was not influenced by the Western bloc on the question of Algerian self-determination, in spite of the fact that she was a member of SEATO, and associated with France as a partner in military alliance. All the Western powers -- with whom Pakistan was aligned -- consistently voted against or abstained on the Afro-Asian resolutions and supported France. They did not negate the principle of self-determination, but took shelter behind Article 2(7) of the United Nations Charter asserting that the question was one of domestic jurisdiction as Algeria was an integral part of metropolitan France. It is interesting to note that all the colonial or semi-colonial powers supported France on the question of Algeria. The United States though professing to be anti-colonial, also voted in support of France.

As the Algerian question was common for all the Afro-Asians, being a colonial question therefore Pakistan and India had followed an identical policy. But the Pakistan delegate in the United Nations had been more active than that of India and some other Afro-Asian States on the question of Algerian self-determination.

The manner in which Pakistan pleaded the cause of Algeria, for self-determination and human rights, represent Pakistan's independent and impartial approach to colonial questions. Pakistan's policy on this question also shows Pakistan's firm belief in the United Nations Charter, as a guide for the peaceful solution of international problems.

CHAPTER VI

PEACE-KEEPING

"Peace-keeping" as applied to the United Nations is a term which has been given a variety of meanings. They range from the missions which have been undertaken by International Armies down, even more inclusively, to the activities of an individual who has been sent to the field on some political task."¹ It is, therefore, an accurate description of the activity by which the United Nations has established its presence in certain situations of actual or potential conflict.

In an organised society, the task of keeping the peace is of primary importance, because only on the basis of peace and security can a legal order be developed.

Centuries-old projects and plans for eliminating war and preserving peace were viewed with complacency by historians until recent times. They aroused nothing more than historical curiosity and at best were regarded as interesting utopias, noble in spirit but quite unrealistic.

Occasional efforts at enforcing peace were made in the form of the "King's peace" by the Anglo-Saxon rulers and the 'Universal peace Organisation' as propogated by King George of Bohemia. But the actual fruition of the plans came only in the twentieth century.

The horrible experience of World War I emphasised the need and the importance of an International Institution which could keep peace in the world. The traditional peaceful settlement methods employed for centuries, usually by Third/

1. Alan James, The Politics of Peace-keeping (London: Chatto and Windus, 1969), p.1.

Third States, were supplemented by a variety of new adaptations exercised mainly by organs and agencies of the new International Organisation, i.e. The League of Nations.

Peace-keeping by the League:

Article 10 of the Covenant of the League stressed that the Members were obliged "to respect and preserve as against external aggression the territorial integrity and existing political independence" of all League Members. Under Article 12(1), the Members agreed that if there arose between them any dispute which might lead to a breach of the peace, "they will submit the matter either to arbitration or judicial settlement or to enquiry by the League".

Peace-keeping by the United Nations:

After the failure of the League, the supreme objective before the framers of the Charter of the United Nations was the maintenance of peace.

Article 1(1) of the Charter declares that one of the basic purposes of the United Nations is "to maintain international peace and security", and "to bring about the peaceful means, and in conformity with the principle of Justice and International Law, adjustments and settlements of International disputes". According to Article 2(4) "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State". Chapter VI of the Charter stresses the need for pacific settlement of disputes. Article 33(1) lists the traditional techniques of peaceful settlement and commits States to select from them : The Article states "The parties to any dispute, the continuance of which is likely to endanger the maintenance of International peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of/

of their own choice." Under Article 36(1) the Security Council may, at any stage of a dispute of the nature referred in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment. By Article 37(2), If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of International peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

The General Assembly has also been given the responsibility for the maintenance of peace under Article 11(2), which states,

" The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council, or by a State which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the State or states concerned or to the Security Council or to both."

Under Article 14, the Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, that it deems likely to impair the general welfare or friendly relations among nations.

The authority of the Assembly to make recommendations for the maintenance of peace, and for peaceful adjustments of disputes, seems to include peace-keeping measures. Thus, as a practical matter, two-thirds of the Members of the Assembly can initiate peace-keeping activities.

To avoid deadlock in the Security Council, for initiating peace-keeping measures/

measures, the 'Uniting for Peace' resolution adopted in 1950, gave additional authority to the General Assembly. According to this resolution:

" If not already in session, the General Assembly can meet in special emergency session within twenty-four hours if so requested by a majority of the United Nations Members or by the affirmative vote of any seven Members of the Security Council.

If the Security Council, due to a lack of unanimity of the permanent Members, fails to exercise its primary responsibility in any case where there appears to be a threat to peace, breach of the peace, or an act of aggression, the Assembly is to consider the matter immediately. "2

'In essence, the resolution granted to the Assembly, the right to act in place of the Council when that body failed to 'exercise its primary responsibility,' in a case 'where there appears a threat to the peace, breach of the peace, or act of aggression.' 3

Peaceful settlement of dispute, as used by the League and then by the United Nations, has developed into the concept of 'preventive diplomacy' which has emerged from the operating experience of the United Nations.

This concept is associated with the name of late Dag Hammerskjold, as collective security is connected to that of Woodrow Wilson. It is an outcome of the experience of the Second Secretary-General in International Statesmanship and of his theoretical interpretation of the role which he conceived the Organisation should play, in the actual or potential Cold War era.

2. United Nations Yearbook, 1950, p.194.

3. Stephen S. Goodspeed, The Nature and Functions of International Organisation (New York: Oxford University Press, 1967,), pp.227-228.

Hammerskjold, defined the concept of Preventive Diplomacy

" as United Nations intervention in an area of conflict outside of, or marginal to, the sphere dominated by Cold War struggles, designed to forestall the competitive intrusion of the rival Power blocs into that area. He began with the acknowledgement that "it is extremely difficult for the United Nations to exercise an influence on problems which are clearly and definitely within the orbit of present day conflicts between Power blocs." Having thus conceded that the Organisation could not effectively intervene in the central arena of the Cold War, he turned his attention to the periphery, asserting that "the areas which are not committed in the major conflicts are still considerable." These areas, he suggested, provided "the main field of useful activity of the United Nations, in its efforts to prevent conflicts or to solve conflicts."

He described this activity as the filling of vacuums by the United Nations or the localization of conflicts in the no-man's-land of the Cold War, with the relatively uncommitted members of the Organisation serving as its agents for this purpose. By undertaking such activity, he believed, The United Nations might prevent the extension and the exacerbation of the Cold War. Preventive Diplomacy, in short, was conceived by Hammerskjold as an International version of the policy of containment, designed not to restrict the expansion of one bloc or the other, but to restrict the expansion of the zone permeated by bloc conflicts; it was put forward as a means for containment of the Cold War. "4

The Middle Eastern and the Congo crises of 1956 and 1960 were the major elements/

4. Inis L. Claude, Swords Into Plowshares, (London: University of London Press Ltd., 1964), p.286.

elements which inspired Hammerskjold to expound the concept of Preventive Diplomacy. Before that, United Nations activities in other cases of peace-keeping, e.g. United Nations Truce Supervision Organisation (UNTSO) in Palestine, United Nations Military Observers Group in India and Pakistan on Kashmir, the United Nations Special Committee on the Balkans (UNSCOMB) in Greece, were uses of more traditional forms of pacific settlement technique. Although this new approach to peace-keeping known as preventive diplomacy started from the United Nations Suez experience, most of the wording that has been used in describing the functions of the United Nations Emergency Force fits the familiar category of peaceful settlement. Pacific settlement lays emphasis upon the problem of discouraging resort to war as a means of solving disputes. Its main technique is to impose delay, to institute a "cooling off" period so that tempers may subside and temperate judgement may prevail. As Leonard Woolf put it, one of the reasons for the peace-keeping utility of an international conference is that

" it prevents excitement by being so intolerably dull. When a score of diplomatic gentlemen have been sitting around a green baize table discussing an international question for a fortnight, they have killed all interest in that question for at least a year. "⁵

Pakistan's role in Peace-Keeping:

Pakistan, from the date of its membership, had actively participated in peace-keeping activities of the United Nations. Pakistan was elected a Member of the United Nations Special Committee on the Balkans in 1947 and worked until it was dissolved in 1954 at the request of the Greek Government. This was the maiden United Nations experience in the field of/

5. International Government, p.134, quoted in Claude, Op.cit., p.201.

of keeping peace and the Special Committee discharged its function quite successfully.

Pakistan was also elected a Member of the Peace Observation Commission, which was established in 1950 under the 'Uniting for Peace' resolution. Pakistan contributed personnel to the United Nations Force in the Congo (ONUC) and was elected a Member of the Conciliation Commission.

In West Irian, in 1962, Pakistan supplied the entire bulk of United Nations Force, which completed its mission successfully.

Suez:

On 26th July 1956, President Nasser of Egypt proclaimed the nationalisation of the Suez Canal Company and placed in the hands of an Egyptian operating authority management of the Canal traffic, which, in 1955, amounted to some 14,000 ships with a net tonnage of some 107 million tons. The decree provided for compensation on the basis of the market value of the shares on 25 July upon receipt of all the assets and property of the Canal Company. Nasser gave the assurance that nationalisation of the Canal would not affect the international commitments of Egypt with regard to the Canal and the freedom of navigation in it. President Nasser's announcement for nationalisation came after the United States and the United Kingdom, on 20 July 1956, had withdrawn offer of help in financing the construction of the Aswan High Dam. He declared then that the revenue from the Canal would be used for building the Aswan Dam.

After the nationalisation of the Canal, France, the United Kingdom and the United States agreed, in talks at London between 29 July and 2nd August 1956, that the Egyptian action threatened "the freedom and security of the Canal as guaranteed by the Convention of 1888", and the United Kingdom issued invitations to a Conference in London of parties to the 1888 Convention⁶ and of other nations largely concerned with the use of the Canal. The purpose of the Conference was to consider steps to establish operating arrangements, consistent with legitimate Egyptian interests, under an International system designed to assure operation of the Canal as guaranteed by the Convention.

Meanwhile, Egypt had seized the Canal, its installations and all property of/
 of/

6. The Members of Constantinople Convention of 1888 were Egypt, France, Italy, the Netherlands, Spain, Turkey, The United Kingdom and the Soviet Union.

of the Canal Company in Egypt. France and the United Kingdom countered by refusing to pay tolls to the new Egyptian authority. Together with the United States, they blocked all Egyptian accounts, including those of the Canal Company.

Egypt refused to attend the London Conference, stating that it had been convened without consulting Egypt to discuss the future of an integral part of that nation's territory. Egypt proposed instead a conference of the 45 users of the Canal to reconsider the Constantinople Convention of 1888 and to confirm and guarantee freedom of navigation through the Canal.

Twenty-two powers attended the Conference.⁷ While commenting on the possible success of the Conference, The Economist declared, "a blessing to count as the Conference began was that there was no diametrical opposition between Asia and the West on the Suez issue. The five "Bandoeng States" - Japan, Turkey, Iran, Pakistan and Ethiopia - had decided to give the Big Three's projects the benefit of the doubt and to come to London. Further, although over twenty Asian and Soviet bloc states (plus Yugoslavia and Panama) had accepted President Nasser's plan for a different kind of Conference, one of them - India - was doing diplomatic overtime in Cairo to make sure that negotiations between East and West shall not become impossible."⁸

As regards Pakistan's position with respect to the nationalization of the Canal by Egypt, its view from the beginning was that Egypt was within its rights in nationalising the Company.

At the London Suez Conference, which was held between 16 and 24 August, 1956, /

7. The 22 States were Australia, Ceylon, Denmark, Ethiopia, France, German Federal Republic, Iran, Italy, Japan, The Netherlands, New Zealand, Norway, Pakistan, Portugal, Sweden, Turkey, The United Kingdom, The United States, the U.S.S.R., Spain, Indonesia and India.

8. The Economist (London), 22 September 1956, p.944.

1956, Pakistan's Foreign Minister introduced a number of amendments to the draft resolution submitted by Mr. John Foster Dulles, which were accepted. By these amendments -- which emphasised the sovereign rights of Egypt, Pakistan sought to make the terms of the resolution acceptable to Egypt. Seventeen⁹ of the 22 powers who attended agreed on proposals to be presented to Egypt. The proposals adopted at the Conference were known as "The Pakistan Plan".

This proposed a definite system to guarantee at all times and for all powers free use of the Canal, with due regard to the sovereign rights of Egypt. The system was to assure: efficient operation and development of the Canal, and a free, open and secure international waterway; insulation of that operation from the politics of any nation; an equitable financial return to Egypt, increasing as the Canal was enlarged and used by more shipping; and Canal dues as low as was consistent with the above provisions. To achieve these results, a Suez Canal Board was to operate, maintain and develop the Canal, the Board to include Egypt and to make periodic reports to the United Nations. There would be an Arbitral Commission to settle disputes and effective sanctions which would treat any use or threat of force to interfere with the operating of the Canal as a threat to peace and violation of the Charter.

At the Conference, India offered a compromise solution between the position of the majority and that of exclusive control and management of the operation and the development of the Canal by Egypt. It proposed a consultative body which/

9. The 17 States were Australia, Denmark, Ethiopia, France, German Federal Republic, Iran, Italy, Japan, Netherlands, New Zealand, Norway, Pakistan, Portugal, Sweden, Turkey, The United Kingdom, and The United States. Spain agreed that the United States proposal, as amended, should be put to Egypt, but requested that if agreement were not reached, recourse should be had to a Spanish proposal for international participation in an Egyptian body administering the Canal.

which would advise Egypt in accordance with the interests of the users of the Canal and would maintain contacts with the United Nations. This proposal was not accepted by the Conference; only Ceylon, Indonesia and the U.S.S.R. supported it.

The 18-power plan was presented to the Egyptian Government in Cairo on 3 September 1956, by a five-nation Committee headed by the Prime Minister of Australia. On 9 September the Committee reported rejection of the Plan by the Government of Egypt, which, it stated, resisted any control or management of the operation and development of the Canal by anybody other than itself. In a memorandum of 10 September, Egypt stated that the essence of the proposal was the establishment of International, in place of Egyptian, control over the Canal and stipulations for sanctions. Egypt proposed instead the establishment of a negotiating body representative of the different user views to seek solutions for questions relating to freedom of navigation of the Canal, its development and equitable tolls. This proposal of Egypt had been accepted by 21 States. After the rejection of the Western proposal by Egypt, there was some talk, in Western circles to use force to bring the Canal under International control. Pakistan's view on this was expressed in a statement by the Foreign Minister, who declared that Pakistan would "not associate itself in any way whatsoever with the use of force."¹⁰

As regards the proposed Users Association, the Pakistani Foreign Minister, before his departure for London to attend the Second Conference, declared:

"If the Canal User's Association have any intention of enforcing their will, that in our view, would be against the United Nations Charter, and we, as United Nations Member, are pledged to resolve our disputes peacefully. "¹¹

10. Pakistan Times (Lahore) 17 September, 1956.

11. Pakistan Times, 19 September, 1956.

The Second London Conference, held between 19 and 21 September, considered the Egyptian proposal but rejected it as too imprecise to afford a useful basis for discussion. The Conference provided for an independent authority i.e. the Suez Canal Users Association; fifteen of the eighteen conferring nations became members of this Association. Pakistan did not become a member. The Association was designed to assist its members in the exercise of their rights as users of the Canal in consonance with the 1888 Convention with due regard for the right of Egypt. This was again rejected by President Nasser. As regards the Canal Users Association, Pakistan opposed its formation. Speaking in the Conference the Pakistani Foreign Minister declared that the formation (of the User's Association) might lead to an incident leading to the use of force, in spite of the desire of the Sponsoring Powers to avoid it. "Even if that were not to come to pass, the people of Pakistan, as indeed people throughout Asia and the Middle East, rightly or wrongly, believe that it might. They also believe that the present proposal means an imposed settlement, to which we have declared our opposition all along". He therefore suggested that the User's Association plan should be dropped, and that instead, the User nations, acting as a body, should initiate direct negotiations with Egypt. Should the Egyptians refuse to negotiate the matter should be taken to the Security Council.¹²

After these negotiations outside the framework of the United Nations had failed to produce a solution, the parties brought the problem before the United Nations. The Security Council discussed the question in a series of meetings but could not reach any conclusion.

Israel, which was hard hit by Nasser's refusal to pass the Israeli bound ship through the Canal, made use of the tense situation - of course with the/

12. Commonwealth Survey, Vol.2., No.20., 2 October, 1956, p.802.

the connivance of Britain and France - and invaded the Sinai Peninsula of Egypt on 29 October, 1956. The United States asked for an immediate meeting of the Security Council to consider "steps for the immediate cessation of the military action of Israel in Egypt". The Council met on 30 October to consider the situation. The United States introduced a draft resolution by which the Council would: call for an immediate Israeli withdrawal behind the established Armistice Lines; call upon all Members to refrain from the use of force or threat of force in the area, to assist the United Nations in ensuring the integrity of the Armistice Agreements and to refrain from giving any military, economic or financial assistance to Israel so long as it had not complied with the resolution; and request the Secretary-General to keep the Council informed on compliance with the resolution and to make recommendations for the maintenance of International peace and security in the area. A suggestion for the addition of another paragraph, whereby the Council would call upon "Israel and Egypt immediately to cease fire" was accepted by the United States. The amended United States draft resolution received 7 votes in favour to 2 against (United Kingdom and France) with 2 abstentions. It was not adopted because of the British and French veto.

The representative of the United Kingdom informed the Council that the British and French Governments had that afternoon addressed urgent communications to Egypt and Israel, to stop all war-like action by land, sea and air forthwith and to withdraw their military forces to a distance of 10 miles from the Canal. They had also asked the Egyptian Government to agree that Anglo-French forces should move temporarily into key positions at Port Said, Ismailia and Suez. If, on the expiration of twelve hours, either or both Governments had not undertaken to comply with these requirements, British and French forces would intervene in whatever strength might be/

be necessary to secure compliance. This, in fact, was an ultimatum to Egypt. Because of this ultimatum Egypt asked for an evening meeting of the Security Council. When the Council resumed discussion on 31 October 1956, the Anglo-French forces had already started their air attack on military targets in Egypt.

The reaction in Pakistan to the Anglo-French-Israeli invasion of Egypt was sharp. There were widespread demonstrations in support of Egypt. Hundreds of young men volunteered themselves to fight arm-in-arm with the Egyptians against the aggressor. In a statement issued on 3 November, the Pakistan Prime Minister, Mr. Suhrawardy, said "that his Government 'unreservedly condemn' the violation by the United Kingdom and France of the sovereignty and territory of Egypt, a Muslim country towards which Pakistan has always entertained fraternal feelings."¹³

In the Security Council, the representative of Yugoslavia submitted a draft resolution whereby the Security Council, taking into account that the lack of unanimity of its permanent members had prevented it from exercising its primary responsibility for the maintenance of International peace and security, would call an emergency special session of the General Assembly, as provided in the Assembly's "Uniting for Peace" resolution 377(V), in order to make appropriate recommendations. The Yugoslav draft resolution was adopted by 7 votes to 2, with 2 abstentions.

The first emergency special session of the Assembly, met on 1st November, 1956 and adopted the agenda by 62 votes to 2, with 7 abstentions. The United States introduced a draft resolution by which the Assembly would: urge, as a matter of priority, that all parties involved in hostilities in the/

13. Commonwealth Survey, Vol.2., No.23, 13 November, 1956, p.963.

the area should agree to an immediate cease-fire and, as part thereof, halt the movement of military forces and arms into the area; urge the parties to the Armistice Agreements promptly to withdraw all forces behind the Armistice Line, to desist from raids across the Armistice Line into neighbouring territory; and to observe scrupulously the provisions of the Armistice Agreements; recommend that all Member States should refrain from introducing military goods in the area of hostilities and, in general, refrain from any acts which would delay or prevent the implementation of the present resolution; (a) urge that, upon the cease-fire being effective, steps should be taken to reopen the Suez Canal and restore secure freedom of navigation; (b) request the Secretary-General to observe and report promptly on compliance with the resolution to the Security Council and to the General Assembly, for such further action as they might deem appropriate in accordance with the Charter.

The United States draft resolution was adopted by a roll-call vote of 64 to 5, with 6 abstentions.¹⁴

In pursuance of paragraph 5 of this resolution, the Secretary-General reported, on 3 November, that the Egyptian Government had accepted the resolution stating that it could not implement the resolution in case attacking armies continued their aggression. He reported further, that the Governments of France and the United Kingdom continued to maintain their view that police action must be carried through urgently to stop the hostilities which were now threatening the Suez Canal, to prevent a resumption of those hostilities and to pave the way for a definitive settlement of the Arab-Israeli war which threatened the legitimate interests of so many countries. They would stop military action provided that, among other things, the Egyptian and the Israeli Governments agreed to accept a United/

14. G.A.O.R., First Emergency Special Session, 662nd Plenary Meeting, 2 November, 1956, as Resolution 997 (ES-1). The opposing votes were of Australia, France, Israel, New Zealand, and the United Kingdom. Belgium, Canada, Laos, Netherlands, Portugal and the Union of South Africa abstained.

United Nations force to keep the peace, the force to be established and maintained until an Arab-Israeli peace settlement was reached and satisfactory arrangements agreed upon in regard to the Suez Canal, both agreements to be guaranteed by the United Nations. The Secretary-General, reported further that the Gaza strip and the Red Sea Islands of Tiran and Sinafir had been occupied by Israeli military forces and that air operations over Egyptian territory had continued without interruption.

India, jointly with 18 other African and Asian countries, including Pakistan, submitted a draft resolution according to which the General Assembly, noting with regret that not all the parties concerned had yet agreed to comply with Resolution 997(ES-1), would: (1) reaffirm that resolution and once again call upon the parties immediately to comply with its provisions; (2) authorise the Secretary-General immediately to arrange with the parties concerned for the implementation of the cease-fire and the halting of the movement of the military forces and arms into the area and request him to report compliance, not later than twelve hours from the time of adoption of the resolution; (3) request the Secretary-General, with the assistance of the Chief of Staff and the members of UNTSO, to obtain compliance of the withdrawal of all forces behind the Armistice Lines.

Canada also submitted a draft resolution, by which, as amended, the Assembly bearing in mind the urgent necessity of facilitating compliance with resolution 997(ES-1), would request the Secretary-General to submit within 48 hours a plan for the setting up, with the consent of the nations concerned, of an emergency international United Nations force to secure and supervise the cessation of hostilities in accordance with all the terms of that resolution.

The Canadian and the 19-power draft resolutions were put to vote in the early/

early morning of 4 November. The Canadian draft resolution was adopted by 57 votes to 0, with 19 abstentions, as resolution 998(ES-1). The 19-power draft resolution was adopted by 59 votes to 5, with 12 abstentions. Pakistan strongly supported the resolutions.

On 4 November, the Secretary-General reporting on implementations of the resolutions stated that only Egypt had accepted the cease-fire resolution of 4 November. He also reported about the information from the Chief of Staff of UNTSO, that the Israeli Foreign Ministry had informed him on 4 Nov. that the General Armistice Agreement no longer had validity and that he had been asked to order UNTSO personnel out of the Gaza area.

The Secretary-General also submitted the first report on the plan for an emergency international United Nations force. He reported his conclusion that without waiting for his final report, the Assembly should decide that a United Nations Command for "an emergency international force to secure and supervise the cessation of hostilities in accordance with all the terms" of its resolution 997(ES-1) of 2 November 1956 should be established; that the Assembly should further appoint, on an emergency basis, Major-General Burns, at present Chief of Staff of UNTSO, to be Chief of Staff of the new command; that General Burns in that capacity should be authorised immediately to organise the necessary staff of officers from the observer corps of UNTSO and in consultation with the Secretary-General, from various Member States, drawn from countries, which were not permanent members of the Security Council.

A draft resolution was submitted the same day by Canada, Colombia and Norway, whereby the General Assembly would note with satisfaction the first report of the Secretary-General and establish a United Nations Command for an emergency International Force to secure and supervise the cessation of hostilities/

hostilities in accordance with all the terms of resolution 997(ES-1), of 2 November, and authorise immediate recruitment of Officers by General Burns, who was appointed Commander. The draft resolution was adopted on 5 November, by 57 votes to 0, with 19 abstentions as resolution 1000 (ES-1). Pakistan voted for the resolution.

On 5 November 1956, the Security Council met at Soviet request to discuss Soviet draft resolution calling for armed action by United Nations Members, under Article 42 of the Charter, to curb the aggressors in Egypt. The Council rejected by 3 votes in favour to 4 against, with 4 abstentions, the inclusion of the item in the agenda.

In a communication to the Secretary-General on 5 November, Israel informed him that it agreed unconditionally to a cease-fire and that since morning all fighting had ceased between Israel and Egyptian forces.

The United Kingdom, in a note to the Secretary-General, also announced that Anglo-French forces would observe a cease-fire in Egypt from midnight 6th-7th November, 1956.

The Secretary-General submitted his plan for the emergency force on 7th November. The General Assembly discussed and adopted a 7-power resolution for immediate implementation of the Secretary General's report on the United Nations force and setting up a 7-power advisory committee consisting of Brazil, Canada, Ceylon, Colombia, India, Norway and Pakistan to assist the Secretary-General.

Another draft resolution (A/3309) was introduced by Ceylon on behalf of 19 Afro-Asian States including Pakistan, by which the Assembly would re-affirm its resolutions of 2nd, 4th and 5th November; call upon Israel, the /

the United Kingdom and France to withdraw their forces from Egyptian territory and request the Secretary-General promptly to report on compliance with the resolution. It was adopted by 65 votes to 1, with 10 abstentions.

On 10 November, 1956, a United States draft resolution for placing on the agenda of the 11th Regular Session of the agenda of the Emergency Special Session was adopted by a vote of 66 to 0, with 2 abstentions.

In the 11th Regular Session of the General Assembly, on 23 November 1956, 20 Asian-African States, including Pakistan, submitted a draft resolution, by which the Assembly would: (1) note with grave concern that its repeated resolutions calling for withdrawal had not been complied with; and (2) reiterate its call for compliance forthwith. This was adopted by the Assembly, as revised, by 63 votes to 5, with 10 abstentions, as Resolution 1120 (XI).

The representative of Pakistan, speaking in the Assembly, said:

" For the last few years a feeling of disillusionment had been growing amongst the smaller nations of the world regarding the United Nations. They had begun to feel that this Organisation, that came into being with such high hopes and such faith, born out of bitter suffering and great trial, was after all nothing better than holy alliances for the unholy purposes of the past and that it was almost futile to hope that justice regardless of power politics, could be had at the hands of the United Nations; but, by taking at least bold and prompt action in this case of Israel and British-French aggression, the United Nations has redeemed itself. It has restored the faith of the small peoples of the world in its integrity. "15

15. G.A.O.R., 11th Session, 592nd Plenary Meeting, 23 November, 1956, p.270.

As regards the Emergency Force, all important decisions were taken by the Secretary-General with the approval of the Advisory Committee.

In direct response to resolution 1001(ES-1), Pakistan was one of those 24 States which offered to participate in the Force. But the Secretary-General finally asked for units from Brazil, Canada, Colombia, Denmark, Finland, India, Indonesia, Norway, Sweden and Yugoslavia.

Pakistan also voted for a 6-power draft resolution (A/3386) sponsored by Canada and others by which the Assembly approved the aide memoire¹⁶ for the presence and functioning of the UNEF and clearing the Suez Canal.

Another draft resolution submitted by 16-powers asking the General Assembly to authorise the Secretary-General to establish a UNEF special account and other financial matters concerning the force was adopted by the Assembly by 52 votes to 9, with 13 abstentions.¹⁶ The Soviet bloc opposed it. Pakistan supported it.

On January 15, 1957, the Secretary-General reported Israel's failure to withdraw. Twenty-five powers, including Pakistan, submitted a draft resolution, 'noting with regret and concern' the failure of Israel to comply with the Assembly's resolutions 997, 998, 999, 1002 and 1120 (ES-1). The resolution further requested the Secretary-General to continue his efforts for securing withdrawal and to report on such completion to the Assembly within five days. This was adopted by 74 votes to 2, with 2 abstentions.¹⁷

Pakistan also voted in support of another resolution, sponsored by the United States and six other States, which deplored the non-compliance of Israel, asked to complete its withdrawal behind the Armistice Lines. This was/

16. G.A.O.R., 11th Session, 596th Plenary Meeting, 25 November 1956, as Resolution 1122(XI).

17. G.A.O.R., 11th Session, 642nd Plenary Meeting, 19 January, 1957, as Resolution 1123(XI).

was adopted, by the General Assembly by 72 votes to 2, with 2 abstentions, as Resolution 1124(XI).

Another 7-power resolution by which the Assembly sought the scrupulous maintenance of the Armistice Agreement by Egypt and Israel and the placing of UNEF on the Israeli-Egyptian Armistice demarcation line, was adopted by 56 votes to 0, with 22 abstentions, on 2 February, 1957, as Resolution 1125(XI).

The United Nations Emergency Force entered the Gaza Strip on midnight 6th-7th March, 1957, and into the Sharm el Sheikh area on 8 March after the withdrawal of Israeli troops.

The clearance operation of the Canal was completed by mid-April 1957. The United Nations was finally successful in bringing the situation back to the status quo as it was before 29 October 1956.

The cease-fire in the Suez Crisis, was one of the most important achievements of the United Nations in its entire history. The most astonishing feature of the episode was that the United States had come out against its principal allies Britain and France and its protégé Israel, as an impartial champion of peace.

Of course, the fear of Soviet intervention was an important factor in the cessation of hostilities and for the later developments, as the Economist had pointed out, "The decisive new development to halt the Anglo-French adventure in the Middle East in reality, was Mr. Bulganin's threat to intervene with force, a threat which it was possible neither to accept with a good grace nor to ignore with safety." ¹⁸

18. The Economist, (London), 10 November, 1956, p.484.

But the compelling force of public opinion, which was asserted through the United Nations and which brought about the cessation of hostilities and the withdrawal of the invading forces from Egyptian territory, could not be ignored. The close co-operation of the two world giants, the United States and the Soviet Union which is very rare in United Nations history, was also a major factor in the implementation of the United Nations decisions.

Pakistan had actively participated in United Nations activity in its handling of the Suez Crisis, by supporting and co-sponsoring resolutions and through the Advisory Committee, to the Secretary-General, of which Pakistan was elected a Member.

Pakistan's policy on this question, had been affected by the Afro-Asian influence as Pakistan, with other Afro-Asian States co-sponsored resolutions for the cessation of hostilities and for the withdrawal of invading forces. It is important to mention that Pakistan's condemnation of the aggressors had not simply been influenced by its Afro-Asian solidarity. This, in fact, had been motivated by objective consideration of its policy on Kashmir. Since, Pakistan had declared India an aggressor in Kashmir, it had always condemned aggression. This had been the underlying principle when in 1950, Pakistan condemned North Korean aggression. Commenting on the Korean situation, Dawn - which generally represents Government's view - in an editorial, remarked:

" If, however, this war goes on, peace-loving nations such as Pakistan will have no alternative but to tread the painful path of duty which their conscience dictates and their abhorrence of aggression in any shape or form, in any part of the world, naturally prompts them to follow. Pakistan has been the victim of aggression herself and is still seeking a peaceful colution of the Kashmir dispute through the intervention of the /

the United Nations. "

The Paper added that Pakistan:

" can do no less than give at the United Nations call, her moral and material support, within her means, to any other country which may be the victim of similar aggression. "19

This view has also been confirmed in the case of Suez, for Pakistan offered armed units for the United Nations Emergency Force.

Pakistan's support for Egypt on the Suez issue had also been influenced by its Muslim feelings, as expressed by Pakistan's Prime Minister, 'that his Government 'unreservedly condemn' the violation by the United Kingdom and France of the sovereignty and territory of Egypt, 'a Muslim country towards which Pakistan has always entertained fraternal feeling.'

Pakistan offered its total support to Egypt, including armed aid, although the offer, however, "was rejected by Cairo on the grounds that Pakistan's treaty relations with the Western powers made it an unwelcome friend."20

'Alliance Politics' had not affected Pakistan's position on the issue of Suez, as Pakistan openly condemned the Anglo-French aggression in Egypt. The United States, the most important alliance partner from Pakistan's point of view, was itself leading the United Nations peace crusade against Britain and France. Pakistan, on the other hand, put pressure jointly with other Muslim/

19. Dawn (Karachi), 22 July, 1950.

20. Donald N. Wilber, Pakistan, (New York: Holt, Rinehart and Winston, Inc., 1964), p.232.

Muslim Members of the Baghdad Pact, on Britain to accept the cease-fire, which was acknowledged by the British Government in the following statement:

" Her Majesty's Government are also most appreciative of the initiative of the Governments of Iraq, Iran, Pakistan and Turkey. The views offered both individually and collectively by these Governments have weighed heavily in the decision to bring an end to military action in Egypt. "21

The fear of India had not affected Pakistan's policy on the question of Suez. Suez being a colonial issue for the Afro-Asians, India and Pakistan mostly followed a similar policy. But comparing in general, whereas India adopted an attitude more favourable to Egypt, Pakistan had maintained its position of impartiality - that is to support the just cause - on the issue of Suez and had sought a just solution of the problem under the United Nations.

21. This statement was made by the United Kingdom Foreign Office on 8 November 1956. Commonwealth Survey, Vol.2., No.23., 13 November 1956, p.964.

Hungary:

The Suez Crisis and the Hungarian Crisis were going on simultaneously in 1956. It is instructive to consider Hungary briefly and to see the similarities and differences, if any, in Pakistan's policy, Suez being a colonial issue and Hungary being a Cold War issue.

On 24 October, 1956, fighting broke out in Budapest and during that and the following days there were frequent clashes between what were at that stage officially described as "counter-revolutionary gangs" and the Hungarian Government and Soviet Forces."²² On the same day, at an emergency meeting of the Central Committee of the Communist Party of Czechoslovakia, Mr. Imre Nagy, who had been dismissed in April 1955, after having been condemned for "rightist deviations", was asked to resume office as Prime Minister.

On 26 October, it had become clear that the rising was widespread throughout the country. There were reported to have been several hundred casualties in Parliament Square, Budapest, when Soviet tanks fired at an Unarmed Crowd.

The Governments of the United States, United Kingdom and France, requested a meeting of the Security Council under Article 34 of the United Nations Charter.²³ The letter from three Governments to the President of the Security Council cited the Hungarian Peace Treaty of 1947, of which they and the Soviet Government were signatories, and which contained provisions for the maintenance of human rights and fundamental freedom in Hungary.

The/

22. At that time, two Soviet Army divisions and two Soviet Air Force divisions were stationed in Hungary.

23. Article 34 of the United Nations Charter provides that the Security Council may investigate any dispute, or any situation which might lead to International friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of International peace and security.

The Security Council met on 28 October 1956 to consider the situation by "the action of foreign military forces in Hungary in violently repressing the rights of the Hungarian people". The agenda was adopted by 9 votes to 1 (U.S.S.R.) with 1 abstention (Yugoslavia). A Soviet proposal to defer the consideration of the question for a few days was defeated by the same majority.

On 4 November, the Security Council voted on a resolution calling on the Soviet Union to withdraw all its forces without delay from Hungarian territory. This was vetoed by the Soviet Union. A further resolution, calling for an emergency special session of the General Assembly, under the 'Uniting for Peace' resolution was passed by 10 votes to 1 (U.S.S.R.); since this resolution was procedural, the veto did not operate.

The Assembly took the matter up later the same day. The U.S.S.R. representative opposed the inclusion of the item 'The situation in Hungary' in the Agenda, on the grounds of Article 2(7) of the Charter, considering it a matter of domestic jurisdiction. He declared :

" By trying, in contravention of the Charter, to involve the General Assembly in a discussion of the situation in Hungary, the United Kingdom and France, together with the United States, are attempting to gain time and to enable the British-French forces to settle account with the Egyptian people. "24

The United States submitted a draft resolution by which the Assembly would: Condemn 'the use of Soviet Military Forces to suppress the efforts of the Hungarian people to reassert their rights'; and (1) would call on the U.S.S.R. to desist forthwith from armed attack on the peoples of Hungary and/

24. G.A.O.R., 2nd Emergency Special Session, 564th Plenary Meeting, 4 November, 1956, p.2.

and from any form of intervention; (2) request the Secretary-General to investigate the situation caused by foreign intervention in Hungary, to observe it, 'through representatives named by him' and to report to the Assembly; (3) call on the Hungarian and Soviet Governments to allow United Nations observers to enter Hungary and to travel freely. The draft resolution was adopted by 50 votes to 8, with 15 abstentions.²⁵ Pakistan voted in favour of the resolution.

The Pakistan Prime Minister appealed to the Soviet Government, on 5 November, to desist from using force and to let the people of Hungary decide for themselves, without coercion, the form of government they wished to establish in their country.²⁶

On 9th November, 1956, three resolutions on Hungary were adopted by the emergency special session of the General Assembly. The first, submitted by Cuba, Ireland, Italy, Pakistan and Peru, was adopted by 48 votes to 11 (the Soviet bloc, India and Yugoslavia), with 16 abstentions (Afghanistan, Austria, Burma, Cambodia, Ceylon, Egypt, Finland, Haiti, Indonesia, Jordan, Lebanon, Libya, Nepal, Saudi Arabia, Syria and Yemen). In this resolution the Assembly noted 'with deep concern' that the provisions of the resolution of 4th November had not yet been carried out, and that the violent repression by the Soviet Forces on Hungarian efforts to achieve freedom and independence continued; again called on the Soviet Government to withdraw its Forces from Hungary without delay; and expressed the view that free election should be held in Hungary under United Nations auspices. The representative of Pakistan, while speaking in support of the resolution, said that 'his country/

25. Resolution 1004(ES-11), 4 November, 1956, (Assembly document A/3286). The votes against were those of the Soviet bloc States except Hungary which did not participate in voting. The abstaining States were Afghanistan, Burma, Ceylon, Egypt, Finland, India, Indonesia, Iraq, Jordan, Libya, Nepal, Saudi Arabia, Syria, Yemen and Yugoslavia.

26. Commonwealth Survey, Vol.2., No.24., 27 November, 1956, p.1025.

country had not joined in sponsoring the draft resolution to oblige its friends or to spite others, but out of respect for certain principles which were more sacred than any earthly friendship or animosities, the principles enshrined in the United Nations Charter and affirmed in the Bandung declaration.²⁷

The second resolution adopted by the Assembly by a vote of 68 to 0, with 7 abstentions, was submitted by Austria, called for relief measures. Pakistan voted in favour.

The third resolution submitted by the United States was adopted by 53 votes to 9 (the Soviet bloc), with 13 abstentions. By this, the Assembly called on the U.S.S.R. to cease interference in the relief work; and called on the United Nations High Commission for refugees to make emergency assistance arrangements for the refugees who were leaving Hungary.

Pakistan voted in favour of the resolution. India, not only abstained, on the American draft resolution, but also, through an amendment, co-sponsored with Indonesia and Ceylon, sought to modify the American draft resolution in such a way as to remove from it all words attaching blame on the Soviet Union, with respect to the situation in Hungary. Mr. Krishna Menon of India told the Assembly that Soviet troops would be withdrawn from Budapest as soon as order was restored.

Commenting on this, the representative of Cuba said, 'he was surprised to find that the representative of India should so enthusiastically defend the Soviet Union's part in Hungary.'²⁸ He took a grave view of the thesis expounded/

27. G.A.O.R., 2nd Emergency Special Session, 570th Plenary Meeting, 9th November, 1956, p.48.

28. Ibid.

expounded by India that what the Soviet Union had done in Hungary was legal and proper and "that the United Nations must not react when confronted with an invasion launched by a Member State which by force, violence and the use of its army, imposes a Government which does not reflect the wishes of the population."²⁹

On 12 November 1956, the Secretary-General set up two groups, one for 'investigation' and one for 'observation' as envisaged in the Assembly's resolution of 4 November, and on the following day he asked the Hungarian Government to reconsider its view about United Nations observers. This brought no result, despite further exchanges in which an offer by the Secretary-General to go to Budapest was countered by a Hungarian suggestion for a meeting with him in Rome.

On 21 November, 1956, the General Assembly at its 11th regular Session, adopted three further resolutions on the situation in Hungary. The first resolution proposed by Cuba and amended by El Salvador, was adopted by 55 votes to 10 (the Soviet bloc and Yugoslavia), with 14 abstentions (Afghanistan, Finland, India, Indonesia, and the Arab States). In this resolution, the Assembly, 'having received information that the Soviet army of occupation in Hungary is forcibly deporting Hungarian men, women and children from their homes to places outside Hungary', recalled the provisions of the United Nations Charter, the Genocide Convention and the Peace Treaty with Hungary, renewed its call for the prompt withdrawal of Soviet forces and the dispatch of United Nations observers to Hungary, and urged the Soviet and Hungarian authorities to cease the deportations and return those already deported.

In the second resolution, submitted by Ceylon, India and Indonesia, and adopted by 57 votes to 8 (Soviet bloc except Poland), with 14 abstentions, (the/

29. Ibid, pp.72, 73.

the Assembly noted that some States had affirmed, and others had denied that deportation had taken place, and urged Hungary to admit United Nations observers as requested by the Secretary-General.

The Third resolution, sponsored by Argentina, Belgium, Denmark and the United States was adopted by 69 votes to 2 (Hungary and Romania), with 8 abstentions (the rest of the Soviet bloc and Sudan). This dealt with aid for the refugees, and requested the Secretary-General and the United Nations High Commission for Refugees to make immediate appeals to Governments and non-governmental agencies. Pakistan supported the three resolutions.

On 30 November the Secretary-General reported to the General Assembly that he had 'no information concerning steps taken in order to establish compliance with the decisions of the General Assembly which refer to a withdrawal of troops or related political matters'.³⁰ The Secretary-General also stated that no permission had been given by the Hungarian Government for observers to enter Hungary.

On 3 December, the General Assembly continued discussions of the question. It had before it a draft resolution submitted jointly by Argentina, Australia, Belgium, Cuba, Denmark, El Salvador, Ireland, Italy, The Netherlands, Norway, Pakistan, Sweden, Thailand and the United States. By this the Assembly would: reiterate its call to the U.S.S.R. Government and the Hungarian authorities to comply with its resolutions and to permit United Nations observers to enter Hungary to report on the situation; request the U.S.S.R. Government and the Hungarian authorities to communicate not later than 7 December their consent to receive those observers; recommend/

30. G.A.O.R., 11th Session, Annexes : Agenda item 67, p.13.

recommend that in the meantime the Secretary-General arrange for the despatch of observers to Hungary; and request all Members to assist and co-operate with the Secretary-General's representatives.

Speaking in support of it, the representative of Pakistan said:

" In co-sponsoring this draft resolution, our delegation had been motivated by one desire alone, namely to establish the authority of the United Nations. We feel that this Organisation, by allowing its decisions to be flouted or ignored with equanimity in the past, has reached a stage when its own effective existence is in jeopardy. Its efficacy in the future depends on the manner in which it can handle the questions that are now engaging our attention. "³¹

The draft resolution was adopted by 54 votes to 10 (the Soviet bloc and Yugoslavia), with 14 abstentions (Afghanistan, Burma, Ceylon, Egypt, Finland, India, Indonesia, Jordan, Morocco, Saudi Arabia, Sudan, Syria, Tunisia and Yemen).

The United Nations General Assembly adopted, on 12 December, another resolution on the situation in Hungary. The joint amendments, submitted by Ceylon, India and Indonesia were rejected. The voting on the resolution which was sponsored by 20 countries including Pakistan, was 55 in favour to 8 against (the Soviet bloc), with 13 abstentions including India, as resolution 1131(XI).

After a report by the Secretary-General on 5 January 1957, the General Assembly again discussed the Hungarian question on 9th and 10th January. A draft resolution submitted by 24-powers including Pakistan, asked for the establishment of a Special Committee, composed of representatives of Australia /

31. G.A.O.R., 11th Session, 606th Plenary Meeting, 4 December, 1956, p.492.

Australia, Ceylon, Denmark, Tunisia, and Uruguay, to report to the Assembly after investigation and observation in Hungary, call upon the Governments of U.S.S.R. and Hungary to co-operate with the Special Committee; request Member States to assist the Committee; and request the Secretary-General to continue to take initiatives which he deemed helpful in relation to the Hungarian problem. This was adopted by a vote of 59 to 8, with 10 abstentions, on 10 January 1957 as resolution 1132 (XI). On 11th January, the Hungarian Government in a note verbale to the Secretary General, protested most strongly against the 24-power resolution declaring that it represented an unexpected gross interference into Hungarian domestic affairs. The note concluded that no Committee of any kind had the right to conduct investigation into the so-called Hungarian question. It demanded that the question be deleted from the agenda of the Assembly.

A comparison of the Suez and the Hungarian question presents an interesting contrast of policies followed by some of the United Nations members. It shows how the States follow opposite policies which suit their national interests even on identical questions. The best examples which can be quoted in the case of Suez and Hungary are those of the Soviet Union and India. The Soviet Union, which had been so vociferous in condemning imperialist aggression against Egypt, was now caught in a similar position. The United States, which had offended its principal allies (Britain and France) and its protégé Israel for the aggressive action in Suez, led them and others in Soviet condemnation on Hungary. The United States delegate Henry Cabot Lodge, speaking on including the Hungarian question in the agenda said:

" After several days of ominous reports, the situation in Hungary has become all too clear. What is revealed is the sickening picture of duplicity and double-dealing. While this wholesale/

wholesale brutality by the Soviet Government was being perpetrated, the Soviet representative here in this hall was praising peace and non-aggression and raising his hands in horror against bloodshed in the Middle East. "³²

The position of India had been somewhat similar; it had been a champion for the cause of Egypt and in condemning the aggressor but in the case of Hungary it either voted against or abstained on the resolutions which branded the Soviet Union as an aggressor. Pandit Nehru, the preacher of peace and non-alignment never uttered a word which could have displeased the Soviet Union. In a statement in Delhi on 14 November, 1956, the only thing he mentioned was that "Soviet forces should be withdrawn from Hungary speedily, and the Hungarian people (be) left free to decide their own future."³³

Ross N. Berkes has explained this paradox in Nehru's attitude when he stated :

" India's reaction to the Anglo-French intervention in the Suez, which so unfortunately occurred at the same time, emptied the well of its moral indignation. "

At the same time, he observes, "certainly Nehru's public concern over Hungary was as noticeably tardy as his cry of alarm over Egypt was prompt. "³⁴

India's failure to condemn the Soviet Union as aggressor and its lack of support for the United Nations resolution on Hungary could not be attributed to/

32. G.A.O.R., 2nd Emergency Special Session, 564th Plenary Meeting, 4 November, 1956, p.5.

33. Commonwealth Survey, Vol.2., No.24., 27 November 1956, p.1025.

34. Ross N. Berkes, and M.S. Bedi, The Diplomacy of India, (California: Stanford University Press/London: Oxford University Press, 1958), p.48.

to her non-aligned policy. The real reason for its abstention on the United Nations resolution on Hungary had been to secure her own position, because the resolution asked for free election under the United Nations to which India did not like to consent, since it had opposed similar election in Kashmir. Further, India's unwillingness to condemn the Soviet Union as an aggressor had been motivated by her national interest, because it did not like to displease the Soviet Union, whose support it needed on Kashmir.

As Russel Brines has mentioned:

"During the serious controversy over the Hungarian revolution, India had at first supported the Soviet bloc in opposing United Nations interference, but after November 15, 1956, Nehru had consistently called for the removal of Soviet troops. Other differences developed between Nehru and the Kremlin during the next year. The Soviet leaders sharply reminded Nehru of Kashmir, among other problems on which he sought Soviet support. "³⁵

Brines further states that Soviet Union's decision to avoid the veto on the Security Council's resolution on Kashmir in 1957, "at a decisive moment for India, seemed to be disciplinary"³⁶ action against India's Hungarian policy.

This belief - that India avoided to take a clear cut position on the Hungarian question - had also been confirmed by Michael Brecher, who in his sympathetic interpretation of India's foreign policy, admits: "it is inevitable that Indian foreign policy should be influenced by the struggle for Kashmir". India's objection at the United Nations to the proposal to send/

35. Russel Brines, The Indo-Pakistani Conflict, (London: Pall Mall Press, 1968), pp.152-153.

36. Ibid.

send United Nations Observers to Hungary and for a United Nations controlled election in Hungary was "because of the precedent it would have created for Kashmir."³⁷

On the other hand, Pakistan's position on the questions of Suez and Hungary had been similar. It had condemned the aggressors in both the cases without any consideration for fear or favour. Pakistan's policy had been independent and impartial and in conformity with the provisions of the United Nations Charter. This was declared by the representative of Pakistan in the course of supporting a United Nations resolution on Hungary. He said that:

" his country had not joined in sponsoring the draft resolution to oblige its friends or to spite others, but out of respect for certain principles which were more sacred than any earthly friendship or animosities, the principles enshrined in the United Nations Charter and affirmed in the Bandung declaration. "³⁸

Some observers of Pakistan's foreign policy might attribute Pakistan's outright support on the Hungarian issue to the United States influence; because Pakistan's position seems to be more close to the United States on this question, as compared with other Afro-Asians. This, of course, cannot be negated that in 1956 the relations between Pakistan and the United States were the closest, yet the real reason in supporting the United Nations measures on Hungary was a different one. As already mentioned in discussion, on the question of Suez, Pakistan's decision to support the United Nations resolution had been motivated because of its policy objective on Kashmir; therefore, Pakistan's support to Hungary was in complete accord -- though incidentally -- with Pakistan's foreign policy. Thus, it was more/

37. Michael Brecher, India's Foreign Policy : An Interpretation, (New York: Institute of Pacific relations, 1957,) p.19.

38. G.A.O.R., 2nd Emergency Special Session, 570th Plenary Meeting, 9th November, 1956, p.48.

more in Pakistan's national interest to support the United Nations measures in Hungary than to the influence of United States aid, as it was in India's national interest not to support the United Nations resolution. It is an admitted fact that national interest is always foremost to any other interest lest the interest of a friend.

In comparing Pakistan's policy with India, on this issue, it can be concluded that the moral fibre of Pakistan's policy-makers had been more strong and more consistent with International Law and morality than Pandit Nehru's so-called non-aligned policy of peace.

CONCLUSION

Pakistan has taken an active part in the United Nations activities, especially when one considers that the name " Pakistan " meant nothing to most of the world twenty years ago.

Of the Asian nations , many have had either national or ethnic, or at the very least, geographic identity for much longer periods than Pakistan. This new nation was lacking all these essentials, as ex-president Ayub Khan has pointed out:

"Our nationalism was based more on an idea than any territorial definition. Ideologically, we were Muslims; territorially, we happened to be Indians; and parochially we were a conglomeration of at least eleven smaller provincial loyalties. "¹

Because of its strategic location in South East Asia, and the Middle East, Pakistan has been constantly affected, by the Great Power rivalries. In the words of Ayub Khan, to deal with them " would be like walking on a triangular tightrope."²

On the admission of new Members, Pakistan's policy can be seen as independent. This has been mainly due to the non-aligned policy which she followed from 1947 to 1952. In this period the question of admission of Members had been a subject of much acrimonious debate due to the intensity of the Cold War. In this Cold War confrontation, Pakistan had neither sided with the United States nor/

I. Mohammed Ayub Khan, " Pakistan Perspective ", in Foreign Affairs, July 1960, p.549.

2. Mohammed Ayub Khan, Friends not Masters, (London: Oxford University Press, 1968), p.119.

nor with the Soviet Union. She adopted an independent position which was in complete confirmity with the provisions of the United Nations Charter. She opposed the move by Australia and some other Western Powers in the 100th meeting of the First Committee on 8th November 1947 for a liberal interpretation of Articles 3--6 and 27 of the Charter, pertaining to Membership, as an easy way out of the impasse. At the same time, Pakistan expressed its opposition to the Soviet policy of " Horse trading " on the admission of new Members.

Time and again Pakistan has advocated the 'Universality' of the Organisation and has consistantly voted for the admission of new Members. The only exception was the admission of Israel. Israel's failure to implement the United Nations Resolution of partition of Palestine e.g., no 181(II) of 29th November, 1947, was the ostensible reason for Pakistan's opposition. This was supplemented by Pakistan's ideological desire to support the cause of the Muslims, e.g., in her opposition to the creation of the State of Israel.

Pakistan, being conscious of the East-West tension, emphasized the importance of the role which the small States can play as a stabilising force for the achievement of peace and the welfare of mankind.

On the question of the representation of China, Pakistan's position has been based upon its policy of enlightened self-interest. In the begining - from 1950 to 1952 - Pakistan supported the resolutions seating the Government of the People's Republic of China in the United Nations in place of the Nationalist Government of China. Pakistan's attitude in this period was influenced by her non-aligned policy and its/

its feeling as an Asian State. But after 1953 Pakistan's policy on this question has been entirely influenced by her power relations with India.

From 1953 to 1956 and 1958 to 1960 Pakistan adopted a different attitude on the question of the representation of China in the United Nations and voted for the United States sponsored resolutions for postponing discussion on the question.

There is a common belief that Pakistan adopted the United States line as a result of U.S. aid and because of Pakistan's membership of Western Military Pacts. At first sight, this interpretation seems to be correct, but a close examination of the events reveals that Pakistan had not followed the United States so far as any resolution for admitting the People's Republic of China had been presented in the United Nations. In fact, Pakistan adopted a policy of "realpolitik" with regard to the United States and pursued a policy influenced by long term considerations towards the People's Republic of China.

The circumstances under which the United States-Pakistan alliance took place clearly show that this was an "alliance of convenience" based upon divergent political objectives. For the United States, the alliance was an anti-Communist measure. For Pakistan, it was an American guarantee of an entirely different nature. To Pakistan, the enemy was neither Russia nor China; it was India. Moreover, Pakistan's voting for the United States sponsored resolutions from 1953 to 1956 and 1958 to 1960 signified support for postponing discussion of the question. This did not represent Pakistan's opposition to the admission of Communist China/

China to the United Nations. In addition, Pakistan did not make speeches supporting the United States position on the question of Chinese representation when she voted for the U.S. resolution in the General Assembly.

There is some evidence that Pakistan's policy was based on an understanding with the People's Republic of China to vote for the United States resolutions and procure more and more aid. This is confirmed by the fact that good relations between Pakistan and China continued to develop and China never showed any resentment of Pakistan's attitude. In contrast to India and Russia's bitter denunciation of Pakistan's Western alignment in 1954-1955, the Chinese accepted it mildly. China, moreover, gave an assurance of friendship to Pakistan after the Bandung Conference in 1955. As Professor Rushbrook Williams has revealed:

" Following the Bandung Conference.....

Karachi received - as I have been assured on unimpeachable authority - a private message from Peking. The Chinese people's Government assured the Government of Pakistan that there was no conceivable clash of interest between the two countries which could imperil their friendly relations; but this did not apply to Indo-Chinese relations, in which a definite conflict of interests could be expected in the near future."³

In 1956, Chou En-lai announced on his visit to Pakistan " that the difference between the political systems of Pakistan and China and the divergence of views on many problems should not prevent the strengthening of friendship between their two countries." ⁴

In 1959, Peking accepted, without any protest, Ayub Khan's proposed joint defence agreement with India. Moreover, the official reason given/

3. L.F. Rushbrook Williams, The State of Pakistan, (London: Faber & Faber, 1962), p.120.

4. Dawn (Karachi), 25 December, 1956.

given by Pakistan for not voting against the United States resolutions on the representation of China also support the belief of Pak- Chinese understanding. In the words of Werner Levi:

"...the (Pakistan) Government wanted to defer a decision on the representation of Communist China until this change was more nearly unanimously favoured." ⁵

The U.S. aid has not influenced Pakistan's attitude on the question of the representation of China. Although the security consideration might be taken as a factor of Pakistan's U.S. support in the early fifties , it is clear that Pakistan did not openly support the U.S. position, it has rather supported the Communist claim publicly in the later years. For example, during his visit to the United States in 1961, President Ayub Khan publicly stated that "it was only fair to allow the People's Republic of China to occupy her legitimate position in the United Nations."⁶ This stateforward declaration received a sharp criticism in the American press which felt that being a guest in their country the Pakistani President should not have openly gone against the American position.

In 1961, when Pakistan found that U.S. policy was going against her national interest, she moved the steering of her policy to the north by turning "to Nehru's disastrous tactic of wooing Peking for use against the nearest adversary."⁷

At the same time, Pakistan reciprocated to the United States by the same/

5. Werner Levi, "Pakistan, The Soviet Union and China", in Pacific Affairs, Vol. 35, 1962, p.219.

6. Mohammed Ayub Khan, Op.cit., p.162.

7. Russel Brines, Indo-Pakistani Conflict, (London: Pall Mall press, 1968), p.441.

same Churchillian formula which she applied to India in 1962, namely that " the enemy of my enemy is my friend."

Pakistan's instant support of China following American support of India during the Sino-Indian hostilities of 1962, also provides evidence of Sino-Pak understanding. This proved Schelling's dictum, with respect to United States-Pakistan relations that:

" In bargains of mutual convenience, especially where there is not a pretence at the sharing of fundamental values between the parties, it is the letter rather than the spirit of the bargain that counts, and loyalty to partners is involved only slightly, if at all."⁸

From 1961, Pakistan has actively supported Communist China's admission to the United Nations by sponsoring or co-sponsoring draft resolutions. Finally, it seems that Pakistan's China policy has been dictated by the state of Sino-Indian and Indo-American relations. It is now clear that Pakistan's commitment to the United States has only been partial and lasted only so long as it was expected to benefit her national interest. What has appeared to the Western observer as Pakistan's solid commitment to the West, has been nothing more to Pakistanis than the application of a fundamentally independent policy, reflecting the changing needs of the nation and the changing conditions of International relations.

On the question of Algerian self-determination, Pakistan's policy in the United Nations was mainly guided by her feeling for the Afro-Asian nations/

8. Thomas C. Schelling, 'American Aid and Economic Development: Some Critical Issues', International Stability and Progress: United States Interests and Instruments, (New York: The American Assembly, 1955), p.140.

nations, based upon her own colonial experience and the fact that the people of Algeria are Muslims. Pakistan's support of the right of self-determination for all the people under colonial rule has been in accordance with Pakistan's stated policy on colonialism, namely that all people struggling to be free from the yoke of colonial rule should be helped.

On the issue of peace-keeping in Suez and Hungary Pakistan adopted a policy in conformity with the provision of the United Nations Charter. She condemned the aggressor in Korea and at Suez, as well as in Hungary and Congo, without being influenced by cold war rivalries. Sponsoring the resolution which condemned the Soviet intervention in Hungary the representative of Pakistan made it clear that:

" his country had not joined in sponsoring the draft resolution to oblige its friends or to spite others, but out of respect for certain principles which were more sacred than any earthly friendship or animosities, the principles enshrined in the United Nations Charter and affirmed in the Bandung declaration."⁹

This approach of Pakistan has also been guided by her own objectives of foreign policy; it had condemned the Government of India for a similar aggression in Kashmir.

As it had been in India's interest not to support the United Nations resolution on Hungary - which asked for free elections under United Nations supervision and the withdrawal of the aggressor's armed forces, which/

9. G.A.O.R., 2nd Emergency Special Session, 570th Plenary Meeting, 9 November 1956, p.48.

which was similar to the United Nations resolution on Kashmir -- conversely, it had been in Pakistan's interest to support the United Nations resolution on Hungary.

In this respect Pakistan's record had been more consistent than that of India, especially with regard to Pakistan's willingness to condemn clear cases of military aggression. Pakistan condemned the aggressions in Korea, Suez, Hungary and Congo. India condemned the aggressor in Suez and Congo but did not do so in the cases of Korea and Hungary.

Finally, to sum it up, the position taken by Pakistan's representatives in the United Nations had been almost consistent with her stated principles of policy, that is to uphold the United Nations Charter and safeguard her national interest.

On Cold War issues, Pakistan often differed with the other Afro-Asians on matters of interpretation and policy. On Colonial questions Pakistan's position was substantially the same as that of other Afro-Asian States, except for minor points of timing and emphasis. On Peace-Keeping Pakistan's position was more forthright than that of many of the Afro-Asian States.

During this span of twenty years Pakistan learned a great deal because of her alignment with the United States. An examination of her position in the world led to disappointing conclusions. Pakistan's membership of SEATO and CENTO brought criticism from the Asian and Arab world and hostility from the Communist bloc minus China, without providing compensating security. On Kashmir Pakistan's allies remained neutral whereas the Soviet Union openly sided with India.

Pakistanis/

Pakistanis feel that the price paid for alliances with the West have been too high for the benefits received.

In view of this, a trend for reorientation of Pakistan's foreign policy started in the beginning of the sixties, in the shape of "selective commitments to the West with better relations with the Communist bloc." But the real change towards neutralism took place after the war with India in 1965. This provided another opportunity to measure the degree of support from Pakistan's allies and friends. The United States, although bound by treaty commitments, showed an unsympathetic neutral attitude and imposed an economic embargo on Pakistan's SEATO and CENTO partners. The Soviet Union's attitude was also neutral and because of her global interests, she sought to end the conflict as early as possible. In such a situation China's support was natural. The position taken by the three Great Powers was determined neither by their treaty relations nor by the extent of Pakistan's or India's identification with them but by their global policy objectives.

After these experiences, Pakistan came to the conclusion that in a situation of real trouble, no other state would come to her rescue and it is the Pakistanis who would have to defend the country alone. Thus, a foreign policy based upon a rational and pragmatic approach was adopted. The objective was to establish normal relations with the Great and Global Powers, without antagonising any one of them, on a bilateral basis, with the clear understanding that the nature and complexion of the bilateral relations should be such as to promote their mutual interests without adversely affecting the legitimate interests/

interests of third parties.

Thus a neutral policy based upon Pakistan's enlightened self-interest has been adopted to develop good relations with the Soviet Union, the United States and China, but without pre-conditions and on the basis of non-interference. The realization of these objectives would secure Pakistan's position vis-a-vis India and would provide the opportunity for Pakistan to play a positive role in the world.

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