

INDIA AND UNITED NATIONS DURING 1947-64
Strengthening Of The International Organisation ✓

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P R E F A C E

In the dissertation entitled, "India and the United Nations during 1947-64 : Strengthening of the International Organization", I propose to study how India's diplomacy at the United Nations ^{helped} ~~helped~~ in the process of the strengthening of the International Organization during 1947-64, through its foreign policy objectives, means of attaining them and its methods of participation within the United Nations.

From 1947 onwards, support to the International Organization was proclaimed as an important goal of its foreign policy besides the objectives of maintenance and promotion of international peace and security through peaceful means; Liberation of subject peoples and countries; Opposition to racialism; Championing the cause of the third world countries, since the goals of India's foreign policy were in perfect harmony with the Purposes and Principles of the Charter of the United Nations, India eagerly sought the forum of the world ~~body~~ and found it a suitable and also an indispensable one. India also sought to achieve the above objectives, as far as possible, through a peaceful means, namely the Principles of Panchsheel and especially the Non-aligned policy. This approach to peace was also in consonance with the Charter of the United Nations. The third factor, was India's keen

anxiety to avoid either of the Cold War blocs and to give due voice to the emerging Asian-African nations under its leadership in the United Nations. These factors made the functioning within the world body an easier and a more convenient proposition.

Every objective of India's foreign policy has been examined in all its aspects, separately, in each Chapter. Chapter II deals with India's participation in the Political and Security questions that came up in the various United Nations Councils during 1947-64. An analysis of India's role in the liberation of colonial countries and peoples and other questions of Non-Self Governing Territories and Trust Territories of the United Nations. In Chapter IV, the discussion is on India's role in strengthening the organizational machinery of the United Nations in relation to specific questions like the Admission of New Members into the United Nations; the Universality Principle, the Problem of Veto in the Security Council and the Revision of the Charter. India's participation in the questions on Human Rights like that of the South African Question and the Drafting of the Covenants on Human Rights as well as Economic and Social questions relating to the United Nations organs have been examined and assessed in Chapter V.

In all the above Chapters, the focus has been on several questions. To see how and in what manner, India's participation in the various organs of the United Nations has led to the furtherance of the Purposes, Principles and processes of diplomacy of the world body? How far has India made use of the United Nations as a negotiation-conciliation instrument in the resolving of its own and international disputes, be it, colonial questions, political and security questions or human rights issue? How far has India been successful in expanding the areas of responsibility of the International Organization over newer fields, eg, is the question of international jurisdiction vis-a-vis domestic jurisdiction? How far has India really been an advocate of making the United Nations a truly 'International One'? Lastly, how far has India's stand on the problems of Veto, 'Uniting for Peace' resolution, Review of the Charter led to the strengthening of the International Organization? Finally I have also derived from the analysis, the answer to the question - Whether India's strengthening of the International Organization was a conscious (deliberate) or an unconscious one?

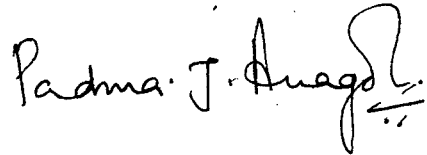
At the end of each Chapter, I have made Summary Observations and given a brief and general conclusions as Chapter VI of the dissertation.

Due to the nature, the vast period under study on the topic and also the limits placed by time and space, I have been able to concentrate only on very important issues either due to their reflection on India's national interests or meriting attention due to its relation to the topic under study. Therefore, the generalizations deduced in the final conclusions should be read in the light of the present scope of the subject.

Another point to be borne in mind is the limitations faced by the International Organization. The United Nations does not function in a ~~vacuum~~ vacuum. In fact, it functions in a world dominated by the sovereign nation-state system and its effective functioning is dependent on the Great Power unanimity rule. These factors have been assumed before starting work of the dissertation.

I owe a great debt to my supervisor, Dr.M.S.Rajan, who, through several discussions, helped me immensely in my understanding of the topic. I am deeply grateful to

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CHAPTER I

INDIA'S FOREIGN POLICY OBJECTIVES AND THE UNITED NATION DURING THE NEHRU ERA ; 1947-64.

The formation of an Interim Government in September 1946, marked the beginning of an independent policy, not only in the internal affairs of India but also in its external relations. The evolution of Indian foreign policy took place within the constraints presented by the highly complex and changing international milieu and the domestic political and economic needs and restraints. It was also governed by previous historical experience. Opposition to imperialism and racialism were given prominence in the various foreign policy declarations of the Indian National Congress, as early as in 1938.¹

The policy statement of Nehru on 7 September 1946, outlined the main objectives of Indian foreign policy as maintenance and promotion of international peace and security; opposition to colonialism and promotion of liberation of subject peoples; opposition to racialism

1 See Bimla Prasad, The Origins of Indian Foreign Policy, (Calcutta, 1962), p.99. See also Jawaharlal Nehru's Speeches, Jan 1937-June 1938 (Delhi, 1976), Vol.8, pp. 744-47.

and to the Cold War bloc politics. All these objectives of Indian foreign policy and its approach towards their achievement were based on the theme of 'peace'. It was Nehru's realization that, the only alternative to 'peaceful co-existence' is 'Co-destruction'.² That peace and war and freedom were indivisible concepts; that the whole world was linked in a web of interdependence, making an isolationist policy impossible, and therefore, the development of friendly ties and areas of co-operation with all countries on the basis of equality was to emphasize and underline the Indian foreign policy.

India also aimed at achieving the following objectives through peaceful methods alone. Therefore both the objectives and the means of achieving them were based on the ultimate objective of the promotion of peace in the world and the avoidance of war which is also the primary aim of the United Nations as stated in the Preamble and given priority in the list of purposes of the Charter.

In this Introductory Chapter several questions and issues have been examined. First and foremost is the analysis of the determinants of India's foreign policy which led India

² Jawaharlal Nehru, India's Foreign Policy, Selected Speeches, September 1946-April 1961 (Delhi, 1971), p.11.

to seek the forum of the United Nations. How far was the convergence of the objectives of Indian foreign policy with that of the Purposes and Principles of the Charter of the United Nations instrumental in this process i.e., how did these objectives affect India's participation within the world body? How far were the peaceful methods (namely Panchsheel and Non-Alignment) contributory factors in making the United Nations a suitable and convenient forum? How India's role as the champion of Asian-African countries made the use of the United Nations indispensable? Last but not the least, the view points of the main architects and spokesmen of Indian foreign policy has also been considered. The firm conviction of Nehru in a 'One World' - a world community to come together in a structure like the United Nations also played a considerable role in directing India's foreign policy, in effect, within the United Nations.

MAINTENANCE AND PROMOTION OF INTERNATIONAL PEACE
AND SECURITY

A crystal like clarity marked the understanding of 'peace' in the policy makers of free India in 1947. The foundations of the foreign policy was laid on the realization that there was no 'middle path', in international affairs, that is, the world was faced with the alternative of war or of peace. Nehru explained this wish for peace thus -

"in the world today there is no isolation - we can not live apart from the others. We must co-operate or we must fight. There is no middle way. Hence we wish for peace".³ That global peace was an imperative necessity and not just a desirable goal was realised and expressed by Nehru as - "War has become indivisible and therefore, peace is also indivisible."⁴ Therefore, promotion of world peace and prevention of aggression was declared as the prime goal of the official policy of India on 7 September 1946 and later on as well.⁵ The primary and overriding goal of Indian foreign policy of maintenance of international peace and prevention of war was closely identical to the Preamble and the Article 1(1) of the Charter where 'to maintain international peace and security' is given primary importance. Indian foreign policy was mainly directed, during this period, not only for the maintenance of international peace and security but also for a 'preventive' method of peace. This peaceful approach also closely resembled and was a strict adherence to the Charter's principle of arriving at peace through a 'peaceful means' (Article 1)

3 Jawaharlal Nehru's Speeches, 1946-1949 (Delhi, 1967)
Vol.1, p.21.

4 Jawaharlal Nehru, Ibid, p.251.

5 Jawaharlal Nehru, Ibid, pp.1-5 and pp.249-268.

The goals of maintenance of peace, prevention of war and a peaceful approach are implied in the Panchsheel; the policy of nonalignment, opposition to the Cold War and the bloc system; opposition to military pacts and alliances; anti-racialism; anti-colonialism; disarmament and the staunch support to the International Organization rendered by India during this period.

✓ India's desire to work within a structure like the United Nations rose from its realization of the dangers of the Cold War, frosting at a great degree in the late 40's. In such a situation, the sensible approach in the conduct of international affairs was to evolve an independent policy aligned to no Bloc or group, be it, political, economic or ideological. This approach also removed the very dependencies which made a country vulnerable to Bloc hypnosis. Nehru, in this context said, "Those who desire peace must deprecate separate blocs which necessarily become hostile to other blocs".⁶ Another significant factor co-related with 'peace' was India's opposition to military alliances and Pacts since these fostered a violent method of arriving at Peace through the building of weaponry and armament and of an aggressive mentality. When a world was constantly preparing for war,

6 Jawahralal Nehru, Ibid., p.19.

how could peace be approached? Therefore, after outlining the damages created by pacts like SIATO and the CENTO, Nehru stated that,

"from any point of view, opportunist, practical or idealist, we arrive at the conclusion that it would be very wrong and harmful for countries to align themselves with power blocks or have military alliances for the purpose of ensuring their security."⁷

Anti-colonialism and anti-racialism even though broadly based on previous historical experience, were also a corollary of the broader objective of international peace and security: "We believe that peace and freedom are indivisible and the denial of freedom anywhere must lead to conflict and war",⁸ said the Chief architect of India's foreign policy. Even racial equality, a dominant strain in India's foreign policy was based on the long-term effects of racial inequality leading to conflict in various parts of the world as was seen in the treatment of people of Indian origin in South Africa. It was also a realization of the potential dangers in such tension-filled areas that made India pursue a vigorous anti-colonial and anti-racialist policy within the United Nations, besides, the fact that India had, in recent years experienced both colonial and

7 Nehru, Ibid., p.24.

8 Nehru, Ibid., p.24.

racial discrimination. More important was the fact that, in issues over racial and colonial matters it was easier and more fruitful to work within a world Organisation than to appeal to the leading Powers, many of which were still practising colonial and racial domination in various parts of the world.

Disarmament was also another element of India's policy, which was pursued with a great zest and zeal, as it represented a 'preventive' approach towards attaining peace. Even though War begins in the minds of men, the material and physical manifestation of it was present in armament; hence, the first step for the removal of fears, apprehensions, hatreds and suspicions - breeding factors of war was the arms role. Nehru explained it as thus:

"Disarmament is a part of this process, for it will create an atmosphere of co-operation. A step towards our objective, a part of the larger efforts to rid the world of war and the causes of war." 9

Anti-racialism, anti-colonialism and disarmament as Nehru explained, were all part of the larger efforts to remove the causes of global conflicts.

9 Nehru, n.2, pp.218-19. Emphasis added.

The adherence to the Purposes and Principles as laid down in the Charter of the United Nations and the firm and stable support given by India to International Organization was mainly due to its major concern with the preservation and promotion of international peace and security. The community of nations were forced to co-operate and build friendly relations with each other in order to facilitate the easy and smooth flow of trade and commerce amongst them. How was this web of relationships to be conducted? India, under Nehru, chose the available World Organization, the United Nations as a forum well-suited to conduct the painstaking job of promotion of international co-operation. It was Nehru's viewpoint that this choice was better than joining the Cold War blocs or getting tied up in bilateral or multilateral military pacts. To quote Nehru:

"....The only possible, real, objective that we in common with other nations, can have is the objective of cooperating in building up some kind of world structure. The beginnings of this world structure have been laid in the United Nations Organization. It is still feeble, it has many defects, nevertheless, it is the beginning". 10

The fear that bloc politics bound by 'isms' would loosen the ties of co-operation which this world structure was to create was expressed by India as thus:

10 Nehru, n.2, p.12.

"Indeed, the more groups and blocs are formed, the weaker will that great structure become..."¹¹

Apparently, the realization that blocs could not be erased quickly or easily and this led to desire at least the creation of an 'area of peace',¹² by Nehru, more in the nature of an experiment, wherein, it could be practicably demonstrated that peace and security could be a realisable objective even in a world ridden with fear and tension of war.

PEACEFUL SETTLEMENT OF DISPUTES

Another important objective of India's foreign policy is peaceful settlement of international disputes and conflicts. This objective is a corollary to the major and primary objective of promoting international peace and security. The methods emphasized by the Chief spokesmen of Indian foreign policy and adopted by the Indian delegations at the United Nations in different crisis-situations, shows a greater emphasis on 'peaceful' rather than on 'settlement'.¹³

11 Nehru, Ibid., p.12

12 This concept was constantly referred to by Nehru in his speeches. V.K.Krishna Menon, his chief aide in foreign policy said in an interview with Michel Breecher that this 'area of peace' referred not to territorial boundaries but to "politically, diplomatically, morally, etc." See Michel Breecher, India and World Politics, (London,1968), p.8.

13 See Dr.M.S.Rajan, India in World Affairs 1954-56, (Bombay,1964), p.45.

The major stress of India's foreign policy for the pacific settlement of disputes was on the negotiation-conciliation method and as far as possible within the United Nations. The Government of India often felt that it had a some sort of self-imposed international obligation to offer her conciliatory and friendly assistance or counsel in the solution of international disputes sometimes at its own initiative or if the concerned nations solicited its advice.¹⁴ The role that India played within the United Nations and outside, (whenever, it was ^{called upon to do so} in the broader interests of the world community) in bringing about a conciliation through negotiations was noted by the community of nations as in the case of the Suez Crisis. Wherever and to whatever extent possible India stressed the pacific settlement of disputes within the United Nations as shall be examined in the next Chapter on Political and Security questions.

SUPPORT TO THE LIBERATION OF SUBJECT COUNTRIES
AND PEOPLES

The dominant objective of the foreign policy of India was the complete elimination of imperialism everywhere and non-support to any imperialist war¹⁵ In the beginning,

14 Because of this perseverance India was sometimes unjustly termed as a 'professional mediator'. Dr.M.S.Rajan, Ibid., p.45.

15 See the various official declarations of the Congress foreign policy and of particular significance is the interview of Nehru on 15 March 1946. J.Nehru, Selected Works, (New Delhi,1981) vol.15, pp.524-26.

it fitted into the demand for India's independence as well; after India gained freedom, the promotion of self-determination and liberation of subject countries and peoples became a key principle of its foreign policy. The rule of one people by another; the system of the oppressor and the oppressed; to make one draw water and another hack wood, was regarded by India as not only a gross violation of fundamental human rights but also a potential threat to international peace. Inaugurating the 18-nation Conference on Indonesia held at New Delhi in January 1949, Nehru brought out, clearly, the threat that colonialism posed to international peace, "it must be appreciated that so long as any form of colonialism exists, in Asia and elsewhere there will be conflict and a threat to peace."¹⁶

~~India~~ ^{India} Based on historical ^{India} experience ^{India} advocated a peaceful method in the struggle of every national liberation movement. It also stressed that national liberation movements should not be based on fanatical ideology, doctrine or religion, nor did it demand an instant solution to every matter. India's participation in the formation and wording of the articles and clauses on Non Self Governing and Trust territories was vigorous.

15 See J.Nehru, n.2, p.410.

India's approach to problems of colonial questions closely resembled the articles of the Charter which ensured equal rights and promotion of self-determination to all people through 'peaceful means'. Nehru explained India's approach as having two aspects during the Algerian problem "our support to freedom movements and an adherence to a peaceful approach".¹⁷ Realizing the dangers of neo-colonialism and the political, economic and military weakness of the small struggling colonies of Afro-Asia which attracted Western intervention, India, stressed the need to take the questions on colonial disputes to the United Nations for an amicable solution. This aspect has been analysed in detail in the third Chapter on decolonization.

Even the system of a Collective Security according to India's principal spokesman, Nehru, was possible only if imperialism and colonialism were totally erased from the world and for this ideal, India was ready to part with some amount of its ~~own~~ national sovereignty -

"We, in India will gladly co-operate in an World Order and even agree to give up a measure of national sovereignty, in common with others, in favour of a system of collective security ... There can be no world security founded on subjection of colonial countries or on continuance of imperialism. Freedom, like peace and war is indivisible."¹⁸

17 J.Nehru, n.2, p.506.

18 J.Nehru, The Unity of India, (London, 1948), p.279. *Emphasis added.*

PROMOTION OF RACIAL EQUALITY

Opposition to racialism and promotion of fundamental human rights figured on the top in the priority list of the goals of India's foreign policy. Nehru stated "Our main stake in world affairs is peace, to see that there is racial equality and that people still subjected should be free".¹⁹ Free India would not reconcile itself to the idea of racial superiority of one ruling nation over its subjects as experienced earlier by India, under British rule. Besides the realization that racialism was revolting to the very concept of human dignity, India opposed it on the ground that it was a source of world conflict. Speaking at the Indian Council of World Affairs on 22 March 1949, Nehru outlined how racialism breeds conflict thus :

"if such a policy[of racial discrimination] is continued, it will breed conflict. And that conflict will not be confined to particular areas, in South Africa or elsewhere, it will affect peoples in vast continents"

because it is a

"continuous challenge to the self-respect of a vast number of people in the world and they will not put up with it" 20

and hence,

"Racialism is an evil and has to be fought".²¹

19 J.Nehru, n.21, p.249

20 J.Nehru in a speech on the Evolving Policy of India held at ICWA, 22 March, 1949, See Nehru, n.2, p.48.

21 J.Nehru, n.2, p.288.

For solving the problem of racial discrimination, India sought the United Nations forum as its objective was broadly in conformity with Article 1(3) of the Charter which called for the promotion and encouragement of respect for human rights and for fundamental freedoms for all without distinction to race, sex, language or religion. Without adopting a crusading or a moralizing attitude, Indian spokesmen utilized the General Assembly on many occasions, pointing out that racial policies were "a menace to all that the United Nations stands for".²² In this period, besides being concerned about the treatment of Indian people abroad, it also showed keen interest in the general question of apartheid in South Africa. A sustained interest was shown by India in the drafting of the covenants on human rights, which has been examined in considerable detail in the Chapter on Human Rights.

SUPPORT TO THE AFRO-ASIAN COUNTRIES THROUGH THE
UNITED NATIONS

India made use of the United Nations forum for the effective solutions of the problems of Afro-Asian countries. Anti-colonialism and Anti-racialism were two main goals of India's foreign policy and they largely coincided with

22 GAOR, Session 7, plenary meetings, 1952, p.207.

the objectives of other Afro-Asian peoples,²³ which were struggling in the various stages of their national liberation movements; and like India, many were anxious to avoid the patronage of either of the two Cold War blocs operating in the international politics of the time. Moreover since many of these nations had a colonial experience, they were seriously underdeveloped; hence the decision of India to seek peaceful solutions through the United Nations for the twin causes of the resolution of their political problems and for economic development.

That the emerging new nations, in the Asian and African continents should be given due voice and importance in the community of nations was a major preoccupation of policy makers in India.

When the General Assembly acquired greater importance than the Security Council, India saw all the more reason to seek this forum. Nehru termed the General Assembly as the 'conscience of the world' and the, 'forum of world opinion'.²⁴ Realizing the valuable asset of this forum, India sought to build a cohesive front of the

23 In an address to the United Nations General Assembly in Paris, 3 November, 1948, Nehru talked at length of the twin problems of anti-colonialism and anti-racism that the Afro-Asian countries faced and pleaded that the Assembly should take an active interest in their termination. Nehru, n.3, pp.# 315-22.

24 Nehru, n.2, p.172.

Afro-Asian nations so that the sheer solidarity in strength of these nations saw to it that they were given equal opportunity and voice in the forums of the United Nations, in spite of their smallness in size, population and other weaknesses. It was a tribute paid to the means of the Indian approach in this respect when Krishna Menon said that the most important achievement of the United Nations was the "emergence of Asia and Africa" as factors in world affairs.²⁵

SUPPORT TO THE UNITED NATIONS

The staunch support rendered by India to the United Nations during this period was in complete harmony with the basic determinants of its foreign policy. India's basic concern with the maintenance of world peace, its policy of nonalignment with any bloc and refusal to join any military pact or alliance, the furtherance of the cause of the smaller and weaker nations represented by the Afro-Asian groups, its policy of anti-racialism and anti-colonialism all these were not only in conformity with the Purposes of the Charter, but could be effectively handled within the forums of the United Nations, believed Nehru's India.

²⁵ See Michael Brecher, n.13, p.115.

India's immense faith in, and commitment to, support the United Nations, stemmed from Nehru's ideal of a 'One World'. In the first Declaration of the objectives of Indian foreign policy immediately after the formation of the Interim Government, Nehru had expressed this faith in the ideal of One World which could be attained through the United Nations. This faith was also guided by a realistic appreciation of the merits and shortcomings of the Organization. And yet, it was approached with optimism; thus:

"the only possible real objective that we, in common with other nations can have, is the objective of co-operating in building up some kind of world structure, call it One World, call it what you like. The beginning of this world structure has been laid in the United Nations. It is still feeble, it has many defects, nevertheless, it is the beginning of the world structure. And India has pledged herself to co-operate in its work." 26

From the beginning, India had realized the importance of an international organization for the conduct of international affairs. Nehru expressed this faith in the Organization's potential thus:

"We associated ourselves with the United Nations because we felt that some such world Organization was very essential. The League of Nations had failed. The United Nations Organization seemed to be a similar attempt under wider and better auspices and so we joined it". 27

26 Nehru, n.2, p.21. Emphasis added.

27 Nehru in a reply to debate on Foreign Affairs in Lok Sabha 12 June, 1952. See Nehru, n.3, p.63.

The Indian delegation was instrumental in moving only four amendments to the Dumbarton Oaks Proposals; however, it cannot be blamed for not playing a more active role in the UNCIO because of the constraints on its functioning by the fact that India was still under British rule.²⁸

That the United Nations should be used as a forum for the cause of world peace was discerned in the formulation of India's foreign policy. As India's foreign policy architect saw it, the supreme question that every country had to face in the world, was how to avoid a World War. The second question was that there should be a peaceful approach. Nehru was convinced that India could play a "big part" and perhaps an "effective part", in helping to avoid war. Therefore, it became imperative that nations should be nonaligned with any group of Powers which were all for "some reason, full of fear of war and preparing for war",²⁹ and also not be tied up with any kind of binding military pact, but build up areas of co-operation and friendship through the structure of the United Nations, on terms of equality. Nehru elucidated this idea further: "if we think of that structure [of the United Nations] and our cooperation

28 See M.S.Rajan: "India and the Making of the United Nations Charter", International Studies, vol.12, no.3 (1973), pp.430-61.

29 Nehru, n.2, p.21.

with other countries in achieving it, where does the question come of our being tied up with this group of nations or that group?" 30

In one sense, the seeking to function through the United Nations was not only because it was the best available world body but also because it was the only possible alternative to the idea of joining the opposing Cold War camps. Where else could the questions of peace be discussed and problems resolved in an impartial manner and in an impartial forum? ^{Nehru voiced that it was natural and inevitable that,} ~~Naturally and inevitably,~~ "we should utilize this position, I think, in the United Nations and elsewhere to fulfil the cause of peace".³¹ The support given to the United Nations was linked with the idea that with more and more bloc-systems and new alignments, there was the danger of the United Nations being weakened. Nehru talked of the unifying role of the United Nations and discussed the dangers posed by military pacts and alignments. "Indeed, the more groups and blocs are formed, the weaker will that structure [the United Nations] become".³²

To a large extent, India's desire to seek the

30 Nehru, Ibid., p.21.

31 Nehru, Ibid., p.248.

32 Nehru, Ibid., p.21.

counsels of the United Nations was governed by the fact that by the early 1950s, it had assumed the leadership of the Afro-Asian group of nations in the United Nations, so that the United Nations became not only a convenient forum but an indispensable one. To the small and groping nations of Asia and Africa the United Nations appeared as the only alternative due to certain peculiar problems confined largely to these continents namely that of colonialism, racialism and low standards of living which made them peculiarly vulnerable to pressures from countries with vested interests. Therefore in order to maintain their freedom, they had to remain unattached to any bloc or group. With the coming of the Assembly to predominance over the Council in the 1950's, it gave these countries a strength through majority so that India time and again stressed the necessity to function from within the United Nations in order to enjoy these benefits. When India became the leading spokesman of the Afro-Asian group of nations, India's desire to be associated with and work within the forum of the United Nations became stronger, arising from the twin interests of her own national needs and that of the Afro-Asian nations.

The other benefits which accrued from functioning within the United Nations was also realized by India. The United Nations could be used as a forum for peaceful

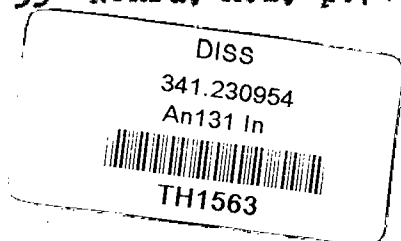
settlement of disputes, even if resolutions passed were not implemented directly, even if it were by-passed; yet, the very act of passing a resolution eased tensions and calmed passions. Nehru quoted the Algerian question as one instance, wherein the mediation of India had resulted in helping a resolution passed:

"Whatever the wording of the resolution the mere fact of it having been passed has created a temper which leads to peaceful negotiations, to a lessening of tensions and an attempt to appreciate the problem in its reality." 33

The other advantages accruing from the processes of mediation, negotiation and conciliation was also accounted by India.

A major source of India's adherence to the United Nations Charter sprang from the application of the "means and ends" argument of Nehru in respect of the preservation and promotion of world peace. According to Nehru, India's freedom struggle was a 'peaceful' struggle. When this norm was successfully applied in the domestic sphere, it could be applied equally effectively in external policy, argued Nehru. The Charter also laid down the need for a 'peaceful means' [Article 1(1)] to the attainment of world peace. Paying a tribute to the

33 Nehru, n.2, p.74.



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United Nations, Nehru said that, a "the first attribute of the United Nations may be said to have been universality and the otherthe solution of disputes by peaceful means as far as possible".³⁴

One of the most significant features of the Charter which attracted Indian foreign policy makers to the United Nations was that it encompassed the world as it was, with all its conflicts and differences, irrespective of ideological differences, countries differing one from another in the pattern of government, political, religious and cultural affairs.

The advantages and limitations accruing from functioning within the United Nations was appreciated by India. When the controversial question of international jurisdiction versus domestic jurisdiction arose, India's position was in favour of United Nation jurisdiction over certain vital areas:

"We have associated ourselves with the United Nations. This association does not deprive us of our independence. Of course, it limits our freedom in the sense in which it limits the freedom of every member country. That some limit should be placed on our field of action is the natural consequence of being in an Organization of that nature".³⁵

³⁴ Nehru, Ibid., p.168.

³⁵ Nehru, n.l, p.63.

That India adhered to the United Nations was partly due to its opposition to the concept of Cold War. Nehru said, "the idea of the Cold War is the very negation of what the United Nations stands for".³⁶ Moreover, it also found the world body appropriate and advantageous for voicing the grievance of the Asian-African nations. Thus India's approach to the United Nations was guided by pragmatism, besides the ideal of a 'One World' as seen by its visionary Head of State. India's staunch support was thus dictated by the determinants of its foreign policy objectives, moreover all the objectives converged neatly with the Purposes and Principles of the Charter, and thus became instrumental in associating its work through the World Organization.

PANCHSHEEL

The Five Principles of peaceful coexistence Panchsheel, as they are called, were not new to India in 1950, but they received formal recognition and precise formulation in the Preamble to the agreement between India China in regard to Tibet, which was signed on 29 April 1954. These principles were, Mutual respect for each other's territorial integrity and sovereignty; Mutual non-aggression; Mutual non-interference in each other's internal affairs;

³⁶ Nehru, n.2, p.176.

Equality and mutual benefit; Peaceful coexistence. The first principle of mutual respect for each other's territorial integrity and sovereignty is one of the founding premises of the Charter, clearly stated in Article 2(1) and 2(4) and re-affirmed elsewhere also. Mutual non-aggression and mutual non-interference, the second principle, is a more precise and comprehensive statement of the Article 1(1) where removal of 'acts of aggression' is mentioned; Equality and mutual benefit is stated in Article 1(2), 1(4) of the Charter and the fifth Principle is a brilliant exposition of the purposes of International Organization itself in the chiselled phrase, namely ('peaceful coexistence'.

The Five Principles was the product of two determinants of the early foreign policy in India. The first determinant was the maintenance of world peace, ³⁷ the second was a peaceful approach to the problem of peace.

From 1954 onwards, Nehru made Panchsheel the basis of conduct of India's foreign relations. He said,

"These principles form the basis of our relations with other nations, we are convinced that on this basis the relationship between countries will be healthy, peaceful and co-operative..." ³⁸

³⁷ Nehru speaking on the concept of Panchsheel in the Lok Sabha on 17 September 1955 said, "We are keen on not joining any camp or alliance. This is our basic policy. But we wish to cooperate with all in the quest of peace and security". n.2, p.101.

³⁸ Nehru explained in a civic reception given to Khrushchev and Bulganin on 30 November 1955. See Nehru, n.2, p.10.

The promulgation and emphasis given by India to the concept of peaceful coexistence led to its quick spread in the world, and not only influenced more and more countries but progressively acquired a greater depth and meaning in world affairs. The greatest recognition was on the occasion when the United Nations passed a Resolution unanimously on 15 December 1957, on peaceful coexistence and it referred in actual terms to the Five principles. The text of the draft was sponsored by India, Yugoslavia and Sweden and received the support of both Union of Soviet Socialist Republic and United States of America, which not only supported it but also withdrew its own resolution although it had priority.³⁹ Therefore, it was not conceit that prompted Nehru to say: "I think we may take some credit for spreading this conception of a peaceful settlement and above all of non-interference."⁴⁰ Panchsheel also proved a major challenge to all nations of the world as it was based on pure logic, that, if the positive principles of non-aggression and non-interference were "fully and sincerely accepted by all countries, peace would be assured everywhere and cooperation would follow."⁴¹ It was also true that Panchsheel was India's best endeavour

39 The text of the Resolution was read in a speech by Nehru in the Lok Sabha on 17 December 1957, See Nehru, n.2, p.103.

40 Nehru, in a speech in Lok Sabha on 17 September 1955. See Nehru, n.2, p.100

41. Nehru, Ibid., p.101.

to develop the broadest possible measure of co-operation with the widest number of States."⁴² A third important Purpose of the Charter, namely, achievement of international co-operation and development of friendly relations, became an integral part of India's foreign policy in the 1950s.

Of course, maintenance of international peace and security and peaceful settlement of disputes ~~remained~~ were the highest priority of the United Nations in Article 1(1) of the Charter, but the novelty of the concept of Panchsheel lay in showing the method in which this 'peaceful means' was to be conducted, namely, through non-aggression and to co-exist peacefully. Even though non-interference was not a new concept, the contribution of Panchsheel was to give the same idea greater emphasis and to make these principles the real basis of State policy during the period.⁴³ This required emphasis was necessary at the time when many Asian peoples which were not yet members of the United Nations, were provided with the basic norms of the governance of international relations and their adherence to Panchsheel whose close resemblance to the ideals of the Charter, also

42 Marshal Tito explaining in a broadcast over the All India Radio. See The Hindu, 20 December 1954.

43 Nehru in a speech at the inauguration of the ninth general Conference of the United Nations Educational, Scientific, & Cultural Organization. See Nehru, n.2, p.172.

reinforced the weight of the United Nations in international politics. Panchsheel, in this sense, besides being a workable success in the experimentation of a concept in foreign policy, also became one of the best active methods to the approach to peace, through peaceful means, as laid down in the Charter.

NON-ALIGNMENT

The policy of nonalignment was an innovation by Nehru in the search for a peaceful means of attaining the objectives of India's foreign policy. According to Nehru's explanation, commitment to nonalignment simply meant - an independent policy involving no political or military commitment to another nation or group of nations. The negative connotation implied rejection of political or military alliances - bilateral or multilateral. Positively, it meant the taking of adhoc decisions on international problems and situations as and when they arose, and the judgement was to be according to the merits of each case.⁴⁴

The criteria laid down by the 21-nation Preparatory Committee (held at Cairo in June 1961) for the Belgrade Conference for the invitation of a country to the nonaligned

44 For an exhaustive study of the origins and definition of the concept of nonalignment See K.S.Rajan : Non-Alignment, India and the Future, (Mysore, 1970).

Conference, was substantially an affirmation of the principles of the Charter. The Committee laid down five criteria which were elucidated thus :

The first was that a nation had to adopt an independent policy based on the coexistence of States with different systems, which, like the United Nations Charter showed a tolerance towards all nations with differing political and economic systems; the second criteria was that, the country had to give support consistently to the movements for national liberation movements of other countries also, which fulfilled the requirements in the Charter concerning self-determination of peoples and the third, fourth and fifth criteria, in their opposition to the Cold War and Great Power politics.⁴⁵

India pioneered the policy of nonalignment in the context of the conditions and framework of international relations and its domestic political and economic needs. The Government of India and Nehru, were convinced that India's adherence to the policy of nonalignment was equally in the interest of the maintenance and promotion of international peace - the primary goal of the United Nations, the bipolarization of the world into two blocs, the rise in the creation of military pacts and alliances, the establishment of foreign military bases and their consequences of

⁴⁵ See Belgrade Conference Report, Cairo, June 1961. The text is quoted from M/S.Rajan, Ibid., pp.9-11.

increasing tensions among nations were all not factors of world peace but ingredients for a war. That alignment with any bloc would not by any stretch of imagination be a factor for peace was expressed both by Nehru and J. V.K. Krishna Menon, "I feel that India can play a big part and perhaps an effective part in helping to avoid war. Therefore, it becomes all the more necessary that India should not be lined up with any group of Powers..."⁴⁶ explained Nehru. Krishna Menon voiced the same thought. Thus:

"We said from the very beginning that nonalignment was not just a policy of a nation but one of those things that the world required; otherwise, the world remains divided into two camps opposed to each other..."⁴⁷

Born out of a certain necessity dictated not only by domestic political and economic needs, but also the framework of international relations, nonalignment soon became the attitude of mind and outlook of India.

India's policy of nonalignment, very soon spread like wild fire among the newly emerging Afro-Asian countries who had similar colonial experiences. Nonalignment, as a concept appealed to these States due to its advantages of keeping away from bloc politics, without at the same time antagonizing either bloc and keeping the doors of economic aid open on both ends. As long as September 1946, Nehru

46 J.Nehru, n.3, p.247.

47 See Michael Brecher, n.13, p.8.

underlined the dangers of aligning with any one bloc. He said that India preferred to keep away from the power politics of groups aligned against one another, which has led in the past ^{to} world wars and which may again lead to disaster on an even vaster scale".⁴⁸ By 1961 a quarter of the 102 members of the United Nations were nonaligned.⁴⁹

Nonalignment, the "weak man's policy"⁵⁰, however soon helped the process of strengthening of International Organization, by making the General Assembly, the platform from which these nonaligned nations made their voice heard and their strength felt. These nonaligned nations also gradually made it inevitable for the Great Powers also to fight their Cold War battles from within the United Nations structure, and also use the nonaligned countries for purposes of mediation and negotiation in the forum of the United Nations.

The game of international politics in the late 1940s was still largely confined to Great Powers, that is, the opinions, attitudes, moves of the Super Powers were still the ruling factors. In 1950, the small and weak

48 J.Nehru, n. 3, p.3.

49 A desire to remain free of the Cold War politics while struggling through the national liberation movements had prompted many small and weak nations to adopt nonalignment. See K.F.Karunakaran, The Phenomenon of Nehru, (New Delhi, 1979), p.56.

50 V.K.Krishna Menon in an interview with Michael Brecher, See Michael Brecher, n.13, p.8.

nations of Asia and Africa realized that war and peace still depended essentially upon the Super Powers due to their military and economic strength. How could their own problems and crises be heard and solved? The only alternative was the ushering in of international organization, ~~At~~ at the same time, while working within the United Nations they had to involve the Great Powers too, if any decision had to be implemented. Besides, they had to demonstrate in some manner, their strength as well as see that these Powers would not only listen but would not have the courage to bypass these resolutions. Nehru, constantly reminded the Afro-Asian States of their "combined wisdom" which could build up a strong lobby within the forum of the United Nations, in order to influence and direct the course of peace making in the world. The collective strength of these nonaligned nations could be felt in the forum of the General Assembly, where they could utilize the system of one-nation-one-vote, which gave them a natural majority in the decision making processes. The necessary sense of direction was given by India and some other nonaligned nations, whose pioneering of nonalignment was a non-controversial policy, in the sense that it could be safely followed without antagonizing any bloc, without being allured into any bloc, and at the same time without closing the doors to any one bloc when the

question of economic aid arose. At the same time, it made the General Assembly the platform from which the nonaligned spoke and where the Great Powers were forced to deliberate on their moves and discussions to acknowledge the combined strength of the nonaligned and to use the forums of the United Nations, where they could no longer ignore or mislead the smaller nations by leading them into their snares and thus help to make the United Nations, a steady and stable instrument of the nonaligned group. W. Burton, in this regard states: "Never before has a group of nations, not involved in the Power dispute, been in a position to intervene as the nonaligned nations do at the United Nations..."⁵¹ This involvement within the General Assembly led to the strengthening of the United Nations: "The political process of the United Nations," as David Kay puts it, is a curious blend of parliamentary nomenclature and procedure with Great Power politics."⁵² The pattern of voting within the General Assembly is a major determinant of the final outcome of every resolution which is passed. The nonaligned group under India's guidance engaged in the process of mediation in the procedures of the General Assembly

51 Burton J.W., 'International Relations: A General Theory', (London, 1965), p.220.

52 David A. Kay, "Instruments of Influence in the United Nations Political Process", in David A. Kay, ed., ~~The United Nations Political System~~ (New York, 1967), p.92.

and which proved to be of consequence in strengthening the important organ of the General Assembly.⁵³

⁵³ In a deadlock of any international issue, it was one of the nonaligned countries which were generally chosen for the highly complex task of a negotiator.

CHAPTER II

INDIA AND PROMOTION OF INTERNATIONAL PEACE AND SECURITY: POLITICAL AND SECURITY QUESTIONS

The promotion of international peace and security under the aegis of the United Nations has been a significant endeavour on the part of India. Nehru, who even as a member of the Viceroy's Executive Council had promised wholehearted co-operation to the United Nations, fully appreciated the need for strengthening that body.. India's adherence to the United Nations Charter was as much an idealistic manifestation as a pragmatic commitment, if only because from India's point of view peace was an urgent and obvious necessity. Moreover, since peace was indivisible, India could not shut its eyes to the outbreak of hostilities in any part of the world. Hence the emphasis on building a 'climate of peace', on expanding the 'area of peace'. There was thus an underlying mutuality of interests between the objectives of India's foreign policy and the *raison d'etre* of the Organization.

This chapter, an attempt to analyse India's responses to political and security matters, does not propose an exhaustive coverage of the whole of the Nehruvian era. Instead the focus is on certain case studies that indicate the broad principles of Indian diplomacy and its contribution towards strengthening the World Body.

THE KASHMIR PROBLEM

At first, Nehru attempted to settle the Kashmir dispute by purely bilateral means, but Pakistan's aggressive designs compelled him to refer the dispute to the United Nations. The presentation of its case by India has already been scrutinised in some detail,¹ and why at all India took the dispute to the Security Council has baffled not a few. Be that as it may, what is amply clear, however, is that India firmly adhered to the United Nations Charter and accorded precedence to the mechanism that it provided for the pacific settlement of disputes. This alone explains why India did not take a hardline against Pakistan, but merely requested the Council to prevent Pakistan from helping the invading tribesmen. The settlement proposed by Gopalaswami Ayyangar in the Council on 15 January 1948² was also indicative of India's desire to settle the dispute peacefully. It also needs to be underscored that despite its emphasis on the *casus belli*, i.e., aggression encouraged

1 For instance, Sisir Gupta, Kashmir: A study in India-Pakistan Relations (Bombay, 1966).

Rahmatullah Khan, Kashmir and the United Nations (Delhi, 1969)

K.P.Saksena, "India and Diplomacy in the United Nations", in International Studies, vol.17, no.3-4, July-December 1978

2 For details see P.L.Lakhanpal, Essential Documents and Notes on Kashmir Dispute, (New Delhi, 1958), p.139.

and actively supported by Pakistan, India accepted the UNCIP's (Commission for India and Pakistan) resolution of 14 August, 1948, as well as the proposal that it issued on 11 December, 1948, which formed the basis of a ceasefire, effected 1 January, 1949.

However, the US-Pak agreement of 1954 introduced a qualitative change in the situation and compelled Nehru to request the Secretary-General to withdraw the American personnel serving in the UNMOGIP.³ In 1957, Krishna Menon, while clarifying that Nehru's plebiscite offer had been in the nature of an expression of a wish, asserted that far-reaching political changes had induced a shift in India's policy. He was not wrong, for Gunnar V. Jarring also noted that the UNCIP's initial resolutions were incongruent to the prevailing conditions.⁴ Finally, in 1962 Krishna Menon was to inform that the accession of Kashmir to the Indian Union was "final, irrevocable and what is more, perpetual..."⁵

It might have been a tactical error to invoke Chapter VI of the Charter (Article 35, dealing with the pacific settlement of disputes) and not Chapter VII that

3 There were 18 military and 3 civilian Americans serving in the UNMOGIP. See N.S. Rajan, India in World Affairs, 1954-56, (Bombay, 1964), p. 274.

4 See E.H. Heimsath and Surjit Mansingh, A Diplomatic History of Modern India, (Calcutta, 1971), p. 165.

5 FAR Vol. VIII, 5 May 1962, Special Supplement, p. 58.

deals with the breach of the peace or threat thereof, or acts of aggression, but seemingly it suggests that India was emphasizing the mediatory role of the United Nations. Unfortunately the whole issue got enmeshed in power politics and India was shaken out of its naivete. It has been suggested that the Nehru government's unwillingness to get the United Nations involved in Tibet was an offshoot from its experience over Kashmir.⁶ It is also claimed, and with some justification, that the Kashmir experience introduced an element of realism in Indian foreign policy which was evidenced in the case of Hyderabad and in the 'liberation' of Goa.⁷ Yet, it is equally true that even after the Kashmir experience Nehru's government continued to convey the impression that the United Nations commanded the highest priority in India's international obligations.

THE KOREAN WAR

Although the Korean War was essentially a manifestation of the global power struggle that Nehru

6 S.Chawla, The United Nations and the Indian National Interest, (Cambridge, Mass 1958), p.13.

7 On Hyderabad, India claimed that the matter lay within its domestic jurisdiction and, eventually, from 1949, it refused to participate in any further debates on the issue. See C.H.Heimsath and S.Mansingh, n.4, pp.113-14.

Goa has been discussed elsewhere in this dissertation. See Chapter 3, 'India and Promotion of Self-Determination for Colonial Peoples.'

opposed tooth and nail, it created conditions conducive to a successful exercise of India's 'nonaligned' policy. Therefore, to an extent Werner Levi correctly claims that nonalignment succeeded for the "wrong reasons".⁸

The United Nations Temporary Commission on Korea (UNTCOK), which had been entrusted with the supervision of nationwide elections, could conduct elections only in South Korea. Subsequently in December 1948, the General Assembly recognised the Syngman Rhee government as the lawful government over the whole of Korea, which the northern portion styling itself 'people's Republic of Korea' disputed.⁹ On 25 June, 1950, the United Nations Commission on Korea (on which India was represented) and the United States of America reported that North Korea had attacked the Republic of Korea. In the Security Council India voted in favour of an American draft resolution identifying North Korea as the aggressor and also accepted a Council resolution 'recommending' collective action against North Korea; but the latter resolution was accepted only in its purely Korean context and was clearly subordinate to Indian foreign policy objectives. The fact is that although

8 Werner Levi, "Necrology on Indian Neutralism", in Eastern World (London, February 1963), p.9.

9 K.P.S.Menon, who was on the UNTCOK claims that he had deprecated the proposal for the establishment of a sovereign State in South Korea, in Many Worlds Revisited (Bombay, 1981), p.257.

Nehru accused North Korea of aggression (on the basis of information received from the Indian representative on the UNCOK), he was alive to the danger of a 'larger war'. That India was not toeing the American line became obvious when it abstained on a Council resolution which created a unified United Nations Command in Korea.¹⁰ In two identical messages to Stalin and Truman, Nehru proposed direct negotiations between the People's Republic of China, the Soviet Union, and the United States with a view to arriving at a peaceful settlement. Inside the United Nations, after the Soviet Union returned to the Council in August 1950, B.N.Rau searched for a common meeting point between the antagonists.

"UNITING FOR PEACE" RESOLUTION

The "Uniting for Peace" resolution came in the wake of the return of the Soviet Union to the Council and represented an American attempt to circumvent the "veto" problem. India agreed with the point of view that the General Assembly also had a responsibility in regard to the maintenance of international peace and

¹⁰ India's view was that military contributions could draw India into a wider war. See Michael Brecher, India and World Politics, (Bombay, 1968), p.36. India's contribution was limited to medical relief.

security, but it was far from convinced about the motives of the sponsors of the resolution. The Indian view was that given the East-West confrontation, the Uniting for Peace resolution would actually mean dividing for war. India had no objections to Sections A and B of the resolution which authorised the Assembly to consider a matter affecting global peace and security (if the Council had failed to act on the matter) and provided for a peace observation commission to ensure reliable means of information, respectively. But, India questioned the practical utility of Section 'C' that required member-States to maintain within their national armed forces elements to be made available for service as United Nations units. India was firmly opposed to the establishment of a collective Measures Committee as envisaged in Section 'D' because it felt that the Security Council alone was responsible for determining the existence of any threat to the peace, breach of the peace or act of aggression.¹¹ India, therefore, abstained on the resolution, especially because Sections C and D were supposedly the chief elements of the whole scheme.¹² However, subsequent events served to confirm the political wisdom of India's stand, Sections C and D of the resolution

11 Hans Kelsen expressed a similar opinion. See The Law of the United Nations, (New York, 1966), pp.978-9.

12 G.A.Res.377(V), adopted on 3 November, 1950, by a vote of 52-5-2.

were found to be impractical, but those parts which India had supported have been used many times for constructive purposes.¹³

TOWARDS PEACEFUL SETTLEMENT

India was strongly opposed to any United Nations armed action on the northern side of the 38th Parallel, the dividing line between ^{the} two Koreas. Among other things, it feared that any such move would invite Chinese retaliation¹⁴ and thus widen the area of war. Yet, at the same time India also appealed to the People's Republic of China to exercise restraint. When United Nations' units led by General Mac Arthur clashed with the military units of the PRC, on one side, India resisted American efforts to censure the PRC and, on the other, it refused to align its policy with the Soviet Union's. B.N.Rau, the chief Indian delegate, organised Arab and Asian diplomats, and an Arab-Asian resolution passed by the Assembly on 14 December, 1950, created a group of three (Canada, India and Iran) to explore the possibility of a ceasefire,

13 See A.Appadorai, Essays in Politics and International Relations, (New York, 1969), p.211. It may be noted that when emergency sessions of the Assembly were convened under the resolution India extended its support.

14 Chou En Lai had relayed such a warning to India's envoy in Peking. See K.M.Pannikar, In Two Chinas: Memoirs of A Diplomat, (London, 1955), pp.104-10.

it also aimed at forestalling Western moves to get the PRC censured.¹⁵

In July 1951, peace talks began at Panmunjour, but there was no agreement over the disposition of the prisoners of war. At this point of time, V.K.Krishna Menon's compromise formula of 'non-forcible' repatriation came in handy. After being passed by the Assembly in December 1952, it was accepted by the PRC and North Korea in March 1953, with the alteration that India was appointed the Chairman of the Neutral Nations Repatriation Commission, and was obligated to supply the custodian force that would assume responsibility for the prisoners.

Thus we see that during the Korean War the chief contribution of India was that it resisted attempts made by both the Super Powers to manipulate the United Nations, which conformed to the aim of maintaining a "balance of power" between the two Cold War blocs within the United Nations. India's approach also highlighted the efficacy of an independent (nonaligned) foreign policy. Alongside by mobilising Afro-Asian States into joint action India helped free the United Nations (to an extent) of Cold War rigidities.

15 This group failed to effect a ceasefire and on 1 February, 1951, the Western Powers succeeded in getting China censured.

SUEZ AND HUNGARY

India's response to the Suez crisis and the question of Soviet 'intervention' in Hungary is a further clue to the Indian thinking^{on} and approach to international peace and security. It is not our concern here to trace the origins of these two crises.¹⁶ Briefly, the nationalisation of the Suez Canal by President Nasser¹⁷ and his refusal to retrace his step (as Britain and France insisted) led Britain and France to resort to arms and they found a willing ally in Israel. Reportedly, a few days before this, Soviet troops had crushed a nationalist uprising in Hungary. On the legal plane the two issues were not identical. Whereas in Egypt the United Nations Truce Supervision Organization had observed and reported the Anglo-French attack, in Hungary, there was no such United Nations presence.¹⁸ And, while Egypt had appealed to the United Nations, the authorities in Budapest claimed that the matter was within their domestic jurisdiction. At the political level, the two Super Powers were critical of the Anglo-French action, but in Hungary the Soviet Union was directly involved.

¹⁶ See K.P. Saksena, The United Nations and Collective Security, (New Delhi, 1974), pp.134-45 and 152-99.

M.S. Rajan, n.3, pp.145-82.

Robert Mathews, "The Suez Canal Dispute: A Case Study in Peaceful Settlement", in International Organization, Vol. XXI, 1 (Winter, 1967).

¹⁷ For details regarding the nationalisation of the Canal, See Kessing's Contemporary Archives, Vol. X (July-August, 1956), p.15001.

¹⁸ The Hungarian issue was taken by the Security Council on 28 October, 1956 on the request of Britain, France & USA.

India's stand must also be viewed in the context of its national interests. Egypt was a friendly and a leading nonaligned country and the attack on it was reminiscent of colonial times. India is also "a principal user of this (ie. the Suez Canal) waterway.."¹⁹ Seventy-six percent of India's imports and seventy percent of its exports passed through the Canal. "On the other hand, Hungary was somewhat distant... and the facts about the Hungarian upheaval were not very clear."²⁰ Nonetheless, if the Anglo-French action was described as a 'flagrant case of aggression', the attitude towards Hungary though ambivalent or mild, was definitely not one of unconcern. India's chief aim was to avert the possibility of direct Super Power collision in Central Europe. The government was also eager to indicate that it viewed the Hungarian upheaval as a nationalist uprising and that it desired the withdrawal of foreign troops from Hungary.²¹

At first, before the Suez 'episode' reached the United Nations, India tried to arrest the developing crisis through Krishna Menon's 'minority plan', (proposed

19 Jawaharlal Nehru, India's Foreign Policy, (Publications Division, New Delhi, 1961), p. 531.

20 Subimal Dutt, With Nehru in the Foreign Office (Calcutta, 1971), p. 177.

21 See Lok Sabha Debates, vol. IX, 20 November, 1956, col. 572 and 16 November, 1956, cols. 261-75.

at the London Conference) which sought to reconcile Egypt's sovereignty over the Canal with the right of free access to it by all States.²² However, once the Anglo-French attack was launched, India expressed its opposition in no uncertain terms. Krishna Menon felt that the attack was "an aggression without qualification".²³ Yet, in its response inside the United Nations, India refrained from introducing any condemnatory resolution and also prevailed upon other Arab and Asian countries to exercise restraint. Alluding to the Assembly resolution of 24 November, which noted "with regret" that the invading Powers had disregarded earlier resolutions, Krishna Menon explained that the emphasis was on mediation and moderation,²⁴ and this aptly summed up the essence of India's approach to the problem.

In regard to the Hungarian question, of the eleven resolutions passed by the General Assembly, India abstained on seven, voted in favour of three and negatively on the five-Power resolution (1005[ES-II] of 9 November). The objection to this resolution related to the paragraph about elections under United Nations' supervision because

22 For details see, Foreign Policy of India: Texts and Documents, 1947-64, (New Delhi, 1966), p. 252.

23 Cited in Roll N. Berkes and Mohinder S. Bedi, The Diplomacy of India, (London, 1958), p. 42.
Also see Surendra Bhutani, The UN and the Arab-Israeli Conflict, (New Delhi, 1977), pp. 45-50.

24 Ibid., p. 44

it reduced Hungary to less than a sovereign State.²⁵ India was also of the view that the humanitarian aspects of the situation should be disengaged from the polemical political issues. This explains why it abstained on the American draft resolution of 9 November, but voted in favour an Austrian draft resolution (1007[ES-II]). It was also felt that the Western Powers were only trying to extract mileage by waging a propaganda war against the Soviet Union, whereas the Indian opinion was that condemnatory resolutions stood in the way of any settlement of the problem.

In view of this, therefore, it is grossly unfair to accuse Nehru's government of adopting "double standards". The Indian approach to the Suez crisis as well as the Hungarian question was well within the broad framework of Indian foreign policy - a combination of 'idealism and realism'. In each case the Indian emphasis was on adopting a meaningful role for itself as also for the United Nations.²⁶ Allied to this was the concern over the feasibility of action which could restore peace and normalcy. In the Suez crisis it was possible to urge the Organization to play an active and positive role, but in Hungary the direct involvement of the Soviet Union ruled out such a possibility.

25 Apparently, India also had Kashmir in mind, more so because Pakistan was one of the co-sponsors.

26 It may be useful to recall that Nehru had rejected Bulganin's call for another Bandung type Conference on the Suez crisis.

For this reason, the stress was on providing relief work through the United Nations and on preventing a wider conflagration.

PEACE-KEEPING OPERATIONS

The crystallization of the concept of peace-keeping as a consequence of the failure of the collective security scheme remains an important legacy of the Suez crisis.²⁷ During that crisis, as the idea of establishing a United Nations presence in the affected area won favour, an Assembly resolution (998[ES-I] of 4 November, 1956) requested the Secretary-General to organize an emergency force "with the consent of the nations concerned" (i.e., the consent of the nations participating in the proposed force) to secure and supervise the cessation of hostilities in accordance with ~~the~~ "all" (i.e., withdrawal of all forces behind the armistice line) the terms of the original ceasefire resolution.²⁸ The final report of the Secretary-General (A/3302) was passed by the Assembly (res.1001[ES-I]) and an advisory committee (on which India was included) was appointed to assist the Secretary-General.²⁹

27 This is not to suggest though that the peace-keeping concept arose suddenly out of the Suez crisis. It was the product of an evolution spread over a period of years. UNF-I was only the most outstanding landmark in its evolution.

28 See Nandlal, From Collective Security to Peace-keeping (Calcutta, 1975), pp.131-32.

29 Among other things, the report emphasized that the UNF would not be used to pressurize Egypt; that it would act as a buffer force without any military objectives; and, that it would not be deployed without Egypt's consent.

Krishna Menon laid down four conditions for India's participation in the UNEF-I: that the UNEF would be deployed only after the withdrawal of the invading troops behind the armistice line; that the UNEF would not be a successor to the occupation forces; that Egyptian sovereignty and consent would be duly respected; and, that the UNEF was to be in the nature of an adhoc arrangement. In terms of concrete contributions, by September 1957, India had sent 27 officers and 930 other ranks to work as UNEF units.³⁰ India paid some 2.1 million dollars towards costs and bought United Nations bonds worth 2 million dollars.

Thus, India fully supported Dag Hammarskjold's concept of 'preventive diplomacy' and when the same prescription was applied to the Lebanese crisis of 1958, it once again assisted the United Nations. Apart from its contribution in terms of materials and men³¹ India deplored the landing of American troops in Lebanon (as a response to President Chamoun's requests for American help) and did not support the invocation of Article 51 of the Charter by President Chamoun. Nehru's government steered

30 Out of the 24 nations that offered their troops those of only ten actually served as UNLF units.

31 For details on India's contribution, See Nandlal, n.28, pp.55- 56.

clear of the American as well as Soviet view points on the subject. It welcomed a draft resolution submitted by ten Arab States which purported to settle regional disputes locally. The United Nations Observer Group in Lebanon to which India ~~was~~ made an impressive contribution was "one of the most successful missions ever undertaken by the United Nations."³²

"The objective of eliminating outside intervention stood primary among the aims of the United Nations' most elaborate peace/keeping venture, the Congo operation."³³ Immediately after its independence, the Congo faced a bizarre multi-dimensional crisis. In response to three requests made by the Congolese Central Government Dag Hammarskjold invoked Article 99 and, pursuant to a Security Council resolution of 14 July, 1960 (S/4387), proceeded to organize a peace-keeping force along the lines of the UNEF-I designated United Nations Congo Operations (hereinafter referred to as the UNOC)

Nehru was of the opinion that the United Nations presence in the Congo was of utmost necessity.³⁴ Briefly India felt that the United Nations had undertaken a difficult assignment in the Congo and that the Congo had to be saved from Cold War politics. India demanded the withdrawal of all foreign personnel, the reassociation of Katanga with

³² Rajeshwar Dayal, "The 1956 Crisis in Lebanon", India Quarterly, vol.26, no.2, April-June 1970,

³³ C.Heimsath and S.Mansingh, n.4, p.499. It needs to be added that the UNOC actually became more than a peace keeping operation.

³⁴ See Nehru, n.19, p.512.

the rest of the country and the restoration of law and order.

However, the UNOC, operating as it was under severely restricted terms, could not cope with the rapidly deteriorating conditions in the Congo. India, therefore, came out in favour of enlarging the scope of the UNOC. As Krishna Menon put it to the Assembly, "It is now necessary for the United Nations to govern or get out".³⁵ After the assassination of Patrice Lumumba, the UNOC's strength fell by more than half (from 19000 men to 8000) due to the withdrawal of the chief African contributors and Yugoslavia. In these circumstances Nehru, although unhappy over the way the UNOC had been functioning,³⁶ came to Hammarskjold's rescue after seeking assurances on certain counts.³⁷ Thereafter, Indian troops played a conspicuous part in all the major United Nations operations in the Congo.³⁸ It can be reasonably asserted that the Secretary-General derived his main support from India's political preferences which marked a moderate middle position. Nehru realized that ~~only~~ in the situation in the Congo only the United Nations could

35 Cited in Heimsath and Mansingh, n.4, p.500
See also Nehru, n.19, p.522 and pp.525-26.

36 See FAR, vol.VII, February 1961, p.17.

37 See Nehru, n.19, p.527.

38 For details relating to India contribution and participation of India's troops in the UNOC See Nandlal, n.28, p.71.

have arrested the crisis. This explains his unstinted support to Hammarskjold. The crucial role played by India in strengthening the Organization was widely acknowledged. "There is no reason to question the great and indispensable assistance India has rendered the United Nations in the Congo." 39

However, Nehru's policy had its domestic critics.⁴⁰ It was pointed out that during the Sino- Indian war more than 1248 and 5600 combat troops and officers were serving under the United Nations command in the Middle East and in the Congo, respectively. On questions like assisting Hammarskjold after Lumumba's murder, India suffered a loss of prestige among the more radical African states. Suffice it to say that in certain situations, as for instance in the Suez Crisis, India's interests were involved, but in others, such as the Congo crisis, Nehru was prompted by a deep and genuine commitment to the United Nations. No less a person than Dag Hammarskjold expressed his gratitude to the Government of India for the help rendered.⁴¹ Similarly, United States Ambassador Adlai Stevenson remarked, "Few nations have done more to uphold the principles of this organization or to support its peace-keeping efforts all over the world..." 42

39 New York Post cited in ibid., p.66

40 For instance, J B Kriplani, "For Principled Neutrality" in Foreign Affairs, (New York) October 1959, pp.48-49.

41 ~~Cited~~ in A.Appado rai, n.13, p.212.

42. Cited in Nandlal, n.28, p.218.

DISARMAMENT

The Nehruvian obsession with world peace and security was equally visible in its emphasis on disarmament. Nuclear disarmament received special attention because of Nehru's deep-seated abhorrence of a nuclear catastrophe. It is also worth noting that initiatives taken by India in regard to disarmament were largely centred round the United Nations. During the 1950s, Indian delegations to the United Nations regularly reiterated that disarmament or arms control required in the first place a cessation of Great Power confrontation. The emphasis was on semantic diplomacy in order to induce the involved parties to reach some agreement. For this reason, Indian proposals appeared more like the "sum of the opposing positions divided by two".⁴³ It is arguable whether in a situation where third party mediation was unwelcome India could have done more. India, however, categorically rejected an American plan to set up a supra-United Nations agency that would exercise international control over the global nuclear energy resources.⁴⁴

⁴³ An Indian Diplomat, cited in Heimsath and Mansingh, n.4, p.93.

⁴⁴ See Bhabani Sen Gupta, "India and Disarmament", in B.R.Nanda ed., Indian Foreign Policy: The Nehru Years (New Delhi, 1976), p.235.

In 1953, Nehru took the first major initiative in speeding up the pace of disarmament negotiations. Owing to amendments moved by India the General Assembly resolution 715(VIII) included the provision for a sub-committee, comprising the nations directly involved, to implement the purposes of the Disarmament Commission. Another area which attracted Nehru's attention was that of nuclear weapon testing and, as early as 1954, Indian proposals on the matter were submitted to the Disarmament Commission. In subsequent years, India's ideas won approval and were sometimes even incorporated into Assembly resolutions, though in a highly diluted form. By 1957, largely due to the painstaking and relentless campaign conducted by India, disarmament had ceased to be an exclusive dialogue between the East and West.

As the Super Powers moved toward the doctrine of arms control and mutual deterrence, Nehru also appeared to accept this position but only as a beginning towards the primary objective of general and complete disarmament.⁴⁵ It may be recalled that the immediate origins of the Eighteen Nation Disarmament Committee (ENDC) lay in a draft resolution moved by India at the 1961 session of the General Assembly

⁴⁵ See Ibid., p.242.

which was later co-sponsored by Ghana and the UAR and adopted by the Assembly (res.1660[XVI]). At the first session of the ENDC in March 1962, Krishna Menon and Arthur Lall emphasized the need for quick progress, and soon, the eight nonaligned nations in the Committee submitted their own scheme for a comprehensive ban on nuclear weapon testing. India, represented by Lall, played a major role in drafting the memorandum.⁴⁶ Again, in 1962 itself, India proposed that negotiations begin for a nuclear non-proliferation treaty and a definitive agreement to inscribe it on the agenda of the ENDC was reached on 18 June, 1964. However, when eventually the NPT did come in 1968, India refused to ~~accept~~ accede to it because it was not based on equality and non-discrimination.

It is difficult to deny the charge that the United Nations had virtually achieved nothing in the sphere of disarmament and arms control. Nevertheless, on its part India can take some credit for at least having attempted to curb the arms menace. Its delegates, time and again, and often from the sidelines, underlined the priority of this objective, imparted a sense of urgency to the problem and

⁴⁶ See Harold K. Jacobson and Eric Stein, Diplomats, Scientists and Politicians, (Michigan, 1966), p.373 See also pp.22-23.

urged the United Nations and its bodies to play an active role and rendered all possible help in this direction. It was, one may recall, Nehru's initiative in 1953-54 coupled with the growing strength of the Afro-Asian group that enabled the organization to involve itself more directly and intimately with disarmament and arms control. The failure indeed has been on the part of the privileged members of the organization.

SUMMARY OBSERVATIONS

It is now possible to delineate certain broad principles of India's diplomatic conduct. As Nehru realised the equipoise of world peace and security depended primarily on reconciling the conflicting interests of the two Super Powers. Consequently, the necessity of reducing international tensions through Great Power agreement led India to assume a mediatory role inside the United Nations. Critics have observed that there was an excessive preoccupation with Great Power politics, but in the conditions and circumstances of the late forties and fifties, this was both inevitable and unavoidable. It explains India's opposition to resolutions which used language inimical to conciliation. Another related aspect was the preference for political,

rather than legal, mechanisms. The emphasis was on the spirit of a resolution and on practical results and not on precise wording and legal precedents. Because the United Nations was to be a forum of negotiation and compromise, India favoured resolutions that were likely to lead to talks between the parties involved, rather than those offering specific solutions on behalf of one side. However, while India scrupulously avoided getting directly entangled in Cold War rivalry, it unhesitatingly took up issues resulting from the Cold War, the Korean War being just one example.

Equally significant was the determined resistance to domination of the United Nations by any one Great Power. India's diplomacy aimed at securing a balance of power in the World Organization as a partial political guarantee against the resort to force by one or the other of the major coalitions. At one level, India tried to ensure that the United Nations was not employed for promoting the special interests of some States, but in making it an agency of harmonization and compromises among competing interests. At another level, it meant pursuing an independent policy. The significant point then is that not only did Nehru understand the full implications of the Cold War for the Organization, but, simultaneously, he tried

to prevent it from being paralysed by the Cold War. Whereas the Charter had relied upon the strength of the Great Powers as the most effective guarantee of world peace, in practice, it were the uncommitted nations led by India who became its principal pillar of support. Thus, in a way, India's approach served as a hyphen between the Charter as it was drafted and the Charter as it was implemented.

India also played a notable part in developing and institutionalising the peace-keeping mechanism.. Since the Great Powers were not fulfilling the aspirations of those who had drafted the Charter, India insisted that military might should not be considered the sole component of world peace.- a point amply proved by the success of the UNEF-I experiment. The support to Hammarskjold's preventive diplomacy was undoubtedly an offshoot of the concern for world peace and of rendering the United Nations more effective in this area. Possibly this explains why India insisted on converting the UNOC from a non-military to a military force. Perhaps India can also take due credit for having been substantially associated with a device that presented a viable alternative to the collective security scheme and that enabled the United Nations to preserve the peace.

The pursuit of disarmament arose from an aversion to nuclear weapons and the attendant risks and dangers. Disarmament was also perceived as a basic pre-condition for the success of peace-keeping. Additionally, for any substantial rapprochement between the two blocs, it was essential to take some practical steps to neutralise the overwhelming strength possessed by each of one of them. It is not without reason that Nehru began actively championing the cause of disarmament only after the Soviet Union too had become a nuclear-weapon Power. In principle, India stood for general and complete disarmament within the framework of the United Nations. But, as this objective could not be achieved at one stroke, it had to be carried out in agreed stages and as rapidly as possible.

In summation, the basic thrust of Indian diplomatic strategy was admirably suited to the promotion of the professed objectives of the United Nations, and that, while serving India's national interests, it also strengthened the endeavours of the Organization in the maintenance of international peace and security.

CHAPTER III

INDIA AND PROMOTION OF SELF-DETERMINATION OF COLONIAL PEOPLES AND COUNTRIES ; NON SELF GOVERNING AND TRUST TERRITORIES

The liberation of subject peoples formed a cardinal objective of India's foreign policy during the Nehru era. India's approach to the question of colonialism (as elucidated in the First Chapter) was determined by the belief that peace and freedom are indivisible. Therefore, in the seventeen long years which marked independent India's participation in the United Nations (1947-'64), its best endeavours were directed in promoting world peace through the extension of freedom. India's approach to colonial questions is echoed in Nehru's declaration on the Indonesian question:

"One thing is certain: there can be, and will be no surrender to aggression and no acceptance or reimposition of colonial control." 1

In terms of policy, as far as possible, India sought to attain this climate of peace through peaceful means.

Some scholars have pointed out that India's stand on colonial issues was of an irregular and inconsistent pattern, that it supported some national liberation

1. Jawaharlal Nehru, India's Foreign Policy, (New Delhi, 1961) p.409.

movements only and not all, that such support displayed a prejudice against communist-backed movements, that India did not, in practice, follow what it preached with regard to the 'peaceful means' approach.² It is, therefore, essential to clarify the focus of the paper. The questions dealt with are: how far did India feel the necessity of using the United Nations for the settlement of colonial questions and to what extent was it able to use the machinery of the organization in the direction of decolonization, especially in the core questions of the Trusteeship areas and the Non-Self Governing Territories? Due to the extensive nature of India's participation as well as the need for brevity, only the important cases have been examined, along with certain controversial case-studies, where India's participation was described as inconsistent. The principal issues thus identified are: the Indonesian and West Irian questions; Algeria, Tunisia and Morocco, Goa and, lastly, India's efforts and participation in the question of the Non-Self Governing and Trust Territories.

2 See Ross N. Perkes and Mohinder S. Bedi, The Diplomacy of India, (London, 1958), p.159 and p.168.

Charles H. Heimsath and Surjit Mansingh, A Diplomatic History of Modern India, (Calcutta, 1971), p.104.

D.R. Sardesai, "Indian and Southeast Asia", in B.R. Nanda ed., Indian Foreign Policy: The Nehru Years (New Delhi, 1976), pp.80-83.

THE INDONESIAN AND WEST IRIAN QUESTION

The forum of the United Nations was sought by India in the very first case that it handled after the formation of the Interim Government. In a letter dated 30 July 1947, the Government of India drew the attention of the Security Council, under Article 34(1) of the Charter to the violence in Indonesia, calling on the Council to take action as the situation was a threat to the maintenance of international peace and security.³ India was invited to participate in the Council debates (being a non-member) on the issue it had raised.

In the Security Council, the Indian delegate, pitted against the Dutch allies, had to struggle hard with logical and persuasive arguments in order to convince the Council that the World Body had full competence to intervene in a question which constituted a threat to international peace and security, and secondly, to press for the participation of the Indonesians in the discussion as a party to the case.⁴ India's representatives, P.P.Pillai and B.R.Sen, built up a convincing case for the defacto status

3. Doc. S/447

4. P.P.Pillai in this regard, remarked that the refusal of permission to Indonesia to participate in the discussion was like, "playing Hamlet without the Prince of Denmark", SCOR, Yr.2, mtg 196, p.2222.

of Indonesia as a State (and not a colony) which undermined the Dutch position in the Council. Pillai also demonstrated the illogic of applying a redundant international legal provision to the problems of contemporary international politics and pointed out that such issues could not be "dealt with in terms of hair-splitting legalism".⁵ With regard to the means through which the dispute was to be solved, India was in favour of a Commission to be appointed by the Security Council and against the mediation by any particular country or countries. India was alarmed when the Council's competence was challenged by the Netherlands and this point received further clarification when it preferred the Australian resolution on the issue to a Chinese resolution.⁶ A truce was effected in January 1948 through the machinery of the United Nations, namely the Good Offices Committee, much to the satisfaction of the Indian delegation, whose labours and energies were fruitful in getting the Good Offices Committee active over the Indonesian dispute.

However, by the end of the year, fighting broke out again in Java and Sumatra. This time, India took the initiative of calling an eighteen-nation Conference in

5 Ibid., p.2220.

6 Ibid., pp.2154-2158.

New Delhi (January 1949), to discuss the problem. In the Presidential Address, Nehru urged the Conference to take effective steps in checking the Dutch aggression not only because of the atrocities committed in Indonesia, but also because the Dutch had disregarded the resolutions adopted by the United Nations. Nehru also explained that the Conference had been organised not only to mobilise support for the Indonesians, but also "to confer together to strengthen the United Nations..."⁷ Clearly then India was equally concerned about the desperate attempts that were being made to weaken the United Nations. This Conference effectively built up the tempo of the conciliation efforts. Its proposals were submitted to the Security Council and were incorporated into a Council resolution of 28 January 1949, which called for a ceasefire and for resumption of negotiations. In early March 1949, India along with Australia succeeded in bringing the Indonesian question before the General Assembly.⁸ This built up the pressure against the Dutch who were compelled to agree to a Dutch-Indonesian Conference at the Hague from August to December 1949. Eventually in December, 1949 Indonesia gained full sovereignty.

7 Nehru, n.l, p.409

8 Reports of the Indian Delegation to I and II parts of the III Regular Session of the Assembly held in September 1948 and April 1949, p.61.

In the early phase, the Indian delegation made energetic efforts in using the machinery of the World Body for solving the dispute. In the later phases, it also showed remarkable foresight and made persuasive moves as in the mooting of the Conference in order to strengthen the very mechanisms of the Security Council, which at one stage showed signs of being relegated to the background by the Western countries and considerably helped in restoring confidence and faith in its authority.

The question of West Irian (West New Guinea) was closely associated with the Indonesian question. It was brought up before the General Assembly in 1954, at which time the Netherlands had claimed sovereignty over the territory. The Tenth Session of the Assembly had expressed the hope that the parties to the dispute would arrive at a negotiated settlement, but it was only in 1962 that the issue was resolved. This case again highlighted India's consistency in the advocacy of the methods of conciliation and arbitration. True the Indian stand on this question was less radical than it had been on the Indonesian question, but apparently this was so not only because India had become somewhat temperate in its stand on colonialism, but also because India felt that the

Indonesians were ethnically different from the inhabitants of West Irian. Simultaneously, it cannot be denied that, "India gave Indonesia the benefit of its United Nations diplomatic skills on pressing for negotiations between the Netherlands and Indonesia on the transfer of West Irian."⁹

THE MOROCCO AND TUNISIAN QUESTION

The North African national liberation struggles were not of a single pattern as one examines Tunisia, Morocco and the Algerian countries, but India offered unqualified support to these struggles. However, India's participation within the fora of the United Nations revealed a tone of moderation and caution.¹⁰ The Indian delegation had by now come to the conclusion that an uncompromising, inflexible anti-colonial attitude was not conducive to negotiations. At the same time though, India's adherence to the principle of national self-determination remained as firm as ever.

In the Moroccan and Tunisian questions, India's attitude and actions were much the same as seen in the Sixth Session of the Assembly when India voted for the inclusion of the item as part of the agenda.¹¹ India also

9 C.H.Heimsath and S.Mansingh, n.2, p.233. Also see p.106.

10 See ibid. . Also see Berkes and Bedi, n.2, p .

11 Yearbook of the United Nations 1961 (New York, 1963), pp.44-57.

See also, ICWA, India and the United Nations, (New York, 1957) pp.95-98.

attempted to get Tunisia on to the agenda of the Security Council and led a twentythree-Power Afro-Asian initiative to call a special session of the Assembly on the Tunisian independence. Throughout the Seventh Session Indian representatives showed tremendous powers of articulation and patience in co-sponsoring several Afro-Asian draft resolutions on both Morocco and Tunisia. Two draft resolutions, one mooted by the Afro-Asian group, and the other a non-committal Latin American draft were put forward in this session, and the voting pattern reveals a very interesting tendency pinpointing exactly the Indian dilemma. India had co-sponsored the Afro-Asian draft which was a strong worded document emphasizing the inclusion of the United Nations' intervention as a negotiating body in order to assist in the proposed conciliatory talks between the disputing parties. India voted for the lukewarm Latin American draft, which it did not approve of, due to its exclusion of any mention of a Good Offices Commission. This can be explained by the fact that India realised that the strongly worded Afro-Asian draft would not receive support from the hardliners; hence the only alternative, in order to see that the issue continued through the Assembly debates without falling through, was to vote for the ~~middle draft~~

milder Latin American draft.¹²

India continued to lend active support on both issues and during the Eighth and the Ninth Sessions, India optimistically placed two Afro-Asian draft proposals, but its laborious efforts to declare the Tunisian and Moroccan countries' "right to complete self-determination in conformity with the Charter,"¹³ were defeated in the General Assembly. India had considerably moderated its anti-colonial pressure during the ninth session due to the French obstinacy,¹⁴ and its attempts to convert the milder Bolivian drafts were also thwarted in the final vote which rejected them. However, Morocco and Tunisia gained independence during the tenth session of the Assembly and subsequently were admitted to the United Nations.

12 See Doc.A/C I/L.61

- The two operative paragraphs of the Afro-Asian draft were:
- (7) "Recommends that negotiations be resumed between the Government of France and the true representatives of the Tunisian people. ..."
- (8) "Decides to appoint a Commission of Good Offices consisting of A, B and C to arrange and assist in the proposed negotiations."

On the other hand, the Latin American draft was quite different and had nothing similar to para 8 of the Afro-Asian draft.

13 Ibid., p.2089.

14 To an extent India's attitude may have been affected by the negotiations it was carrying on with France for release of French enclaves in India.

THE ALGERIAN QUESTION

The Government of India had followed the events in Algeria with deep concern and anxiety. India accepted the fact that the Algerian struggle was a national liberation movement and that it was only a part of, "the great wave of national upsurges which had swept Asia and Africa in the last two generations."¹⁵ However, in the light of experience and through the accounts and proceedings of the Council and the Assembly debates, India also realised that France's attitude would only harden if more pressure was applied on it any further. A correct appraisal of the situation based on the Indian delegation's reports of the Tunisian and Moroccan cases made Nehru conclude that only an extremely conciliatory, moderate and mild approach would yield fruitful results in the Algerian situation. In a speech to the Lok Sabha on 22 May, 1956, Nehru said that his government recognised the

"special factors and complexities"

of the case, but added that these /

"should not be permitted to bar a settlement. These call for negotiation. It should be our endeavour to assist the forces which stand for a constructive settlement." ¹⁶

15 Nehru, n.l, p.505.

16 Ibid., p.506.

The "special factors and complexities" which Nehru took note of were, namely, the presence of about a million resident Europeans in Algeria whose interests could not be brushed aside.

India had found that any draft proposal which asserted in firm tones the right to self-determination and demanded the use of the United Nations as a negotiating instrument was defeated by the veto of the Western bloc. Therefore, India chose to apply the same negotiation ~~+~~ conciliation approach, but with more moderation and caution than was witnessed in the Moroccan and Tunisian cases. Nehru, in his statement on Algeria in the Lok Sabha on 22 May, 1956, complimented France on granting independence to Tunisia and Morocco and expressed the hope that it would use the same discretion in the case of Algeria. A further mellowing in the already moderate approach of India was seen in the Tenth Session of the Assembly. In September 1955, India had been a party to the letter signed by fourteen Afro-Asian powers which requested the Assembly to place the Algerian question on its agenda; the proposal won by a narrow vote in the Assembly. The immediate consequence of this procedural triumph of the Afro-Asian countries was a vehement and vindictive move by France: it withdrew from the World Body. This move had an immediate sobering effect

on the Assembly in general and apparently on India, in particular. In the next three sessions of the Assembly, Nehru repeatedly stressed that, "reconciliation should be the governing approach to this issue".¹⁷

The sobering effect was evidenced in the hasty formulation of a resolution by India on 22 November, 1955¹⁷ which decided 'not to consider further the item entitled the "question of Algeria" on the agenda of the tenth session, and this resolution was passed without objection both in the First Committee and in the Assembly on the same day.¹⁸

After the ninth session, Nehru repeatedly stressed the need for the full and complete independence of Algeria. The main bone of contention in the Algerian nationalist ~~xxxxxxxxxxxxxxxx~~ argument was over the question of 'territorial jurisdiction'. The Indian Prime Minister sent a number of communications to the French government with the request ~~request~~ that full recognition to the provisional government in Algeria should be also accompanied by granting the regime territorial jurisdiction over the Algerian territory. Nehru said:

"We had hoped and still hope that General De Gaulle's Government would deal with the Algerian Question in a broad minded and generous way, recognizing the basic fact that it cannot be settled except in terms of the full freedom of Algeria."¹⁹

17 Ibid., p.521.

18 G.A., O.R., 10 Session, plen.mtg., p.370

19 Nehru, n.1, p.508.

Once the Indian government realized the critical need for total independence of Algeria, the Indian delegation in the Assembly pressurized the Afro-Asian bloc to make use of the machinery of the United Nations for stationing a commission within Algeria. The Indian representative suggested that a referendum should be conducted in Algeria, to be organized, controlled and supervised by the United Nations, wherein the Algerian people could freely determine the destiny of their own country. This draft resolution, if it had been passed would have widened the role of the United Nations machinery and given a great impetus to its organizational authority, but to the disappointment of India, this particular clause in the Assembly failed to secure the requisite majority vote. Nehru blamed the Great Powers for refusing to strengthen the World Body out of selfish narrow interests. "In Algeria, one of the main complaints of the Algerian Peoples' representatives has been not only against France but against certain Powers, the NATO Powers, who directly or indirectly support the French government."²⁰

²⁰ Ibid., p.511.

India's stand in the eight-year old Algerian question of independence was a consistent support and concern for the Algerian nationalists and their aspirations. Though it started out in a determinedly firm fashion, it soon discovered that France, the main contender, could be vindictive besides being a difficult and tough negotiator. Therefore, it had to change its tactics by adopting a milder and more moderate approach in the exercise of the negotiation and conciliation methods and wherever possible, it tried to bring about a pacific settlement to the Algerian dispute within the framework of the international organization. However, it should also be pointed out that Nehru's government did not issue de jure recognition to the Algerian provisional government - the GPRA - formed by the Front of National Liberation in Cairo. It was explained that the GPRA did not fulfil the normal legalistic criteria for recognition, viz., functioning in the territory it was supposed to govern. Apparently there were also some political considerations which influenced Nehru's government.²¹ Nevertheless, India did not oppose the representation of the provisional government at the Belgrade Conference in 1961 indicating that de facto

21 See C.H.Heimsath and S Mansingh, n.2, p.280.

recognition to some extent had occurred. But India issued de jure recognition only after Algeria's independence in June 1962.

THE QUESTION OF GOA

On 17 December, 1961, Indian armed troops moved into Goa and 'liberated' it. The Indian move came as a surprise, an action contrary to the utterances of leading Indian statesmen and diplomats, including Prime Minister Nehru. Within the Security Council, the whole of the Western bloc, led by the United States, the United Kingdom and France accused India of violating Article 2(4) of the Charter which enjoins peaceful settlement of disputes.

The 'liberation' of Goa has remained a controversial issue with a group of protagonists justifying India's action on several grounds, on one hand and, on the other, vehement critics who condemn India's "aggression". To put the whole matter in a nutshell - Goa was a test case for freedom against the Portuguese colonialism. Goa was an integral part of India turned into a Portuguese colony about three hundred and fifty years earlier. After the 'liberation' of Goa, in defence of its action India eloquently argued the

thesis that "colonialism is permanent aggression".²² India maintained that the Portuguese acquisition of Goa had come about through a process of conquest which was illegal. Therefore, if the vivisection of India was immoral and illegal abinitio, then how could it be moral and legal in contemporary times. The Portuguese argument that sovereignty rested with the colonial power over the territories under the Non-Self Governing Territories was implicitly negated by Article 73 of the Charter which enjoins that administering Powers hold the NSGT in "sacred trust," and not as owners or masters and that they should pave way for eventual self-government. Thus the Indian action in Goa was justified through the argument that it was aimed at terminating colonial rule and at restoring the freedom of the Indian people in Goa, and, that India had only "acted in self-defence against the continued aggression of colonialism against the Goan people who are one and the same as the Indian People".²³

22 See Robert Goraick for a ~~comple~~ analysis of the twin questions whether colonial people have a right to use force, and whether other States can aid such people in their struggle. "Wars of National Liberation Jus ad Bellum", The Indian Journal of International Law, (New Delhi), vol.18 (1978), p.364.

23 SCOR, Yr 16, mtg.987, p.368.

In defence of India, it may also be pointed out that it faced a technical legal hitch when the other party to the dispute (viz, Portugal) refused to acknowledge the existence of a dispute. How was India to negotiate for the pacific settlement of a dispute when according to one party there was no dispute at all? India had also tried the negotiation-conciliation approach and made repeated offers to Portugal for a peaceful ~~xxxx~~ transfer of power in regard to Goa. However, Portugal had always advanced the legal fiction of Goa being a part of Portugal. As C.S.Jha rightly comments, "too literal an interpretation of the Charter would mean the perpetuation of the status quo and permanent denial of freedom to the peoples under Portuguese colonial rule in Goa and elsewhere".²⁴ C.S.Jha who argued the Indian case after 'liberation' of Goa, also narrates that,

"While the Charter provisions were profusely quoted for the non-use of force by a member, the historic declaration of 1960 (Resolution 1514) for immediate independence to colonial countries and dependent peoples was forgotten. No one cared to say that it was Portuguese permanent aggression in Goa for four centuries".²⁵

²⁴ C.S.Jha, From Bandung to Tashkent (Madras, 1983) p.152.

²⁵ Ibid., p.156.

The Government of India's decision to send troops to 'liberate' Goa was without doubt a clear violation of the Charter. Article 2(4) clearly excludes the use of force. Moreover, for more than fourteen years, official spokesmen had gratuitously surrendered the right to the use of force by making repeated statements to the effect that India was determined to solve the Goa question by peaceful means, however, provocative or intransigent Portugal might prove to be - thus ruling out the right to resort to arms to defend a national interest in the event of a peaceful solution not being found. This was the precise dilemma that the year 1961 brought to India.²⁶ Secondly, India had always made the plea that Portugal was not a member of the United Nations till 1955, and had not sought the United Nations mechanism. But, even after 1955 India refused to seek the machinery of the United Nations for a peaceful settlement. In an interview with Michael Brecher, Krishna Menon admitted that the Kashmir experience had disillusioned India when the World Body had been used

26 A balanced view point regarding the nature of India's conduct and behaviour has been put forward by H.S. Rajan. "A Plea for Pragmatism", in International Studies (New Delhi), vol.17, no.3-4, July/December 1978. pp.837-39.

against ~~my~~ India's interests.²⁷ If India had felt that it was detrimental to its national interests to invoke the World Body, it is surprising that not even the Secretary-General or the President of the Security Council brought the question of Goa in the world forum. C.S.Jha mentions that there was talk by the United States to bring the Goa Question before the Assembly but the United States soon discovered that its stand would not be supported in the Assembly by an over-whelming majority and hence it abandoned the idea.²⁸

Above all, the Goa episode was a "test case for the Charter".²⁹ Serious lacunae exist in the Charter provisions where a large part is devoted to the attainment of self-government and complete independence for dependent countries and peoples and for the promotion of Human Rights and fundamental freedoms, but at the same time it provides no solutions in exceptional cases when a member-State defies the Charter and obstinately denies fundamental freedoms and human rights, as in this case Portugal was doing. Applying the provisions of the Charter to the

27 To quote Krishna Menon? "We had learned some lessons. What happened to the Kashmir business," He added that the whole operation had to be finished in twenty-four hours otherwise it would have got bogged down in the Security Council. In Michael Brecher, India and World Politics, (Bombay, 1968) p.153. See also p.121.

28 C. S. Jha, n.24, p.158.

29 Ibid., p.152.

'liberation' of Goa, it is evident that it represented a deviation both in India's peaceful approach in foreign policy and from the angle of its adherence to the Charter itself.

NON-SELF GOVERNING AND TRUST TERRITORIES

One of the best endeavours of India in strengthening the international organization has been in the area of the Non-Self Governing and Trust Territories.³⁰ Indian delegations at the United Nations played a leading and vigorous role with regard to Chapters XI and XII of the Charter, namely the provisions on Non-Self Governing Territories and Trust Territories respectively. Resourceful and concerted efforts were made by Indian representatives in trying to shift the rapidly shrinking area of colonial rule out of the hands of the colonial Powers and into the folds of the World Body. The United Nations was constantly sought by India either to take direct or indirect supervision and control of these administered areas and in most of its laborious efforts it was successful.³¹

30 For a detailed study of fifty-five non-self governing territories and eleven trust territories with regard to Indian attitude and action, see S.J.R. Dilgrami, India's Role in the UN with Special Reference to Trust and Non-Self Governing Territories, (New Delhi, 1969)

31 For a brilliant analysis of India's action, attitudes and repercussions on the World Body regarding NSGT, See Berkes and Bedi, n.2, pp.174-96.

Indian thinking on Trust and non-self Governing Territories was based on three basic points:

(a) That all these colonial areas, due to political or economic social backwardness could not be declared independent with immediate effect, hence the alternatives were to make the United Nations a trustee of these territories and exercise actual control and the Administering Power could act as an intermediary.

(b) The next alternative was to have all colonial areas administered under the Trusteeship System. The major flaw with this option was that the Trusteeship Council decisions could be manipulated by Great Power devices such as the 'strategic area trusteeship'.

(c) The third alternative was indirect United Nations supervision; while official United Nations reports could keep the Council informed under Chapter XI, the actual control would remain in the Administering Power.

While considering all the three alternatives India ceaselessly sought to invoke the United Nations authority in some form (direct or indirect supervision) over these territories. A brilliant understanding of the fundamental differences between the provisions of Chapters XI and XII led India to seek the Trusteeship System alone, which indirectly strengthened the supervisory and controlling

powers of the United Nations. A careful reading of Chapters XI and XII revealed that the real difference between the two Chapters lay not in basis purposes or principles, but that Chapter XI lacked a 'system' and Chapter XII specifically provided for all Non-Self Governing Territories, 'a system of international supervision'. The implications of these provisions was that Chapter XI lacked the potential of supervision by the United Nations owing to the non-availability of a system. Hence the Indian delegation emphasized the Trusteeship System as it provided, "the surest and quickest means of enabling the peoples of dependent territories to secure self-government or independence under the collective guidance and supervision of the United Nations".³² Throughout the seventeen-year Nehru era, the Indian delegation strove hard in drafting acceptable resolutions, which expressly tried to evade metropolitan control and shift these areas into the hands of the United Nations. However, the Western bloc created impediments in the form of devices such as 'advisory councils' and 'strategic areas'. In the second session of the meeting of the Fourth Committee, India sponsored a resolution which

32 See Berkes and Bedi, n.2, pp.184-89.

called for, "Members of the United Nations responsible for the administration of territories be requested to submit Trusteeship Agreements for all or some of such territories as are not ready for immediate self-government."³³ Many patient and painstaking attempts were made by the Indian delegation to obtain voluntary submission of trusteeship agreements for Non-Self Governing Territories, but such attempts were hardly attended by success.

Efforts were made by India after 1950 to effect improvements in the Trusteeship System, by revising it in methods calculated to accelerate the process of decolonization. In 1952, it co-sponsored two draft resolutions. One to permit the indigenous inhabitants to these trust areas to participate in the work of the Trusteeship Council; and the other was to make the administering authorities fix a specific date for independence in every non-self governing territory. Both these resolutions were passed.³⁴

The Indian delegation strongly protested against attempts by administering authorities to evade the United Nations demand for information on these territories by invoking the domestic jurisdiction clause under Article 2(7)

33 G.A.,O.R., 2nd Session, Ctte.IV, p.218

34 G.A.,O.R., 7th Session, plen.mtgs., pp.348-50.

of the Charter.³⁵ The Indian delegation was highly alert and vigilant and also took special responsibility in ensuring that the final process of independence to be granted to any non-self governing territory was through the final supervision and approval of the IV Committee and the Assembly. The case of the British administered Togoland is highly illustrative of this sensitization of Indian attitude towards the role of the international organization. On 9 May, 1956, an eleven-Power draft resolution, co-sponsored by India, was brought forward to implement the release of Togoland from Trusteeship status. The operative part of the resolution began with a "resolve" clause and underlined the fact that it was through the negotiating and supervisory body of the Assembly that the territory of Togoland was being detached, with full and complete independence.³⁶ The Belgian delegation challenged this and proposed an amendment that would have the Assembly "note", rather than "resolve", on the basis of the argument that, "the Trusteeship was being ended not by a decision of the Assembly, but because the United Kingdom was granting independence to Gold Coast and uniting Togoland with an independent Gold Coast".³⁷ This

35 G.A.,O.R., 9th Session, Ctte.IV, p.107.

36 For the operative paragraphs and details, see G.A.,O.R., II Session, Annexe I, vol.I,Item 39.

37 G.A.,O.R., II Session, Ctte.IV,p.57.

amendment meant to belittle the very role of the Assembly in Trusteeship matters. The alert and sensitive Indian delegation protested that;

"Togoland had been placed under Trusteeship under an agreement between the General Assembly and the Administering Authority. That agreement could not be ended unilaterally. Further, the General Assembly having approved the agreement, there must be a formal resolution by the General Assembly to terminate it. Merely 'noting' would not be sufficient to effect a proper and valid termination of the trusteeship". 38

Showing that the weight and the power of the 'collective proprietorship' of the Assembly could not be bypassed, leave alone ridiculed, India asserted the essentiality of securing the final approval of the Assembly on all matters concerning Trusteeship.

Turning to Chapter XI of the Charter, namely, to colonial Territories, India's efforts were equally painstaking and patient in ensuring that the Metropolitan Powers did not evade the United Nations supervisory bodies under the ambiguous and tricky Article 73(e) of the Charter. From the very beginning the anti-colonialist members led by

38 Ibid., p.61.

India wanted the establishment of a permanent machinery that would promote the enforcement of Chapter XI and due to their efforts a special Committee was set up in 1947 to receive information on dependent territories.³⁹ The very existence of this committee strengthened the Charter's provisions on colonialism, and in its functioning it exercised an important influence. India realized that the only way the control of the World Body over the larger bulk of the colonial territories could be increased was through the Committee on Information whose legality was initially questioned. The Indian delegation strove towards two principal goals; firstly, in order to strengthen the hands of the United Nations over this area, the Committee on Information had to be kept alive and, if possible, made permanent; secondly, for the Committee to operate effectively, regular reports had to be submitted by the Colonial Powers so as to reach the Committee. India introduced an amendment to a resolution passed on 1 November, 1947 in the second session of the Assembly, which put forward the idea of a,

39 For a useful description of the committee's formation and functions, see Usha Sud, United Nations and the Non-Self Governing Territories, (Jullundur, 1965) Chapter III. This committee developed into a quasi-permanent instrument of the United Nations, until it was superseded in 1963 by the Committee of Twenty-Four. India was among the more permanent members of the Committee on Information.

"standard form for the guidance of members in the preparation of Information", so that the colonial powers would have to submit data regarding the participation of indigenous and non-indigenous inhabitants in the various services of the government. Not only did India maintain that the Committee was competent to receive political information, but it also held that the Assembly could judge when a territory had been properly promoted out of the non-Self governing category.⁴⁰

In 1959, the General Assembly appointed a six-member committee, under the chairmanship of C.S.Jha, with a view to determining the precise obligation on member-States to report under Article 73(e).⁴¹ This committee was of the unanimous opinion that an obligation did exist "to transmit information in respect of a territory which is geographically separated and is distinct ethnically and/or culturally from the country administering it."⁴² Its report was approved by the Assembly in the form of resolution 1542(XV), passed on 15 December, 1960.

⁴⁰ The issue regarding the competence of the Assembly to judge when a territory had been properly promoted out of the category of non-self governing arose on several occasions, including the US refusal in 1953 to continue furnishing information on the Commonwealth of Puerto Rico. See also ICWA, n.11, pp.91-92.

⁴¹ The need for this arose because certain member-States claimed that the overseas regions were not constitutionally apart from the metropolitan area, hence they refused to submit reports.

⁴² Cited in C.H.Heimsath and S Mansingh, n.2, p.110.

SUMMARY OBSERVATIONS

India's endeavours in hastening the process of decolonization undoubtedly constitute a highly publicized and notable aspect of its diplomacy. That right from the Indonesian case India involved the United Nations in this process is a fact of some significance. For, not only did it facilitate the mobilisation of world opinion in a battle which India could not have possibly fought alone, but it also meant the utilisation of the World Body in a manner which perhaps the framers of the Charter had never anticipated. In this sense, India contributed to employing the United Nations as an instrument of transition from one era to another. It is equally important that Nehru's government repeatedly emphasized that this transition should preferably be a peaceful one and to this end offered its negotiation-conciliation approach which approach was to be conducted through the various bodies of the United Nations. Even if one were to concede an element of truth in the charge that India's anti-colonialism was selective, there can be no doubt over the fact that its opposition to all forms of colonialism was unquestionable. Nor can one question the results that India's prudent diplomacy achieved. In a manner of speaking, the famous resolution 1514(XV) of

14 December, 1960, which made the opposition of the World Body to colonialism unconditional, represented the culmination of India's efforts. It is also self-evident that as far as possible, India throughout the Nehruvian era made sensitive, laborious and resourceful attempts in exploring the possibilities of greater control by the United Nations and, wherever possible, of extending and increasing its authority in Non-Self Governing and Trust Territories. Briefly, the central thrust of India was in the direction of unambiguously defining the declared intentions in the Charter and of entrusting some United Nations body with the authority of implementing the Charter.

CHAPTER IV

INDIA AND ORGANIZATIONAL AND INSTITUTIONAL QUESTIONS

"The constitutional problems of International Organization are peculiarly subject to being treated in terms of their impact upon national interests in particular political conflicts, rather than in terms of their importance for healthy institutional development and no government is prepared consistently to accept the position that whatever is good for the United Nations is good for itself."¹ is one of the truths about International Organization put succinctly by Inis L. Claude. The above situation was posited in the international milieu of the Cold War when the United States initiated several proposals to bring substantive changes in the functioning of the United Nations, while pursuing its policy interests. This was reflected in the questions on The Unanimity Principle, the 'Uniting for Peace' resolution, the Veto and the Revision of the Charter.

India's participation was marked by an active interest in the discussions and deliberations on the various issues. India's stand on these issues and its efforts were centred in seeing that as far as possible, the effective functioning

1 Inis L. Claude, Swords into Ploughshares, (New York, 1964) p.78.

of the machinery of the United Nations should not be tampered with or weakened in the process.

An attempt is made in this Chapter to examine India's contribution to the development of the United Nations and its attitude to institutional and organisational questions towards its goal of truly representative International Organization, with due consideration to the interests of the economically less developed nations. The selected questions for analysis are (i) Admission of new members to the United Nations and representation of China, (ii) Problem of 'Veto', in the Security Council, (iii) 'Uniting for Peace' resolution, (iv) Revision of the Charter.

QUESTION OF UNIVERSALITY OF MEMBERSHIP

The world body, as conceived by the framers of the Charter in the San Francisco Conference, was to start with, a limited membership but the goal was to strive for universality of membership.² India was a consistent and

2 Article 3 of the Charter conferred membership to 51 countries which had participated in the UNCIO at San Francisco, but Article 4 stated clearly that if a State fulfilled certain requirements it could be admitted in the United Nations "by a decision of the General Assembly upon the recommendations of the Security Council". Moreover the goal of universality of membership was implied in the Objectives and Purposes of the Charter.

an emphatic champion of the principle of the Universality of membership. Nehru and V.K.Krishna Menon repeatedly stated that the unique attribute of the United Nations was its capacity to bring under its fold countries with differing ideological, political, economic and social systems. According to Nehru, the process of negotiation and conciliation was eased when different countries were brought together in one forum. He further stressed the point that the principle of universality was promoting the very purpose of the United Nations, namely to develop friendly relations among nations and to make the United Nations a centre for harmonizing the actions of nations. V.K.Krishna Menon said at the Ninth Session of the Assembly - "...the United Nations ought to represent the world as it is, and try to make the world what it ought to be".³

A keen interest marked India's participation on this question in the Assembly sessions. The hope of achieving universality of membership received a set back in the very first year of establishment of the United Nations when the Security Council rejected five out of nine applications for admission to membership. The rejections for membership

3 G.A.,O.R., 9th Sess., Second plen.mtg. , p.234.

was due to lack of unanimity among the Great Powers. In the discussions on the Special Report by the Security Council in the Assembly, India, along with a majority of nations, urged the security Council to reconsider the application. The Indian representative stated that, keeping the yardstick of the Charter provision as laid down in Article 4 of the States should be granted membership, but justified the rejection of Portugal's application for membership.⁴

By 1947, the membership issue became more complicated and the number of rejected applications swelled to eight. In the second session itself, India's voting revealed a rigid adherence to the provisions of the Charter when it voted against all the six draft resolutions initiated by Australia which were adopted by the Assembly on the recommendation of the I Committee.⁵ The Indian representative explained that, together, the Security Council and the Assembly were two doors through which every applicant was required to pass, hence India could not vote for those applications for membership which had not received the support of the Security Council.

⁴ G. A., O. R., 1st Session, Part II, Ctte I, mtg. 16, p. 67
In this session India voted in favour of Ireland, Transjordan, Albania and Outer Mongolia except Portugal.

⁵ Yearbook of the United Nations 1947-48 (New York, 1948)
pp. 480-84.

In the third session, India with other members in moved an amendment to the draft relating to the admission of Ceylon in order to make it acceptable to the USSR. When the amendment fell through in the First Committee, the Indian delegation called for better understanding among the five Great Powers for solving the deadlock over membership.⁶ India championed the cause of the peoples' Republic of China in the fourth session insisting that the United Nations should not take ideological leanings as conderations for the basis of membership of the World Body. By the Eighth Session, the number of rejected applications swelled to twenty-two leading to the appointment of a Committee of Good Offices by the Assembly on 23 October 1953, to break the ice between the two opposing blocs. India made a significant contribution in breaking the deadlock, by actively participating in the drafting of a new resolution urging the Council to consider the desirability of invoking the provisions of paragraph 2 of Article 28 of the Charter, which provided for the holding of a periodical meeting where each of its

⁶ G.A.O.R., 3rd Session, Part 1, Ad Hoc Pol.Ctte., mtg.9,1948, pp.89-90.

members could be represented by a member of the Government or other specially designated representative.⁷ This valuable suggestion was retained practically, as it was, by a revised joint draft, approved by the General Assembly in its plenary without vote.⁸

perhaps the most, direct, meaningful and fruitful mediation offered by India was in the Tenth Session of the General Assembly, when Nehru's personal intervention and ~~withdrawal of Sankin~~ talks with Russian leaders contributed in part to the withdrawal of Soviet Veto against fifteen applications.⁹

REPRESENTATION OF CHINA

India had expressed acute dissatisfaction over the problem of representation of China in the United Nations forums throughout the long course of discussion on the subject. China, a founder-member of the United Nations and a permanent member of the Security Council, faced the problem of two Governments in 1950, one represented by the Formosa regime and the other by the Government of Peoples' Republic of China.¹⁰ The Western Powers had successfully postponed a decision on the question through the use of

7 A/AC.76/L.8

8 For further details see M.S.Rajan, India in World Affairs, 1954-56, (London, 1964), pp. 557-60.

9 Except Japan and Mongolia.

10 Indian Council of World Affairs, India and the United Nations (New York, 1957), pp. 64-68.

procedural tactics.¹¹ India invariably and vigorously supported the case of the Peoples' Republic of China as the legitimate voice of the nationalistic China. In the Tenth Session, the leader of the Indian delegation solemnly noted the vital fact that the indefinite postponement of the item meant only an indefinite postponement of all problems of East Asia.¹² In January 1955, Nehru said, that the United Nations Secretary-General's proposed visit to Peking to seek the release of United States airmen detained in China was an indication of the absurdity and unreality of excluding China from the community of nations.¹³ He also pointed out that the power and influence of the United Nations was being lessened through such irresponsible measures, as China could 'legitimately' refuse to follow resolutions passed by the United Nations on the ground that it was not a member of the World Organization.¹⁴

At the Eleventh Session, the Indian Government took the initiative to propose the question as an item on the agenda. V.K.Krishna Menon fought forcefully for the

11 For a good discussion on the constitutional question involved in the case of China see Falk and Mendlovitz., United Nations, Art. 'Problems of Representation of Membership', pp.94-168.

12 G.A.,O.R., 10th Session, plen.mtgs.,pp.5-10

13 See M.S.Rajan, n.8,pp.560-63.

14 See Nehru, India's Foreign Policy, (New Delhi,1961),p.312

representation of China, saying that the exclusion of the largest and most populous country of Asia was a 'crime against the Charter' and it only did damage ^{to} the effective functioning of the International Organization as important questions like Disarmament could not even be considered by the World Body.¹⁶ And finally in support of the demand for discussing the item, V.K.Krishna Menon cited General Assembly Resolution 396(V) which recommended that the question could be considered by the General Assembly when a country was represented by more than one authority. However, the Indian amendment on the basis of the contention was rejected by the Assembly.

There was a long stalemate after this last major effort and the question of China's representation saw a political solution only after the Nehruvian era, in 1971, when it was admitted into the United Nations, with the breaking of the stalemate by Nixon's ascent in the United States in 1969.

OTHER QUESTIONS OF ADMISSION INTO THE UN

At the Eleventh Session India drew criticism from various quarters when it abstained on the vote for the admission of South Korea and South Vietnam. The Indian

representative explained in the debates held before the vote that both Korea and Vietnam were divided States with all the complex problems of unification still under discussion. Therefore, India thought it was advisable to abstain from vote. India also introduced a joint draft resolution with Syria referring all pending proposals for admission to the Security Council.¹⁷

Thus India had drawn criticism from various quarters for its abstention from vote on several occasions during the course of long negotiations to resolve the problem of membership. The main reason was its strict adherence and interpretation of the provisions of the Charter. V.K.Krishna Menon, the leader of the Indian delegation for the Tenth Session had frankly admitted that India had shifted her positions several times, as in the respect of the application of Spain and in the draft proposals of Australia during the Second and Third Sessions. India pleaded that, likewise, other States should respond to changing circumstances and world opinion. It can be concluded that India's policy was a flexible one, changing as the realization came that Universality of membership was essential for the strengthening of the International Organization besides the reasons for equity and justice to

17 A/SPC/L.12.

applicant States and for the resurgence of the small Afro-Asian States and their representation of interests in the world forums.

PROBLEM OF VETO IN THE SECURITY COUNCIL

The constitutional recognition of the special status and peculiar responsibility of the 'Big Five' as essential conditions for the creation of the international Organization had resulted in the 'Veto' provision incorporated as Article 27 of the Charter.¹⁸ This provision which had the full and complete support of the Great Powers at the San Francisco Conference in 1945 became a major contentions issue by 1946 with the Western Powers opposed to the Soviet Union and its allies.

Between September 1945 and September 1946, the USSR had exercised the Veto nine times much to the consternation of the Western bloc which brought the issue as an item relating to the 'voting procedure in the Security Council' for inclusion in the agenda of the second part of the First Session of the Assembly.¹⁹ During the First

18 See Sydney Bailey, Voting in the Security Council, (London, 1969), pp. 28-31

19 It is of much significance to add here that the Soviet Union had made 'excessive' use of the 'Veto' out of desperation. The US enjoyed an automatic 2/3rds majority in the Security Council while the Soviet Union had no other means other than the Veto in order to protect not only its own interests but the interests of its allies. See John G. Stoessinger, The United Nations and the Super Powers, (New York, 1970), pp. 51-54.

committee discussions on the matter, most of the delegates criticized the indiscriminate use of the veto by the Soviet Union. A majority of the members were in favour of some kind of limitation on the use of the Veto. India was one of the few members which participated in the discussions and whenever it did so, the Indian representative argued that the focus of the problem was not the limitation of the provision of the 'veto' but regulating its use. India abstained when a roll-call vote was taken on a draft-resolution by Australia providing for keeping the pacific settlement of disputes outside the sphere of the veto.²⁰ India also abstained from voting on an US draft resolution proposing the transfer of the item to the Interim Committee in the second Assembly Session.²¹ However, the entire question relating to the problem of 'veto' was transferred to the Interim Committee.

The Interim Committee prepared a set of items classifying 'procedural' and 'other matters' into different categories, which in the first case the provision for the concurrence of the Big Five was to be eliminated. In the discussions that followed the revised draft of the Interim

20 G.A., O.R., 1st Session, part.2, Ctte. I, mtg. 23, 1946, pp.120-22.

21 G.A., O.R., 2nd Session, Ctt., I, mtg. 114, 1947 pp.493-94.

Committee the Indian representative again expressed the view that the veto was only a reflection of the tensions in the international sphere and not an evil in itself. He also added that the Interim Committee was still in its infancy and should not be burdened with a difficult task like that of the 'veto' provision. When the Report was put to vote, India abstained from voting while the draft was adopted by an overwhelming majority.

Several hypotheses have been provided for explaining the behaviour of India on this issue. One explanation is that Nehru and other spokesmen of India's foreign policy at the time had the far-sighted vision in realizing that the Veto was a symbol of the importance of achieving consensus among the Great Powers. An acknowledgement of the fact that dissensions exist among the Great Powers and that the potential value of the United Nations in respect of problems of war and peace, at the highest political level is defined and limited by the degree to which the Major Powers could discover a mutual interest in having it function as a stabilizing element within the context of the Cold War. Nehru elucidated this point in a speech in the Indian Constituent Assembly in March 1948

thus -

"the problem before us was that if that veto was removed by a vote or decision of the United Nations, there was little doubt that the United Nations would cease to be that very instant. That was the choice. It was not a question of liking the veto". 22

Nehru had understood clearly the pulls and currents of the international tides of the 50's. The fact that mere circumscription of the Veto would not help the United Nations as the basis of the world body was the Great Power unanimity and as long as this goal was not reached, limiting of the veto would only result in deterioration of the existing international situation. The whole spiral argument was lucidly explained by Nehru as -

"the United Nations laid down a rule concerning the Veto by certain Great Powers. It is very easy to criticize that rule as illogical, undemocratic and all that but, as a matter of fact, the rule recognised the reality of the moment. The United Nations could not adopt sanctions against any of the Great Powers. Such sanctions could be vetoed and would in any case, mean a World War. If the United Nations was to avoid a world war, it had to bring in some such clause." 23

Therefore the Indian delegation was instructed to remain a silent observer throughout the great debate on the veto question.

22 See Nehru, n.14, p.19.

23 Nehru's speech in the Lok Sabha on February 18, 1953. See J.Nehru, n.14, p.168-69.

In the latter half of the Nehruvian era, the United stand on the veto remained the same. As late as 21 December, 1960, Nehru replied to a debate on Foreign Affairs in the Rajya Sabha that the

"whole concept of the United Nations when it started was to take the world as it was, with all its conflicts and differences, and help bring it together. The idea of unanimity in the Security Council in respect of the Five Permanent members was based on this. It was realized that the permanent members differed from each other and that it should not be possible for some of them to condemn by resolution another Great Power, because that meant war. If, at the instance of one of the Great Powers, the United Nations puts in the dock another Great Power, the result is likely to be conflict. Therefore, the principle of veto was laid down in the Charter. In a sense, it is not democratic or logical, nevertheless, it was a practical recognition of the world as it was and as it is. 'Veto' is not technically a right word. The principle is unanimity of the Five Powers." 24

It was only in 1962, that India benefitted materially from the Veto provision. The veto stemmed the tide of expanding Anglo-American influence in Jammu and Kashmir and forestalled the possible military implication of an increased Anglo-American presence in that region, when USSR cast a negative vote to defeat the Resolution calling for a plebiscite in Kashmir without the consent

24 See J.Nehru, n.14, p.180.

of the disputing party. ²⁵

A second argument to explain the abstention of India over the 'veto' issue is its nonaligned policy, popularized by Inis L. Claude who asserts that the veto protects the uncommitted states from being dragged by their membership in the United Nations into clashes between the Great Power blocs. ²⁶ C. Heimsath and S. Mansingh share the above opinion as well. Heimsath argues that India's diplomacy at the United Nations aimed at seeing a balance of Powers in the World Organization as a partial political guarantee against the resort to force by one or the other of the major coalitions. This balance was best secured by the Security Council's voting procedures, which permitted a flexible approach in world politics, whereby the smaller nations could peacefully follow the uncommitted policies, "which would not have been possible under conditions of an United Nations dominated by one global coalition or by both global coalitions."²⁷

Therefore, the Indian delegation throughout the debates in the Assembly sought the modification of the veto rather than its removal. At the Ninth Session in 1964,

25 See T.S. Batra, The Security Council and the Veto, (New Delhi, 1974), p. 151.

26 See Inis L. Claude, n. 1, p. 146.

27 Charles Heimsath and S. Singh, A Diplomatic History of Modern India (Calcutta, 1971), p. 87.

keeping the various dangers of veto-free Council in mind, V.K.Krishna Menon patiently argued against a veto-free agency for atomic energy control, stating that he was not defending the veto provision as an infallible one but, in haste "we should not throw the baby out with the bathwater. The concurrence of the Great Powers is something on which the United Nations has been built and it is very bad practice ...to make bad law on account of hard cases."²⁸

In this context, making an assessment of India's participation in the United Nations Assembly on the issue of 'veto' and complimenting its realistic approach, Berkes and Bedi state - "Few states have exceeded India's patent support for the Great Powers unanimity rule in the Security Council."²⁹

'UNITING FOR PEACE', 1950

A transformation of the relationship between the Assembly and other organs of the global institutional system took place through the passing of the 'Uniting for Peace' Resolution in 1950 which led to a considerable expansion of the sphere of competence of the General Assembly.³⁰

28 G.A.,O.R., 9th Session, Ctte.I,p.222

29 Berkes and Bedi, The Diplomacy of India (Stanford,1958) p.3.

30 For constitutional changes see the section on 'The Security Council', in Leland M.Goodrich, United Nations (New York,1970),pp.169-206.

The expansion of the political and security role of the Assembly was in a large part attributable to the initiative of the United States which took energetic steps to nullify the Soviet Veto power in the Security Council by transferring its important functions to the majoritarian Assembly, where the leadership of USSR commanded only a minority vote.³¹

On 1 November, 1950, the United States put forth the "Uniting for Peace" proposal also known as Acheson Plan in the form of a formal draft resolution to be included in the Agenda of the Fifth Session of the Assembly. The draft was divided into five comprehensive sections (comprising A to E), and the main provisions were, in brief on (1) the authority to transfer a peace-and-security issue to the General Assembly if the Security Council was blocked by veto; (2) the capacity to call Special Emergency Sessions of the Assembly, within 24 hours, if necessary, for this purpose; (3) a recommendation that Member-States maintain special United Nations-designated units in their respective national armed forces; (4) the creation of a Peace Observation Force; (5) a panel of military experts; and (6) a Collective Measures Committee to report on the

31 For the political reasons in adopting Res.377(v) see Inis L. Claude, Tr. Power and International Relations, (New York, 1962)

action taken by Member-States on the recommendations of the Assembly.³²

The attempt to theorize a new operational concept of Collective Security within the United Nations framework was hailed by a majority of its members, barring the Soviet bloc, as a major step towards the establishment of a genuine and effective system of Collective Security. The Resolution was passed by a vote of 52-5-2 on 3 November 1950. India was made conspicuous by its isolated stand on the issue, as only Argentina, from the non-communist countries joined her in abstaining from the vote.

The Indian delegation in the course of its explanation to the vote, elucidated India's objections to the military sections of the Resolution. Explaining India's vote, Sir Benegal Rau said,

"My government considers that this is not the time for stressing the military aspects of the United Nations. We feel that at present we should rather concentrate on improving the machinery in the United Nations for the tasks of peace".³³

Indian statesmen, especially Nehru, had time and again expressed the view that the United Nations had been built on the belief that the Great Powers' agreement

32 For an incisive discussion and on the resolution and its implementation see Keith S. Petersen, 'The Uses of the Uniting for Peace Resolution', in Falk and Mendlovitz, n.11, pp.254-68.

33 G.A.,O.R., 5th Session, plen.mtgs.29,p.336.

was essential for the settlement of issues concerning international peace and security and that the intention of the United Nations was not to live up with the major powers on either side. The implementation of the 'Uniting for Peace' resolution for enforcement measures would only help to perpetuate a situation liable to develop into a full-fledged World War, which was the very thing that the United Nations intended to avoid. This view had led Nehru to remark that -

"it (the United for Peace Resolution) seemed like converting the United Nations into a larger edition of the Atlantic Pact and making it a war organisation more than one devoted to international peace".³⁴

Moreover, the Government of India felt that the 'Uniting for Peace' was an indirect method of revising the Charter provisions, which was against the principles of the Indian stand on the subject. A close analysis of the 'Uniting for Peace' provisions shows that the new plan did cut the base of the San Francisco system.³⁵ The Charter provided that the World Organization should not attempt to coerce great powers but the 'Uniting for Peace' Resolution made it

³⁴ Nehru in the Press Conferences, 1950. Quote reproduced from Charles Helmsath, n.27, p.69.

³⁵ For an account of the possible deviations from the Charter, see K.P.Saksena, United Nations and Collective Security, (New Delhi, 1970), pp.99-105.

possible to take action against a major power or its satellite. There was the basic fear that the implementation of the Uniting for Peace resolution would result in the replacement of the previous security system as guaranteed in the Charter rather than supplementing it and that it could be used against the Soviet Union or States enjoying Soviet support, "regardless of the use which might be made of the Veto Power".³⁶ Even, as late as 1954, V.K.Krishna Menon stressed that the United Nations should turn its attention more constructively towards "peace measures" with the "alternative of Collective peace to ~~the~~ collective measures".³⁷

REVISION OF THE CHARTER

In spite of the marked improvements in the provisions of the Charter of the United Nations over those of the covenant of the League of Nations, the constitutional mechanism of the new International Organization was found to be both defective and inadequate by the members, as early as the Second Session and they urged the Assembly to consider the question of "Revision of the Charter".

³⁶ See Inis L.Claude, n.1, p.168.

³⁷ G.A.,O.R., 9th Session, Ctte., I, mtg.38, p.220

The question of the revision of the Charter rose with the provision of Article 109 of the Charter which provided for the convening of a General Conference of members for the sole purpose of 'reviewing' the Charter after the first decade of the establishment of the United Nations.³⁸ The Western Powers looked forward to the review decade to end, as the dictates of the international political scene were in favour of a general change and shift in the Charter provisions largely to the benefit of the Western bloc. Keeping all these factors in mind, along with the consistency shown in the attitude and stand on the problem of 'veto' and the 'Uniting for Peace' Resolution, Indian statesmen and diplomats adopted a cautious approach to this issue.

A consistent and definite opposition to the question of the review of the Charter was evident from right from the Second Session to the Tenth Session, after which the zest and zeal for a general review of the Charter ebbed, until the seventies. This attitude is expressed by the Chairperson of the Indian delegation, Mrs. Vijayalakshmi Pan-dit who expressed India's disapproval of tinkering

38 For the Indian stand on this issue see Dr. M. S. Rajan n.8, pp. 580/83.

with the Charter provisions this,

"Machinery, new or old, by itself, will not save us if we are not truly and sincerely determined to remove war as a means of settling differences." 39

The Chairman of the Indian delegation of the Tenth Session, Mr.V.K.Krishna Menon, deplored the attitude of the member-nations in finding fault with the Charter, rather than with themselves. He argued that the Charter could be reviewed only if there was unanimity among the member-nations especially the Great Powers, and if there was unanimity the main reasons for amending the Charter disappeared, therefore, it was only logical that, "it is not the Charter which is wrong, it is we ourselves."⁴⁰ It was Nehru's opinion that what was required was a greater adherence to the spirit of its provisions. This view, expressed by India, has led critics like Berkes and Bedi to reflect on the "comparative insensitivity of India to the imperfections of the Charter".⁴¹ This criticism is incorrect as India realized that all early attempts at the revision of the Charter originated from the Western Powers and the fear of seeing the United Nations being

39 G.A.,O.R., 2nd Session,plen.mtg.85,pp.135-38.

40 G.A.,O.R., 10th Session,plen.mtg. p.234.

41 Berks and Bedi, n.29, p.4.

transformed into a more effective instrument of the Cold War led India to take this realistic, though cautious, approach. In fact, India took an active interest in ensuring an impartial verdict with regard to the revision of the Charter provisions, whenever there was any matter within the issue of general agreement and compromise. India did not mind subscribing to such particular moves. An illustration of this fact, is India's initiative in the Tenth Session when she pleaded for a Committee of all the members (instead of the limited thirty) when the question of revision of the Charter came up for consideration before the Assembly. India argued that since every member of the United Nations had an equal interest, stake and obligation in revising the Charter, they must also have an equal opportunity to make a contribution to this question. This suggestion was also finally embodied in the draft resolution though, India eschewed from voting, in conformity with its broad opposition on the principle itself. It is of interest to note here that, as late as August 1956, the Indian Government had voted down a proposal pressing for a revision of the Charter, in order to get the Afro-Asian nations' representation in the United Nations, in proportion to their population. India's consistency on the issue is

shown by the voting down of this proposal on the ground that it would jeopardise the cause of peace in a world full of bipolar tensions.⁴²

SUMMARY OBSERVATIONS

A pragmatic approach governed India's participation in the United Nations over the institutional and organizational questions. This was evidenced in India's opposition to the removal of the veto in the Security Council and opposition to a full-scale review of the Charter; and in its abstention on the 'Uniting for Peace' Resolution of 1950 India's argument was that the United Nations was based on the Great Power unanimity rule and as long as this goal was not reached, limiting the veto, would only increase the tensions of the world. India's basic argument was that the United Nations should at no cost be turned into a coalition of States pitched against another *leading to* full-scale war. This was what the veto was supposed to contain, i.e., a 'healthy inconclusiveness' of Cold War disputes.

42 See M.S.Rajan, n.8, p.583.

43 Charles Heimsath and S.Mansingh, A Diplomatic History of Modern India, (Calcutta, 1971), p.87.

India's diplomatic endeavour at the United Nations also rejected the 'Uniting for Peace' resolution as it meant distortions of the institutional structure of the World Body. The 'Uniting for Peace' was meant to transfer in a covert manner the peace and security functions of the Council to the Assembly.

India also aimed at increasing the strength of the elective organs and as also its representation in the Secretariat. India's consistent advocacy of the Universality Principle, stemmed from its ideal to make the United Nations a truly representative International Organization and to render the recommendations and actions of the United Nations more effectively.

CHAPTER V

INDIA AND THE PROMOTION OF BASIC HUMAN RIGHTS AND ECONOMIC, SOCIAL AND CULTURAL QUESTIONS

One of the core objectives of India's foreign policy is opposition to racial discrimination and promotion of basic human rights. Speaking at the Seventh Session of the General Assembly in 1952, Nehru explained the policy thus,

"At no time are we prepared to put up with the doctrine of racial inequality, whatever the consequence to India or to anyone else....There cannot be a shadow of a doubt that if such a policy is continued (referring to the treatment of residents of Indian origin in South Africa) it will breed conflict. And that conflict will not be confined to particular areas in South Africa or elsewhere; it will affect peoples in vast continents." 1

Thus the nature of India's response to racial discrimination as a grave violation of human rights had become an obsessive-compulsive one which was not only acutely sensitized by the centuries' old White Man's Rule, but also arose out of the realization that racial hatred embodied the potential for a world-wide conflict.

2

1 Jawaharlal Nehru, India's Foreign Policy, Selected Speeches, September 1946-April 1961 (Delhi, 1971), p.

Secondly, India maintained that the United Nations must take a keen interest in racial questions, especially since basic human rights and international peace and security are intertwined.²

The focus of this Chapter is to analyse the role of India in the area of Human Rights at the United Nations. Some of the questions which are raised and pursued here are: Did India seek the forums of the World Body in the major disputes over human rights? If so, what was the extent of its participation? More important questions are, did India seek to extend the authority of the International Organization over the area of Human Rights and to what extent was it successful in its efforts? The problem gains particular significance in the vexatious question of international jurisdiction versus domestic jurisdiction as confronted in the South African Question. Did India's participation in the drafting of the covenants on Human Rights actually strengthen the role and responsibility of the United Nations over the area of Human Rights?

In the last section, a brief study of India's role in the strengthening of the United Nations through economic, social and cultural questions has also been undertaken.

² Indian Council of World Affairs Report, India and the United Nations, (New York, 1957), p.106.

THE SOUTH AFRICAN QUESTION

The history of the Indians suffering at the hands of South African plantation owners dated back to the early half of the 19th century.³ During the course of its struggle for freedom, the Indian national leadership had registered their protest against the discriminatory treatment meted out to Indians abroad. Due to their efforts, the British Indian Government had appointed a delegation headed by Mr. A. R. Mudaliar to press for its inclusion as an item in the agenda of the Assembly, probably hoping that it would go into the United Nations 'cold storage'. However, a truly representative Indian delegation headed by Mrs. Vijayalakshmi Pandit was nominated in 1946, with the formation of the Interim Government in India. On 15 November 1946, Mrs. Pandit accused South Africa of violating international law as well as the United Nations Charter, and of disregarding the Capetown Agreements of 1927 and the Indo-South African Joint Communiqué of 1932.⁴ The immediate reasons that prompted India to take the issue to the United Nations was the Union Governments' Asiatic Land Tenure and Indian Representation Acts of 1946, which were extremely discriminatory in nature aimed against the South African Indians.

3 For a concise summary of the struggle before and after 1947, see Charles Heimsath and Surjit Hansingh, A Diplomatic History of Modern India, (Calcutta, 1971), pp. 299-322.

4 UN Documents. A/167, on 31 October 1946; also Doc. A/167/Add.1, 15 November, 1946.

The basic issue, as Mrs. Vijayalakshmi Pandit pointed out to the Assembly, concerned not only the Indians in the Union of South Africa, but all the peoples of Asia and Africa. She went on to add that it was not merely a question of claiming certain rights but of meeting "a challenge to our dignity and self-respect."⁵

In the beginning, ^{even though} ~~while~~ India raised the legal aspects of the question, however, the primary emphasis was still on moral and political grounds. This choice was, apparently, due to India's view that South African policies would see a sense of moderation even by moral and psychological pressures. On the other hand, South Africa made efforts to pre-empt the Indian move by arguing that its racial policies were essentially within its domestic jurisdiction, and by invoking Article 2(7) of the Charter, it denied the United Nations even the competence to place the subject on its agenda, leave alone, discuss it. Thereafter, the main argument of the Indian delegation rested on the human rights provisions of the Charter. The Indian delegation argued that South Africa had legalized the discrimination against people of

⁵ Quote cited from Charles H. Heimsath and Surjit Mansingh, n.3, p.309.

Indian origin through its official policies, which was a violation of Article 1(2) and 1(3) of the United Nations Charter and therefore posed a threat to international peace and security, and had become the concern of the International Organization.

In the first session itself, an important flap in the procedures for the allocation of items for the various committees arose. The Assembly was swayed between the two options of referring the item either to the Sixth (Legal) Committee, as demanded by South Africa or to the First (Political) Committee as requested by India. Finally the debate was concluded ~~as~~ with the nomination of a Joint-Committee to examine both the political and the legal aspects. In the Joint I and VI Committee meetings two draft proposals put forward by different countries were in broad conformity with the Indian contention that South Africa had flaunted the World Body by violating the provisions of Human Rights under the Charter.⁶ In a resolution sponsored by France and Mexico in December 1946, the Assembly accepted that South African policies not only merited the intervention of the world body but was a threat to world peace.

6 The first draft was sponsored by France and Mexico; the second draft by U.K., U.S.A. and Sweden.

The issue was carried over through the next nine sessions (except the IV session), and India, while relentlessly pursuing it and submitting draft proposals denouncing South Africa's racial policies, drew attention of the Assembly to the fact that South Africa had belittled the World Organization by refusing to comply with the Assembly resolution. Apart from appealing to the international community, India built up a very strong case for extending the authority of the United Nations into newer areas and for a narrow interpretation of the domestic jurisdiction clause, wherever necessary, in the interests of the wider world community and a peaceful world order. In this context, Nehru pointed out that association with the United Nations, while, limiting the freedom of member-States, which was a natural consequence of joining an organization of that stature, was ~~well~~ as desirable and did not necessarily mean foregoing independence.⁷

Gradually, there developed an overwhelming consensus in favour of the Indian case, and in 1960, the domestic jurisdiction argument was brushed aside by the Security Council's resolution which admitted that South Africa's racist policies might endanger international peace

⁷ Nehru, n.1, p.66.

and security'. At the 29th session, the President of the Assembly ~~was~~ suspended South Africa's participation in the work of the Assembly.⁸

Throughout the protracted debates that followed in the United Nations bodies India displayed remarkable maturity and patience. Its participation within the United Nations, besides being keen and vigorous, showed a tendency to lean on the organization for a satisfactory solution of the dispute.

India, in this dispute, showed a marked preference for negotiations within the United Nations fora.⁹ When the bilateral talks outside the United Nations failed, India, once again, insisted for the establishment of an United Nations Good Offices Commission. In December 1952, at the Seventh Session of the Assembly, a three member United Nations Good Offices Commission was set up in order to organize and assist in the negotiations between the disputing parties. South Africa insisted on being obstinate throughout the later sessions, resulting in the failure of the Commission. Therefore on 14 December 1958, at the Tenth Session of the Assembly, the United Nations for the first

8 See M.S.Rajan, Expanding Jurisdiction of the United Nations (Bombay, 1982), pp.112-19.

9 In the III session, India had requested for an United Nations Commission to study the problem but the Assembly had voted for negotiations outside the United Nations, therefore, without a choice, India had to accept the situation.

time, made provisions for consultancy services in the field of Human Rights.¹⁰

In the subsequent sessions, the constant refusal of South Africa to cooperate with the United Nations and at times, its bold rejection of the world body as a negotiating forum was characterised by the Indian delegation as a sign of serious threat to the World Body's functioning and prestige. Nehru's remark on this issue is significant. He posed the problem thus;

*Can any country be allowed to indulge in aggression of this type and refuse arbitration, If any power can act as it chooses in such matters, then there is no purpose left for the United Nations. It will have no prestige or authority and is bound to fade away." 11

Thus, apart from appealing to the international community, India built up a very strong case for extending the authority of the United Nations into newer areas such as human rights and for restrictively interpreting the domestic jurisdiction clause, wherever necessary, in the broader interests of the international community of nations. Besides this, the regular consideration of the

10 See Yearbook of the United Nations, 1958, (New York, 1958) pp. 212-15.

11 Nehru, Quoted from Ross N. Berkes and Mohinder S. Bedi, The Diplomacy of India, (Stanford, 1958), p. 3.

question initiated an enquiry into the fragile foundations of international legal sanctions and standards for human rights.

THE DRAFTING OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

From 1945 onwards, India played the part of a chief partisan in most of the contentious issues in the long-drawn efforts to formulate an United Nations Convention on Human Rights. Following the adoption by the General Assembly of the Universal Declaration of Human Rights in 1948, there emerged three principal contentious issues during subsequent negotiations at the United Nations:-

- (i) The single versus two convention dispute.
- (ii) The self-determination article controversy.
- (iii) The colonial clause disagreement.¹²

In the dispute on the single versus two convention debate, the central problem was whether there should be just one all-inclusive convention encompassing political, civil, economic, social and cultural rights, or whether two conventions should be drafted, one on political rights and the other on economic, cultural and social rights. For various reasons

¹² For the pattern of division of disputes on Human Rights, I have followed Berkes and Bedi, n.11, p.147.

India advocated the latter approach. The experience in the South African question suggested that the right of national self-determination was embodied. Within political rights itself and in debates on the drafting of the Covenants, India's efforts were directed towards achieving priority for this principle. The Indian argument was that social and economic rights were derived from the prior condition of political freedom. On the other hand, the Western group with its "responsibilities" of administering colonies which rated high on their national interest priority list were obviously unhappy with the proposition.¹³ India realized that a separate clause on national self-determination was easier to gain in a separate political rights Covenant than in an all-inclusive declaratory Covenant. This did not imply that economic and social rights were secondary or inferior, but that while the implementation of civil and political rights should be absolute and immediate, economic rights were relative, in the sense, that these depended on the economic resources of each nation.¹⁴ In fact, India championed for a strong clause on economic sovereignty and urged the much harassed Human Rights Commission of the Economic and Social Council

13 See Berkes and Bedi, Ibid., p.150.

14 As the Indian delegate pointed out in March 1951, "financially weak countries where these rights are not justiciable will not be in a position to implement them". quoted in Berkes and Bedi, n.11, p.147.

in its ninth session, to bear in mind "The importance of encouraging international cooperation in the economic development of underdeveloped countries."¹⁵

With regard to the controversy on self-determination India had made two major demands. One was that the United Nations should recognise the rights of all peoples and all nations to self-determination as a pre-requisite to the full and complete fulfillment of basic human-rights. The second demand was that the principle of self-determination should be extended to all Non-Self Governing and Trust Territories. The controversy here concerned not only the phrasing of the article on self-determination but also to decide whether it was a Right or a Principle. India pointed out that rights and principles were not mutually exclusive. The right of self-determination was as much an individual right as it was a collective one, and individuals could not enjoy their full rights unless they were members of a self-determined society.

In the Seventh session, India urged for an immediate formulation of the twin Covenants. The Indian representative remarked that rather than indulging in

15 [Res.837(IX)].

hair-splitting arguments, the responsibility of formal drafting and without ambiguity of the clause on self-determination should be handed over to the Assembly.¹⁶

In the succeeding session of 1953, India co-sponsored a Twenty Power draft asking the Human Rights Commission to give priority to the preparation of recommendations regarding the incorporation of the right of self-determination. However, India rejected what was called the 'Belgian thesis' which enlarged the scope of self-determination to include scores of ethnically identifiable groups.

The Third Committee Records clearly show India's position on the colonial clause disagreement. Such disagreement was perceived by India as a projection of the same polarities noticeable in the dispute over the self-determination article. India displayed an uncharacteristic obstinacy when Western Powers argued for a clause in the Human Rights Convention which would hold off from immediate effectiveness the principles of the Convention in the Non-Self Governing Territories. India maintained that "precisely, in the Non-Self Governing Territories and in the colonies that the Covenant should be especially applied, since it was there that violations of Human Rights were unfortunately more frequent."¹⁷

16 G.A.,O.R., 7th Session, Ctte.,III, p.177

17 G.A.,O.R., 5th Session, Ctte.,III, p.151.

India expressed annoyance and impatience when the Economic and Social Council and the Human Rights Commission failed to come forward with a negotiable draft resolution on self-determination in the Ninth Session of the Assembly. This has led Berkes and Bedi to remark that the urgent insistence and leadership offered by India led the Third Committee to consider and take some action on the question during the Ninth Session which finally resulted in a give-and-take resolution of the Assembly.

The struggle over the self-determination article culminated in the succeeding Tenth Session and ~~ended~~ ended in a victory for India and the other members of the anti-colonial bloc. Article 1 won its place in the proposed International Covenant on Human Rights. It, in fact, became the key article in the Covenant and symbolized the transfer of fulcrum of the United Nations' power from the West to the Afro-Asian world,¹⁸ and became a lever to be employed against colonialism through the machinery of the United Nations.

18 Berkes and Bedi, n.11, p.154.
This victory was in fact possible in 1960, principally because it was in that year that the Third World countries came to secure a comfortable majority in the Assembly.

The records of the Third Committee also reveal a significant and sizeable contribution made by India in the drafting of the various provisions of the Covenants on Human Rights, which included painstaking efforts and acute observations in the clause-by-clause discussions. India also stressed the responsibility of the Assembly in removing ambiguities. Its more important contribution lay in the foresight it showed in the drafting of the self-determination article whereby it could serve the purposes of the anti-colonial countries. Doubtless, the keen, active and consistent interest that India displayed arose out of the desire to promote its cardinal principles through human rights. But, it is also an evidence of India's deep faith in the notions on universality and world community embodied in the Human Rights concept and the belief that international legal sanction should be achieved for a set of fundamental directive principles. The International Covenants were finally adopted in 1966, but India took ~~the long years to~~ ~~reach a~~ ~~point~~

ECONOMIC AND SOCIAL QUESTIONS

In the field of promotion of international economic and social cooperation, the role of India was one of dynamism as expressed through the various agencies of the

United Nations engaged in the difficult though challenging task of developing economic, social and cultural understanding among the community of nations. The Indian government was strongly in favour of the multilateral approach through ~~the~~ international organizations such as the United Nations in giving external assistance to the Asian-African countries.¹⁹

India took the initiative in respect of numerous questions like that of the well-being of the women and children of the world as well as World Health, which were later adopted by the United Nations. In other cases, India effectively contributed to the discussion and solution of many problems. The more important of these cases were , Establishment of a Universal Children's Day with effect from 1956; Promotion of International Cultural and Scientific Co-operation; Status of Women in Private International Law; Convention Regarding the Nationality of Married Women; Establishment of a Special United Nations Fund for Economic Development and the International Finance Corporation; Establishment of World Food Reserves; Development of International Economic Cooperation and expansion of

¹⁹ India was opposed to the bilateral approach for various reasons. See India and the United Nations, n.2, p.201.

of International trade; Land Reforms and Community Development Programmes; United Nations Technical Assistance Programmes; Advisory Services in the Field of Human Rights.²⁰

SPECIAL UNITED NATIONS FUND FOR ECONOMIC DEVELOPMENT(SUNFED)

By 1950's, India had emerged as the champion of the economically backward countries of Asia and Africa. By 1950, the Indian attitude on foreign aid had also crystallized over two fundamental points: 1) assistance under the multilateral auspices of institutions like the United Nations is preferable to bilateral intergovernmental arrangements, ~~and (2) it is necessary~~ which, more often than not, are with strings attached to them; and, (2) it is necessary to establish a new United Nations agency specifically for this purpose rather than to use existing agencies.²¹ There was urgent need for an agency with the sole task of promoting economic development especially of underdeveloped countries, besides supplementing the existing agencies. Other functions were the coordinating of technical assistance, assessing the extent and pace of development and supervision

20 See M.S.Rajan, India in World Affairs, 1954-56, (Bombay, 1964), pp. 576-77.

21 Indian Council of World Affairs Report, n.2, p.180.

of development projects. These ideas were formally incorporated and presented to the Sub-Commission on Economic Development (a subsidiary organ of the United Nations Economic and Social Council) headed by an Indian member as early as in 1949.

Subsequently, India made strenuous efforts to emphasize the need for a separate fund and spokesmen of the Indian viewpoint argued ably inside the United Nations as well as outside. The Indian delegation constantly stressed the vital point that disarmament and economic development were not antonyms but complementary concepts in the sense that progress in one led to progress in the other.²²

Therefore, member governments should stand ready to devote a portion of their savings to an international fund to assist the development of underdeveloped countries. The efforts of India saw fruition in the resolution of the Assembly in 1957

22 Speaking on the need for SUNFED, the Indian delegate argued in 1957 that: "Whatever our difference might be on the question of disarmament...we are all united in the urgent need for fighting poverty, disease, want and illiteracy. ..The need for international action is as great as the need for national action in all these fields and therefore it is the view of my delegation that the establishment of SUNFED should not be contingent on the ~~xxx~~ progress or otherwise of disarmament. Both are vital needs for peace and friendly relations. The one can only help the other. Progress in one should lead to progress in the other". Quote from V.K.Arora and A.Appadorai, India in World Affairs 1957-58, (New Delhi, 1975), p.276.

which unanimously decided to establish the Special United Nations Fund for Economic Development with effect from 1 January 1959.

India introduced an Eleven Power draft resolution calling for the establishment by 1 January 1960 of a United Nations Fund to aid the underdeveloped countries either through loans or grants to finance programmes to develop their economic and social infrastructure.²³

After extended negotiations this draft resolution underwent a formal revision and the compromise text unanimously was adopted on 14 December 1957 by the Assembly.

The importance of these moves by the Indian delegation in strengthening the International Organization is realized when we examine the two aspects of the Special Fund. Firstly, this body was envisaged as a means of enlarging the scope of the existing technical and economic development activities of the United Nations and its specialized agencies. Secondly, the Fund was intended to be of immediate significance in speeding up the development of developing countries. Besides, only those countries which were members of the United Nations or of the Specialized Agencies could avail its facilities, making the membership principle an imperative.

²³ The other co-sponsors to the resolution were Argentina, Ceylon, Chile, Egypt, Greece, Indonesia, Mexico, The Netherlands, Venezuela and Yugoslavia. Only the United States opposed this resolution.

THE INTERNATIONAL FINANCE CORPORATION

India encouraged the opening up of newer areas of development under the sponsorship guidance and supervision of the International Organization, by its consistent support for the establishment of the International Finance Corporation (IFC) in 1954. By this gesture, the umbrella of the United Nations covered provision of funds for private enterprise as well. According to the terms of the Articles of the IBRD, it was precluded from making equity investments and non-guaranteed loans.²⁴ In order to plug ~~up~~ this gap, the need for an International Finance Corporation, an affiliate to the Bank was emphasized, and the IFC which was authorized to make loans to private enterprise without government guarantee and also to make equity investments in participation with private investors.

At international discussions on the project the Indian delegates emphasized the need for such an institution and urged its speedy establishment. India~~s~~ signed the Articles of Agreement on 19, October 1955, subscribing for a quota of \$ 4,431 million. The Indian delegation subsequently

²⁴ Indian Council of World Affairs Report, n.2, p.178.

requested the IFC to provide facilities for the flow of risk capital to underdeveloped countries in the light of their peculiar problems.²⁵

GENERAL AGREEMENT ON TRADE AND TARIFFS (GATT);
THE UNITED NATIONS CONFERENCE ON TRADE AND
DEVELOPMENT (UNCTAD) AND OTHER QUESTIONS :

The importance of an International Trade Organization which could ensure fair and just trade relationships between countries under the United Nations aegis was recognised early by India. India realized that the community of nations had three main objectives to fulfil before trade and commerce amongst them plied without dislocation; tensions and strains, etc. They were - 1) to eliminate discrimination 2) to abolish unfair practices of all kinds; and 3) reduce the obstacles in order to facilitate the smooth flow of international trade. All the three objectives could be fulfilled satisfactorily by an international agency and the General Agreement on Trade and Tariffs was signed in July 1948.²⁶

India was a signatory member of the Havana Charter and the General Agreement on Trade and Tariffs.

²⁵ G.A.,O.R., X 10 Sess., Ctte.II, mtg.1364, 1955, pp.101-02

²⁶ See Berkes and Bedi, n.11, p.182.

It signed the Protocol of Provisional Application of GATT in June 1948. On 2 February 1949, the Indian Parliament passed a Bill amending the Indian Tariff Act of 1934 with a view to giving effect to the concessions to which India had agreed. India also took an active part in the subsequent tariff conferences.²⁷ India also sought the GATT Agency to solve its bilateral dispute with Pakistan in regard to the discriminatory levy imposed by the latter on exports of raw jute into India. At the Seventh Session of the contracting parties ~~in~~ in 1952, India's complaint was registered and the Contracting Parties were helpful in bringing about a settlement.²⁸

In the same Session, the Indian delegation pressed for the amendment of the Articles of the GATT to obtain two objectives. Firstly, that underdeveloped countries like India should be enabled to use quantitative restrictions for ~~for~~ economic development and to assist the development of particular industries and secondly, sufficient flexibility regarding the bound rates of tariffs should be obtained to enable underdeveloped countries to make changes as and when

27 The first 3 tariff conferences were held at Geneva, Annecy and Torquay respectively in which India took a leading part.

28 Indian Council of World Affairs, n.2, p.184.

new industries develop. India's arguments found general support and the relevant articles were substantially overhauled to meet the special needs of the underdeveloped countries. India tried to make the best out of what ~~summed~~²⁹ ~~only~~ GATT offered as an international forum. However, GATT ~~summed~~^{survived} only as an interim arrangement due to its support of trade between the developed nations. It was not of substantial help to the developing countries as it shunned away on substantive trade questions faced by the developing countries - such as adverse balance of payments, prices of natural resources, shipping transport monopolies, market access etc. These aspects were later on taken up by UNCTAD and India participated in its activities with the same interest as it had evinced in the GATT.

UNITED NATIONS TECHNICAL ASSISTANCE PROGRAMME

Technical assistance is made available to the community of nations by the United Nations through the Expanded Technical Assistance Programme (ETAP) which was initiated in 1949. India took an active interest in this programme right from its inception. India has been both

29 For the details of the amendments see Indian Council of World Affairs Report, Ibid. , p.188.

a beneficiary and a contributor to the Regular as well as the Expanded Technical Assistance Programme. The contributions pledged by the Government of India to ETAP rose from \$ 275,000 to \$ 450,000 between 1952-56.³⁰ India recognised the advantages of technical assistance through an international agency, over than of bilateral assistance programmes. In the first place, an International Programme of Technical Assistance enabled a country which did not wish to accept assistance from another country, for political or other reasons to unhesitatingly approach the United Nations. A second advantage of the United Nations was that, "it places at the disposal of the countries requiring technical assistance, not the necessarily limited facilities available in any particular country, but a pool of technical knowledge and services to which all countries in the world, including the underdeveloped countries themselves, have contributed their best."³¹ A third advantage was that underdeveloped countries, while receiving technical assistance, can take part in determining the conditions under which such assistance is rendered. It was in the light of these advantages that India, even though it realized that the benefits derived from the ETAP were not commensurate with

30 See P.S.Narasimhan, "Technical Assistance", In India Quarterly, vol.VIII, No.2 (April-June 1952)

31 P.S.Narasimhan, Ibid., pp.154-55

the cost as expressed in the Twentieth Session of the Technical Assistance Committee, continued the contributions as originally promised.

Just as in the political and economic spheres, India sought to cultivate the friendship of all countries in the cultural and educational spheres for the broader interests of human peace and progress. It did not confine its contacts with any particular country, bloc or camp and stressed the use of the United Nations for the removal of the misunderstandings and to ease the strains and stresses and for the objective of better cooperation.³¹

India was intimately associated with the work of the UNICEF and was largely interested in its expanding activities regarding social services for children and for certain aspects of primary education.³² India's sustained interest in international cooperation in science, culture and education was as much a matter of faith, besides its obligations as a member-State pledged to international cooperation under the terms of the United Nations Charter.

31 See V. K. Arora and A. Appadorai, n.23, p.276

32 See V.K. Arora and Appadorai, Ibid., p.279.

Therefore the Government of India extended its full cooperation to the Organization in implementing its various programmes as evidenced in the establishment of an Universal Children's Day; Status of Women in Private International Law; Convention regarding Nationality of Married Women; Promotion of International Cultural and Scientific Cooperation, etc.³⁴

SUMMARY OBSERVATIONS

As a consequence of its colonial experience, any kind of gross or flagrant violation of Human Rights has triggered a sensitive reaction and governed India's approach to the issues concerning Human Rights. India played a major role in respect of ~~two~~ questions that came up before the United Nations General Assembly: racial discrimination against people of Indian origin in South Africa and the question of race conflict in the same country. India also showed a preference for the peaceful settlement of issues concerning Human Rights within the United Nations. From 1946, onwards India had willingly sought the forum of the United Nations with its own case

³⁴ The Indian National Commission for cooperating with the UNESCO was set up to promote understanding of objectives and purposes of this Organization in the country more effectively. Yearbook of the United Nations, 1958, (New York, 1958), pp. 200-19.

namely, the question of racial discriminations practised by South Africa government over its citizens of Indian origin. India's vigorous participation for a solution to this question through the United Nations had also raised several, hitherto, unattended questions; first, the establishment of international standards and the provisions for strengthening the international legal standards which were found to be fragile and shaky; second, the question of international jurisdiction over the area of Human Rights vis-a-vis domestic jurisdiction. India encouraged the Good Offices of the United Nations to bring about negotiations between them. The continuous and regular consideration of this issue led to the raising of several contentions issues over the provisions for Human Rights. ~~By~~ The second question concerning race conflict in South Africa, resulting from the powers of ~~an~~ apartheid, had been the subject of regular discussion and resolutions by the General Assembly since 1952 - of which India was one of the original sponsor. India also co-sponsored a draft for continuance of the United Nations Commission on the Racial situations in South Africa in the 11th Session . Finally in 1962, a Special Committee on Apartheid was set up. India, had also voted for the Universal Declaration of Human Rights in December 1948 which was the most influential of international human rights instruments.

India also participated with positive suggestions in the debates and discussions on the drafting of the covenants on Economic, Social, Cultural, Civil and Political Rights. India expressed preference for the existing two separate covenants, one on political and civil rights and the other on economic, social rights. As to the issue of measures of implementation, India favoured the establishment of a Human Rights Committee. India also wanted the Covenants to be applied to all Non-self Governing and United Nations Trust Territories as well. On the whole, India's voting behaviour on the clauses of the drafts on the Covenants revealed that only such amendments were voted which could strengthen and improve the draft.

CHAPTER VI

C O N C L U S I O N S

During the Nehru era, the great importance that India attached to the United Nations was fully reflected in the important role that it played in its deliberations and activities. Nehru, the main theorist of India's foreign policy, had combined a judicious mixture of idealism and realism whereby the basic determinants of policy converged harmoniously with the United Nations. More important is the means by which India sought to achieve them, especially the policy of nonalignment whereby, the United Nations would become the primary vehicle for championing the cause of the emerging Afro-Asian nations. The Principles of Panchsheel which were the basis of India's foreign policy, were a reaffirmation of the obligations and aims of the Charter. If anti-racialism and anti-colonialism were important goals of India's foreign policy, support to the International Organization was regarded as equally important. Therefore, the United Nations ^{was} not only ~~was~~ a suitable but also an indispensable organ for the pursuit of India's policy interests as well as in the broader interests of human society. This process was both a conscious (deliberate) and an unconscious (non-deliberate) one, wherein the most radical changes in India's international objectives and diplomatic methods after 1947, were translated into positions in the United Nations and its Specialized Agencies.

In regard to the promotion of the purposes of the United Nations, India contributed in a significant measure, to the maintenance of international peace and security and through the insistance of the peaceful settlement of disputes. For the primary goal of the maintenance of international peace and security, India took effective individual and collective steps for the prevention and removal of threats to peace, as far as possible within the United Nations and at other times, outside the United Nations. It is important to note here that India's use of the machinery of the International Organization as a mediation-negotiation process was not the only factor which governed the success or failure of its efforts but more important were the other factors like the Great Powers unanimity on the specific issues. This fact is proved in the case of Hungarian and the Korean crises where the involvement of super powers, even by proxy, meant that the United Nations could only expect a limited kind of success.

India stressed the role of the United Nations in the discussions and settlement of major international problems of the world as far as possible. The dispute involving itself, namely, the question of Kashmir, was referred to the world body, even though it turned out to be detrimental to its national interests. And, whenever it was not possible, like for instance in the case of Indo-China it suggested that the

Good Offices and machinery of the United Nations should be utilized for implementing its decisions. When the international situation ^{called} called for the services of India in easing the tensions in a crisis situation, India readily agreed as was seen in the case of Suez. The peace-keeping concept was crystallized in this crisis. India played an active role in giving a specific shape to United Nations Emergency Force, in laying down the principles on which ^{the} force would operate and in the final resolution of the crisis.

India aimed at strengthening United Nations by stressing its uses as an instrument of negotiation and compromise. India agreed that if the United Nations was to fulfil its proclaimed purpose of promoting peace through 'peaceful means' alone, the Security Council and the General Assembly would have to function as bodies seeking harmonization of conflicts between competing interests, ^{and} not as vehicles for the advancement of the special interests of States. This explains India's abstentions from voting during the Hungarian crisis 1956 and during earlier debates on Soviet denials of Human Rights in the East European Countries, and also ~~subjects~~ ^{Keen} reflects its ~~keen~~ desire to keep the world body a "non-committed" organization, declining to serve the special interests of any one power or bloc. True to its negotiation-compromise approach, India determinedly sought to settle by

negotiations, with France and Portugal the disputes about the future political self-determination in various colonies of India. The dispute with France saw successful exercise in the negotiation approach but failed with that of Portugal. India had shown great patience in the face of militant public opinion in India and blatant Portuguese obduracy in refusing to acknowledge the disputes itself. Instead, India even voted for the admission of Portugal to the membership of the United Nations. Thus, as far as the objective circumstances ~~provided~~^{permitted} India fulfilled the obligation under the United Nations Charter to settle international disputes by peaceful means although, there does not exist an divergence of views on whether Indian action in Goa contributed to the strengthening of the Organization. But, from India's point of view, the Kashmir experience had introduced an element of realism in its foreign policy as evidenced in the case of Hyderabad and Goa. **India**

India vigorously sought to promote the purpose of the United Nations to achieve international cooperation in all fields of inter-state activities, especially in the promotion of Human Rights and in making the United Nations a Centre for harmonizing the actions of nations in the attainment of these ends. India's participation in the normative development of Human Rights within the United Nations saw to the expansion of the responsibilities of the United Nations in the area of Human Rights. The manner in which the South African question of Apartheid was raised in the very first session of the United Nations General Assembly led to an inquiry into the fragile

foundations of international legal sanctions and standards for Human Rights and on India's insistence a novel Committee for Advisory Services in Human Rights was established in 1958. India used its skills in the drafting of the International Covenants on civil and political rights, and economic and social rights, besides its enthusiastic support for the Universal Declaration of Human Rights from which it drew heavily into the drafting of its own Constitution.

India sought to strengthen the Organization structurally and to extend the scope of its jurisdiction vis-a-vis member states, without intervening in their domestic jurisdiction. India's consistent demand of universality of membership was due to its understanding that the influence of the United Nations was reduced by excluding nations from the membership of the Organization, whereby the ostracised country could 'legitimately' refuse to follow the international standards set up by the world body. India also believed in the right of every country to participate in international relations.

India also aimed at maintaining a 'flexibility' of the International Organization by preventing the domination of the United Nations by any one great power or bloc. From this view point, stemmed India's support for the retention of the Veto in the Security Council. The Indian understanding was based on the realization that the world body functioned on the

basic premise of Great Power unanimity. A veto-free United Nations would easily become a Western-dominated body, losing its universal and justiciable character, even though it could become a stronger instrument in the process / but stronger as a military alliance of the dominant bloc. Instead, the retention of the veto in the Security Council permitted a measure of flexibility in world politics, and by promoting a "healthy inconclusiveness" of disputes it improved the chances of peace. Moreover, the small and weak nations could function in the United Nations without being committed to any global coalition. Thus, through its nonaligned policy, almost imperceptibly, India aimed at securing denial of special advantages to one bloc or nation against another whereby the organization could function as a partial political guarantee against the resort to force by one or the other of the major coalitions, besides, making the International Organization, a truly impartial ^{and} flexible body.

India voted against the 'Uniting for Peace' resolution sponsored by the United States in 1950 in order to avoid distorting the functions of the Assembly by allowing it to discharge the duties of the Security Council, namely that of maintenance of international peace and security. For the same reasons it opposed a wholesale revision of the Charter.

India supported the liberation of colonial countries and peoples. India took an active and energetic role in the cases of Indonesia, Tunisia, Morocco, Algeria. The Indian delegation at the United Nations played a leading and vigorous role in the expanded application of Chapters XI, XII and XIII of the Charter relating to Non-Self Governing Territories and Trust Territories. India constantly emphasized that the United Nations should take either direct or indirect supervision of these administered areas, and in most of its laborious efforts, it gained success. Thus, by strengthening the structure of the United Nations, India thought the recommendations and actions of the International Organization would be made more effective.

India also played a significant role in economic and social affairs of the United Nations. During 1954, India was the Sixth largest, and in 1956, the Seventh largest, contributor to the budget of the United Nations. It also took an active interest in the cultural, educational and health problems of women, children and the world at large. India's obsession with the United Nations was so well-entrenched that even during the Bandung Conference India made it clear that the decisions taken and effected at the Conference were consistent and fitted into the framework of the world organization.

In retrospect it is of great significance that the organization was able to come out of the inactivity imposed by super power conflict, that it was able to avoid being dominated by either of the super powers. India contributed to this in no small measure (although other developing nations too supported the United Nations) as also to the fact that it encouraged the organisation to take up even Cold War issues. It is commendable that even after the unhappy Kashmir experience, India's commitment to the United Nations did not show any signs of erosion, which is its best proof of support to the United Nations.

By 1955, the indispensability of the world forum was acknowledged by Nehru when he stated that - "It is a little difficult to imagine the world now without the United Nations". The limitations of the International Organization were not realized by India but its uses as a bulwark for peace and for cooperation among nations was also recognised and efforts towards the strengthening of the International Organization with a positive approach was adopted throughout this era.

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